

Rwanda

EIA profile

Updated to: 25 February 2015

Overview ESIA procedure

The General Guidelines distinguish the following phases of the EIA process in Rwanda:

- Project Brief Submission and Registration
- Screening
- Scoping and consideration of alternatives
- Baseline data collection and analysis of initial state
- Impact prediction and analysis of alternatives
- Preparation of EIA Report
- Public hearing
- EIA review
- Decision-making
- Environmental Monitoring

Page 38/39 of the EIA Guidelines show flowcharts of the whole EIA process and thus indicate how these individual steps are linked to each other.

The following documents are essential outputs of the whole EIA process: Project Brief used for screening, Scoping report with ToR, EIA Report, Public hearing report, Environmental Management Plan, Report of review, Record of Decision, Implementation and Operation Order (IOO), EIA Certificate of Authorization, Monitoring Reports, Compliance Reports.

Regarding the timing of the EIA process, by law, EIA must be conducted before a developer implements a project

Screening

Screening process

Formal screening is required for Rwanda. REMA takes the decision on the level of impact and thus the EIA procedure needed for the project.

When the Authority receives the Project Brief, it reviews it seeking input from appropriate Lead Agencies and other relevant stakeholders. Based on information in the Project Brief and established project screening criteria, REMA determines whether or not an EIA is required and the developer is accordingly notified. The screening list is provided in the Appendix of the Ministerial Order 04/2008. It gives a list of

works, activities and projects that have to undertake an EIA. The screening process is used to categorize the activities into three impact levels. Projects with impact level 1 do not require any further environmental analysis. They are however subjected to a period of public review during which stakeholders may submit written views to the Authority. The ones with level 2 do not require a full EIA but necessitate further level of assessment and the ones with impact level 3 require a full EIA. For some of the listed activities, project criteria are named that determine if specific project are subject to it or not. When it is necessary and evident that the project might have a negative impact on the environment, the REMA has the power to request the project's owner to conduct an environmental impact assessment even if it does not fall under the screening criteria mentioned in the Ministerial Order.

Sensitive areas

The ministerial order n°005/16.01 of 15/07/2010 provides a list of plains which are prohibited for construction. Whenever scientific studies reveal the need for other plains that do not fall under this list to be protected from construction, the minister in charge of environment may prohibit construction on those plains.

The ministerial order determines the length of land on shores of lakes and rivers that fall under public property. Such public land shall be a protected area and authorities are not allowed to issue this land as a private property.

Contents of the starting document

The first step of the EIA process is a developer submitting an application for EIA of a proposed project to REMA in form of a Project Brief. REMA registers the Project Brief as the developer's formal application for an EIA. The purpose of a Project Brief is to provide sufficient information on the project for the screening process. The general EIA guidelines determine that at a minimum, a Project Brief submitted to the Authority shall contain the following information:

- Name, title and address of developer.
- Name, purpose, objectives and nature of project, including attributes such as size of project, design, activities that shall be undertaken during and after the establishment of the project, products and inputs, sources of inputs, etc.
- Description of the proposed project site and its surroundings and alternative sites, if any, where the project is to be located.
- Description of how the proposed project and its location conform to existing laws, regulations and policies governing such a project and the use of the site/area proposed for its location.
- Any likely environmental impacts that may arise due to implementing various phases/stages of the project and proposed mitigation measures thereto.
- Description of any other alternatives, which are being considered (e.g. siting, technology, construction and operation procedures, sources of raw materials, handling of wastes etc., decommissioning/closure and site restoration).
- Any other information that may be useful in determining the level of EIA required.

Timeline Screening

According to the flow chart provided in the EIA General Guidelines, the screening process shall take 10 working days, starting from the EIA application.

Scoping

Scoping process

The formulation of the Terms of Reference is a required step of the EIA process as mentioned in the Ministerial Order No. 003/2008.

