

Rwanda

Law determining the Mission, Organization and Functioning of Rwanda Environment Management Authority (REMA)

Law 63 of 2013

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Commenced on 14 October 2013

[This is the version of this document from 14 October 2013.]

We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 16 May 2013;

The Senate, in its session of 16 May 2013;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 49, 62, 66, 67, 88, 89, 90, 92, 93, 94, 95, 108, 113, 118, 183 and 201;

Pursuant to Organic Law n° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda especially in its Article 65;

Pursuant to Organic Law n° 06/2009/OL of 21/12/2009 establishing general provisions governing public institutions as modified and complemented to date;

Having reviewed Law n° 16/2006 of 03/04/2006 determining the organization, functioning and responsibilities of Rwanda Environment Management Authority;

ADOPTS:

Chapter One General provisions

Article One – Purpose of this Law

This Law shall determine the mission, organization and functioning of the Rwanda Environment Management Authority, abbreviated as “REMA”.

REMA shall have legal personality, administrative and financial autonomy and shall be governed in accordance with laws governing public institutions.

Article 2 – Head office of REMA

The head office of REMA shall be located in Kigali City, the Capital of the Republic of Rwanda. It may be transferred elsewhere on the Rwandan territory if deemed necessary.

In order to fulfill its mission, REMA may have branches elsewhere on the Rwandan territory if deemed necessary, upon approval by a Prime Minister's Order.

Chapter II

Missions and powers of REMA

Article 3 – Mission of REMA

REMA is the authority in charge of supervising, monitoring and ensuring that issues relating to environment are integrated in all national development programs.

REMA shall have the following main mission:

- 1° to implement Government environmental policy;
- 2° to advise the Government on policies, strategies and legislation related to the management of the environment as well as the implementation of environment related international conventions, whenever deemed necessary;
- 3° to conduct thorough inspection of environmental management in order to prepare a report on the status of environment in Rwanda that shall be published every two (2) years;
- 4° to put in place measures designed to prevent climate change and cope with its impacts;
- 5° to conduct studies, research, investigations and other relevant activities in the field of environment and publish the findings;
- 6° to closely monitor and assess development programs to ensure compliance with the laws on environment during their preparation and implementation;
- 7° to participate in the preparation of activities strategies designed to prevent risks and other phenomena which may cause environmental degradation and propose remedial measures;
- 8° to provide, where it is necessary, advice and technical support to individuals or entities engaged in natural resources management and environmental conservation;
- 9° to prepare, publish and disseminate education materials relating to guidelines and laws relating to environmental management and protection and reduce environmental degradation risks;
- 10° to monitor and supervise impact assessment, environmental audit, strategic environmental assessment and any other environmental study. REMA may authorize, in writing, any other person to analyze and approve these studies;
- 11° to establish relationships and cooperate with national and international institutions and organizations in charge of environment and any other bodies that may help REMA to fulfill its mission.

However, the provisions of items of Paragraph One of this Article shall in no way relieve any organ or any person of his/her duties to safeguard and protect environment.

Article 4 – Powers of REMA

In order to fulfill its mission provided under this Law, REMA shall have the following powers:

- 1° to request any concerned institution or organ to submit an environment status report;
- 2° to visit without prior notice any project, building, industrial and business site in order to conduct inspection of activities harmful to environment;
- 3° to investigate offences in accordance with Organic Law determining the modalities of protection, conservation and promotion of environment in Rwanda;

- 4° to order the suspension of activities contrary to the provisions of Organic Law determining modalities of protection, conservation and promotion of the environment in Rwanda and other laws relating to the protection of environment;
- 5° to confiscate from any person various objects prohibited by laws relating to the protection of environment;
- 6° to receive aid, subsidies or donations;
- 7° to grant awards and subsidies in order to sensitize people on environmental protection.

Chapter III **Supervising authority of REMA and its category**

Article 5 – Supervising authority of REMA and its category

A Prime Minister’s Order shall determine the supervising authority of REMA and its category.

There shall be concluded between the supervising authority of REMA and its decision-making organ a performance contract determining competences, rights and obligations of each party in order for REMA to fulfill its mission.

Such a contract shall be valid for a period equal to the term of office of the members of the decision-making organ of REMA.

Chapter IV **Organization and functioning of REMA**

Article 6 – Management organs of REMA

REMA shall be comprised of the two (2) following management organs:

- 1° the Board of Directors;
- 2° the General Directorate.

A Prime Minister’s Order may determine other necessary organs for REMA to fulfill its mission.

Section One – Board of Directors

Article 7 – Board of Directors of REMA

The Board of Directors of REMA shall be the governing and decision-making organ.

The competences, responsibilities, functioning of the Boards of Directors and the term of office of its members shall be determined by a Prime Minister’s Order.

A Presidential Order shall appoint members of the Board of Directors including the Chairperson and the Vice Chairperson.

Members of the Board of Directors shall be selected on the basis of their competence and expertise.

At least thirty percent (30%) of the members of the Board of Directors must be females.

Article 8 – Sitting allowances for members of the Board of Directors

Members of the Board of Directors present in the meetings of the Board of Directors shall be entitled to sitting allowances determined by a Presidential Order.

Article 9 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors shall not be allowed to perform any remunerated activity within REMA.

They shall not also be allowed, either individually or companies in which they hold shares, to bid for tenders of REMA.

Section 2 – General Directorate

Article 10 – Composition of the General Directorate of REMA

Members of the General Directorate of REMA shall be appointed by a Presidential Order.

The competences and responsibilities of members of the General Directorate of REMA as well as modalities for performance of their duties shall be determined by a Prime Minister's Order.

Article 11 – Statute governing staff of REMA and benefits of members of the General Directorate and the staff of REMA

The staff of REMA shall be governed by the General Statute for Rwanda Public Service.

Benefits allocated to members of the General Directorate and to the staff of REMA shall be determined in accordance with legal provisions governing benefits to employees of public institutions.

Article 12 – Organization, functioning and responsibilities of the organs of REMA

The organization, functioning and responsibilities of the organs of REMA shall be determined by a Prime Minister's Order.

Chapter V Property and finance

Article 13 – Property of REMA and its sources

The property of REMA shall be comprised of movables and immovables.

It shall come from the following sources:

- 1° State budget;
- 2° Government or partners' grants;
- 3° income from services rendered;
- 4° donation and bequests;
- 5° loans granted to REMA approved by the Minister in charge of Finance.

Article 14 – Use, management and audit of the property of REMA

The use, management and audit of the property of REMA shall be carried out in accordance with relevant legal provisions.

The internal audit unit of REMA shall submit a report to the Board of Directors with a copy to the head of the General Directorate of REMA.

Article 15 – Approval and management of the budget of REMA

The budget of REMA shall be approved and managed in accordance with relevant legal provisions.

Article 16 – Annual financial report

Within three (3) months following the closure of the financial year, the head of the General Directorate of REMA shall submit the annual financial report to the supervising authority of REMA after its approval by the Board of Directors in accordance with laws governing the management of the State finance and property.

Chapter VI Final provisions

Article 17 – Drafting, consideration and adoption of this law

This Law was drafted in English, considered and adopted in Kinyarwanda.

Article 18 – Repealing provision

Law n°16/2006 of 03/04/2006 determining the organization, functioning and responsibilities of Rwanda Environment Management Authority and other prior legal provisions inconsistent with this law, are hereby repealed.

Article 19 – Commencement

This law shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.