According to the General Guidelines, scoping is the first step of the environmental impact study phase and requires the input of relevant Lead Agencies, stakeholders and the developer to determine what should be included in the study and the alternatives to be considered. An important step of the scoping procedure involves the formulation of the Terms of Reference (ToR). Any relevant comments raised by the public after review of Project Briefs of IL-3 and IL-2 projects will also be incorporated in the ToR. The Ministerial Order No. 003/2008 implies that REMA shall submit the ToR to the developer, but that the developer may also prepare the ToR provided they are approved by the authority before conducting the study. At the end of the scoping exercise, the scoping report produced is submitted to REMA for review. When ToR have been approved by REMA, they are sent to the developer as authorisation to commence the environment impact assessment study.

Contents of the scoping document

Scoping includes the formulation of the Terms of References (ToR). According to the General EIA Guidelines, these shall include:

- Issues to be assessed during the impact study, as identified during scoping,
- Sufficient description of the specific work tasks for the EIA Experts,
- Stakeholders to be consulted,
- Description of the experts required for the impact study.

After determining the ToR, a scoping report is produced and reviewed.

Timeline scoping

The Ministerial Order 03/2008 specifies that within 30 calendar days after the starting document has been received and after its analysis (screening phase), the REMA shall submit the Terms of Reference to the project developer for the environmental impact study.

Assessment

Assessment process

The Ministerial order 03/2008 specifies that the proponent shall select the experts for conducting the EIA study from a list of experts that is published by the Ministry in charge of the environment. REMA ensures that the experts chosen by the developer to undertake the study have appropriate specializations for doing so. The General EIA Guidelines specify the environmental assessment process leading to the EIA report. During the investigation phase of the EIA process, the initial state of the environment is firstly analysed, using scientific data, photographs of the area, or any other geophysical recordings. Furthermore, potential socio-environmental impacts are identified and analysed. This includes environmental, social and economic impacts. Also, mitigation measures are identified, viable alternatives are considered and a schedule and details for a monitoring system is developed. Thereafter, EIA experts produce an Environmental Impact Report which includes an Environmental Management Plan (EMP) and

submits it to the developer. The developer reviews the report and can, if found to be necessary, attach a supplementary addendum with additional information to the report.

Thereafter, the developer submits the report to the REMA.

Contents of the EIA report

The EIA experts shall compile the results from the assessment study in an Environmental Impact Report. This document should provide the Authority with sufficient information to

objectively appraise and either approve or disapprove of a proposed project.

The Article 68 of the Organic Law (2005) defines the aspect that the EIA shall indicate in general. Appendix 3 of the General EIA Guidelines provides more detailed information about the requirements for the EIA report content. It mentions that the following issues should be included in the report:

- Executive summary of the EIA report
- Objectives of the project, including ideas, intentions and particular objectives.
- Description of the proposal and its alternatives.
- Discussion on the proposal and its relation to relevant policies, laws and programmes (sectoral and regional).
- Description of present (baseline) environmental state (analysis of initial state).
- Impact assessment. In this section, the spatial and temporal scope of the impacts and characteristics of different impacts (whether positive or negative, direct or indirect, their intensity, extent and significance) should be presented for the project and also for all alternatives considered.
- Evaluation and comparison of alternatives and selection of one that is environmentally suitable.
- Impact management and environmental monitoring plan (EMP).
- Annex where tables, drawings, maps, documents and information used as reference should be presented.

Accreditation of consultants

The Ministerial order 03/2008 specifies that the proponent shall select the experts for conducting the EIA study from a list of experts that is published by the Ministry in charge of the environment. The project proponent has, however, the possibility to propose an expert for conducting the EIA whose name is not on the published list to the REMA. The REMA will then decide if the proposal is granted.

Review

Review process

The Organic Law (2005) determines that the REMA or any other person given a written authorisation by the Authority shall examine and approve the EIA. According to the Ministerial Order 003/2008 the REMA shall analyse the EIA report to verify its conformity to the Terms of Reference. The REMA will also check the document for completeness before passing them on to lead agencies and stakeholders for review. Copies are forwarded to relevant lead agencies, local governments and general public for them to provide comments that would be useful for making a final decision about approval of the proposed

project.

Within REMA, EIA documents are reviewed by two committees, namely; a Technical Committee and an Executive Committee. EIA documents submitted to REMA are first reviewed by a Technical Committee. The Technical Committee appointed by the Director General of REMA reviews technical aspects of the EIA report, Public Hearing Report and if applicable, the Environmental Impact Report Addendum.

The EIA documents are then also reviewed by the Executive Committee, which makes the final decision on acceptability of a proposed project. The review by Executive Committee shall emphasize implications of identified impacts, their mitigation

measures and input from public hearings. Regarding the impacts, the review will mainly focus on the consideration and choice of alternatives, while for mitigation measures, the decision would be based on their effectiveness.

Review expertise

The review procedure of the EIA report involves external parties. The REMA passes copies of the EIA report to relevant lead agencies, local governments and the general public and gives them the possibility to comment on the report. Furthermore, in the two committees conducting in the review process, external parties can be involved. For the Technical Committee, members can be selected from lead agencies, academic institutions, recognized experts. The selection of members depends on the nature, location and impact level of the proposed project. Also, one member of the Executive Committee is a representative of a relevant lead agency.

Timeline Review

According to the Ministerial order 03/2008, Article 8, the REMA shall accept the EIA report or request for additional information from the developer within 20 working days. These timeline of 20 days may be extended by REMA. If a public hearing is held an additional 30 days can be required from the date of the public hearing notification.

Decision making

Integration of ESIA into decision-making

When the review of EIA documents is completed, the Executive Committee shall decide to either approve the project with or without conditions, or reject it. The public hearing report and environmental impact report are used for taking this decision, which is expressed in a Record of Decision document. If the project is approved through a Record of Decision, two permitting documents are issued: an Implementation and Operations Order (IOO) and an EIA Certificate of Authorization.

The Director in charge of EIA within the REMA will issue an Implementation and Operations Order (IOO) to the developer. This legal order specifies compliance terms and conditions to be met during project implementation and operation. These conditions are based on information from the EIA Report and Public Hearing Report and shall indicate requirements for implementation, impact mitigation and environmental monitoring. An EIA Certificate of Authorization granting permission to begin development shall not be issued until a developer agrees to these conditions.

The REMA will issue the EIA Certificate of Authorization for the developer which authorizes the proponent to implement the project.

Besides the EIA Certificate building permit and an investment certificate are also required before the project can be implemented.

An EIA Certificate of Authorization is only issued if the proponent accepts the terms and conditions of the IOO regarding the project implementation and operation. Also, the certificate allows the implementation of the project only in accordance with mitigation measures in the EIA Report and any additional conditions that the REMA might consider necessary.

Decision justification

A Record of Decision shall be prepared by the Executive Committee and issued to the developer. The Ministerial Order No. 003/2008 promulgates that the decision is communicated to the developer in writing and it specifies that this letter shall include a decision justification in relation to EIE.

No legal provisions are made for the publication of the record of the decision.

Timeline decision-making

According to the EIA General Guidelines, a time span of 30 working days is allocated to the decision-making process and another 15 working days for the formulation of the Record of Decision document.

Possibilities for appeal

Ministerial Order 03/2008 state that in case a project is not approved, a developer may appeal against the decision of the Authority to the Ministry in charge of environment. This has to be done within 30 working days from the date of the decision notification.

The appeal file shall contain the following:

- a) A duly signed petition;
- b) Copy of the record of decision;
- c) Any other document deemed relevant.

Where necessary, the Ministry may use an independent expert to analyze the developer's appeal, however the costs involved are incurred by the developer. The Ministry shall communicate its decision in writing to the developer after analyzing his/her appeal.

According to the General EIA Guidelines, if REMA rejects a proposed project after reviewing an environment impact report, the developer can abandon the project, improve and resubmit a revised EIA report or appeal to the Minister for environment as follows:

- The developer shall appeal in writing, stating all facts and grounds of the appeal.
- All relevant documents or their copies, which are certified by a Commissioner of Oaths as true documents, must accompany the appeal.
- The Minister shall, after considering all relevant facts and supporting documents, uphold the original decision outright, with modification or reverse the decision.
- If the developer successfully appeals against the Authority's decision, the Authority is obliged to issue a revised Record of Decision to the developer.

Follow-up

Compliance monitoring

According to Rwanda's General Guidelines, monitoring should be done during both construction and operation phase of the project. According to the EIA guidelines, a project shall be considered non-compliant if

- Higher than regulatory levels of impact in at least one parameter have occurred,
- Appropriate mitigation measures as agreed in the implementation terms and conditions are not implemented,
- Monitoring records are not kept and reported to REMA,
- Directions of the Authority to mitigate environment impacts are overlooked,
- No EIA Certificate of Authorization from REMA was obtained,
- Designated environmental inspectors are denied access to project premises.

The monitoring system that is required is a dual level process. It is executed by both the proponent and REMA.

The proponent must undertake self-monitoring, self record-keeping and self-reporting. The proponent must measure specific environmental indicators determined by the national standards in effect, sectoral regulations, and any other relevant legislation. The information the proponent gathers through self-monitoring must be forwarded to REMA on an annual basis.

According to the General Guidelines, the proponent and REMA must jointly implement and monitor environmental performance in accordance with the impact mitigation plan described in the EIA Report. Monitoring must follow a plan that specifies a schedule for inspecting and reporting performance and compliance data. The monitoring plan must specify responsibilities and identify key performance indicators, the impacts to be monitored, and threshold levels above which the impacts are significant. Both REMA and the relevant Lead Agencies must review the monitoring reports on an ongoing basis and provide advice to the project proponent concerning measures necessary to abate any ongoing impacts.

The General Guidelines state that the REMA shall also undertake parallel monitoring to the developer, but on an impromptu basis.

In cases where REMA needs to verify the accuracy of information that facility owners (proponents) provide in monitoring reports, REMA's inspectors must undertake on site measurements to collect data. After comparing data obtained through the site visit with the proponent's own data, REMA must draft a monitoring report (known as the Compliance Report) indicating whether the proponent's data is consistent and if the proponent is in compliance.

If the two sets of data are found to be inconsistent, REMA will repeat its monitoring of those indicators found to be inconsistent. If the repeat on site measurements confirm that the proponent is not in compliance, REMA will take steps to ensure that the proponent takes corrective action and must oversee the proponent's ongoing self-monitoring program. Environmental officers at local government level assist in inspecting and monitoring environmental compliance during project implementation.

Non-compliance penalties

The General Guidelines promulgate that notwithstanding any licence, permit or approval granted under any law or government agency, projects found to be non-compliant shall be charged with an offence, can be penalised, can have its EIA Certificate of Authorization withdrawn or can be temporarily or

permanently closed.

Stakeholder engagement

Public participation requirements for ESIA process stages

The Organic Law requires that the public must be informed and consulted on a proposed development. Also, Article 9 of Ministerial Order No. 003/2008 states that stakeholders must be given the opportunity to comment on the environmental impact report and express their views concerning the impact of the proposed project. According to the General EIA Guidelines, there are three major stages at which public involvement occurs in the EIA process: (1) before commencing an EIA study, (2) as part of a public consultation phase that occurs during the study, and (3) after completion of the EIA report.

1. After receiving a Project Brief, REMA determines in collaboration with a lead agency whether a public hearing is necessary.
2. During the EIA study the public is further consulted by EIA experts. This is particularly done during the Scoping process and any other crucial stages considered necessary by the Authority.
3. After the EIA report has been submitted, it is published by REMA and copies are made for relevant stakeholders. As part of the review process of the EIA report, a public hearing and post-public hearing consultations can be held, if deemed necessary by REMA.

The General Guidelines recognize several ways for public participation. They mention that it depends on circumstances of each EIA which of the following methods are considered appropriate:

- Public review of Environmental Impact Report,
- Informal group meetings with local community groups and leaders,
- Workshops,
- Public displays or bulletin boards posted in communities,
- Public notification and calls for written comments on proposed project/activities,
- Participation in scoping processes,
- Survey of a groups or individuals who are representative of the various interests being affected by a proposal,
- Consultation with focus groups to identify issues specific to certain stakeholders,
- Comment and review of the EIA,
- Distribution of relevant documents to the interested members of the public.

Under the provisions of the Ministerial Order, REMA generally is responsible for managing the public hearing process and providing publicity for the hearing. Where a lead agency is the developer, the REMA will organize the public hearings. For private projects, they are organized by the private developers. During a public hearing, the developer will be given time to deliver a presentation to stakeholders, describing the project, perceived impacts and proposed mitigation measures.

For completeness, the developer may also discuss findings of the impact assessment study. If a public hearing is held during scoping, the developer should be available to describe the project, potential impacts and proposed mitigation measures to stakeholders. Developers may adopt their legal counsels or EIA experts as either principal or secondary speakers during presentation at public hearings. On

completion of this process, REMA compiles a public hearing report.

More detailed guidelines for public hearings are provided in Chapter 6 of the General guidelines.

The Ministerial Order 003/2008 promulgates that the REMA shall cover all the costs that result from a public hearing.

Timeline for public comments

Not specified in legislation

Access to information

The EIA report is made available to the public and also the Policy Brief in case the REMA decides that a public hearing shall be held at that stage already.

Both the Ministerial Order and the General Guidelines specify requirements for public notice, and the requirements for publicizing project proposals are similar, but not in precise agreement. The Ministerial Order, which was issued later, requires publishing the project proponent's name and address as well as the project details using at least one of the following means to provide notice of the day, time and venue for the public hearing:

- (i) Publishing a notice twice in any local newspapers;
- (ii) Running four (4) radio announcements;
- (iii) Putting up posters at the site of the proposed development.

ESIA practice

Annual no. of ESIA's

In 2011, 113 projects with high impacts were subjects to EIA.

Central ESIA database

REMA maintains a registry of all projects that have been approved and those being appraised under the EIA requirements.

Professional bodies

Secretariat for Environmental Assessment in Central Africa (SEEAC)

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Association pour la Promotion des Etudes d'Impacts Environnementaux au Rwanda (APEIER)

Relevant links

Sector-specific EIA guidelines:

- Guidelines for EIA for waste management (2009)
- Guidelines for EIA for water resources management (2009)
- Guidelines for EIA for wetland management (2009)

Background information

History of ESIA

In 2018, Rwanda published a new Environment Law which regulates EIA and SEA. The procedure is not defined in the Law, but is referred to a new Ministerial Order in article 30. Till then, the existing orders remains binding.

Article 30: Projects that must undergo an environmental impact assessment and its procedure

The list of projects that must undergo an environmental impact assessment before they obtain authorization for their implementation is established by an Order of the Minister. An Order of the Minister also issues instructions

and procedures for conducting environmental impact assessment.

In 2000, the national strategy 'Vision 2020' that aims to transform Rwanda from a low-income to a middle-income country was launched. It called for a well regulated environmental management. The Constitution of the Republic of Rwanda, adopted in June 2003, ensures the protection and sustainable management of environment and encourages rational use of natural resources.

With the Organic Law (No. 04/2005) EIA was introduced into legislation. It required that projects, programmes and policies that may affect the environment shall be subjected to environmental impact assessment before obtaining authorisation for implementation. In 2006, Guidelines and Procedures for EIA were established to unify the legal requirements with the practical conduct of EIA. The basic requirements for EIA as described in the Organic Law of 2005 (Article 65-70) were then further elaborated through a Ministerial Order No 003/2008, which describes the procedural process for EIA and the Ministerial Order No 004/2008 which defines the types of activities that are subject to EIA.

source

https://rema.gov.rw/fileadmin/templates/Documents/Law_on_environment.pdf

Legal framework

Enabling law

The Organic Law (2005) establishes basic requirements of EIA.

National detailed regulation

In 2008, several ministerial orders were issued by that relate to EIA:

- N° 003/2008: Ministerial Order relating to the requirements and procedure for environmental impact assessment (it further elaborates on the basic requirement for EIA as they had been outlined in the organic law)
- N° 004/2008: Ministerial Order establishing the list of works, activities and projects that have to undertake an environment impact assessment
- N° 005/2008: Ministerial Order establishing modalities of inspecting companies or activities that pollute the environment

Guidelines

Following the enabling law for EIA, the Organic Law (2005), REMA developed General Guidelines and various Sector Guidelines that set the requirements and procedures for EIA studies. These Guidelines are not legally binding but contribute to the practical implementation of EIA.

General Guidelines and procedure for EIA were issued in 2006 by REMA. In 2009, REMA also published Guidelines for Environmental Audit.

Sector-specific guidelines for EIA studies have been developed or are being drafted on the following sectors:

- EIA Guidelines Housing constructions
- EIA Guidelines Roads constructions
- EIA Guidelines Hydropower construction and wastes management
- EIA Guidelines Wetlands management (2010)
- EIA Guidelines Water resources management (2010)
- EIA Guidelines Waste management (2010)
- EIA Draft Guidelines Tanneries (2012)
- EIA Draft Guidelines Agro-processing industries (2012)
- EIA Draft Guidelines Mining activities (2012)
- EIA Draft Guidelines Oil and petrol stations (2012)
- EIA Draft Guidelines Slaughterhouses (2012)

Scope of application

The EIA guidelines specify that public as well as private projects should be submitted to EIA.

Exemptions from application

Projects related to national security are exempted from EIA. Such exemptions are now made by RDB.

Institutional setting

Central ESIA authority

The Rwanda Environmental Management Authority (REMA) is the central authority responsible for implementing EIA. The Government of Rwanda established the REMA under Organic Law No.04/2005 of 08/04/2005 Article 64, to coordinate and oversee all aspects of environmental management for sustainable development. REMA is a government organization with distinct legal status and financial and administrative autonomy. It is charged with the administration of many environmental objectives in Rwanda – not just EIA. One of REMA's principal functions is to oversee the conduct of EIA and take a decision on proposed development projects to be undertaken. The REMA operates under the Ministry of Natural Resources (MINIRENA), which supervises the REMA. It is governed by a board of directors comprising of 7 people that are appointed by the Prime Minister on advice from the Minister responsible for the environment.

In 2008, however, REMA transferred some of its responsibilities concerning the management of the EIA process to the [Rwanda Development Board \(RDB\)](#) while respecting the legal provisions. This was done to facilitate the procedures for establishing businesses, as RDB's work includes the promotion of economic development and investment by the private sector. RDB is undertaking screening, guides developers on assessment procedures, conducts public hearings, reviews EIA reports based on the Terms of Reference (ToR) and takes decisions on approval or disapproval of proposed projects. REMA remains responsible for monitoring implementation of environmental protection measures recommended by EIA studies and the conduct of Environmental Audits.

Remark: As the country profile is mainly based on legal provisions, REMA remains generally mentioned as the responsible authority for the EIA procedures throughout the profile.

Other key (governmental) parties

EIA experts are professionals registered with REMA to undertake impact studies. They help the developer to carry out EIA, design mitigation measures, prepare EIA report, design environmental management and monitoring plans.

Lead agencies such as government ministries or departments have the responsibility for management and protection of environmental resources, public health and socio-economic development. Lead agencies have the responsibility to take part in EIA of projects under their sectors. They provide valuable technical information to EIA experts during EIA studies and are involved in the review process.

The environmental assessment report is reviewed by a Technical Committee. Depending on the nature, location and impact level of the proposed project, the members are selected from the REMA, lead agencies, academic institutions, recognized experts.

The Ministry of Natural Resources (MINIRENA) supervises REMA. This ministry is responsible for developing policies, strategies and programs; developing laws and regulations; and mobilizing resources for the economic development of the natural resources sector.

(De)centralisation of mandates

The Decentralization and Environmental Management Project (DEMP) has been implemented by the Rwanda Government. Among other issues, it aimed to empower districts and to integrate environmental issues into the district development process. Environmental officers at local government level assist in inspecting and monitoring environmental compliance during project implementation.

Payment system

Article 69 of the Organic Law (No. 04/2005 of 08/04/2005) indicates that environment impact assessment shall be carried out at the expense of the developer. Upon project approval, a developer is required to pay an administrative fee to the environmental fund (FONERWA) to be determined as a percentage of the estimated cost of the investment.

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