

Rwanda

Law establishing Rwanda Water and Forestry Authority and Determining its Mission, Organisation and Functioning Law 6 of 2017

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Law 6 of 2017

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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 31 January 2017;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 88, 90, 91, 93, 106, 112, 119, 120, 139, 165 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions;

ADOPTS:

Chapter One General provisions

Article one – Purpose of this Law

This Law establishes Rwanda Water and Forestry Authority, hereinafter referred to as “the Authority”. It also determines its mission, organization and functioning.

Article 2 – Legal personality and autonomy

The Authority has legal personality and enjoys administrative and financial autonomy. It is also governed in accordance with the relevant laws.

Article 3 – Category of the Authority

The Authority is a non-commercial public institution.

Article 4 – Head office of the Authority

The head office of the Authority is located in Kigali City, the Capital of the Republic of Rwanda. It may be relocated elsewhere on the Rwandan territory when considered necessary.

The Authority may, when considered necessary and upon approval by a Prime Minister's Order, have branches elsewhere in the country.

Chapter II

Mission of the Authority

Article 5 – Mission of the Authority

The Authority has the following main mission:

- 1° to implement policies, laws, strategies and Government decisions related to the management of forests and natural water resources;
- 2° to advise Government, monitor and coordinate the implementation of strategies related to the management of forests and natural water resources;
- 3° to assist public and private institutions in charge of management of forests and natural water resources in a bid to fight erosion;
- 4° to establish programmes and strategies for production of tree seeds;
- 5° to prepare programmes of reforestation, forest promotion and appropriate management and support districts in the management of forests and natural water resources;
- 6° to undertake research, studies and other relevant activities with regard to the importance of forests in the national economy and to the exploitation of trees and wood-based products and disseminate the findings;
- 7° to assist in the establishment of standards and regulations relating to the management of forests and natural water resources;
- 8° to receive, check and advise on applications for permission for the use of water resources;
- 9° to monitor the respect of conditions to get a permission for water use;
- 10° to provide advice on determining fees to be paid for the use of natural water resources;
- 11° to monitor the execution of agreements related to natural water resources management and distribution at the regional and international level;
- 12° to cooperate with other institutions and international organizations whose mission is related to forests and natural water activities.

Chapter III

Supervising organ of the Authority and performance contract

Article 6 – Supervising organ of the Authority

The supervising organ of the Authority shall be determined by a Prime Minister's Order.

Article 7 – Performance contract

The Authority operates on the basis of performance contract.

Modalities for the conclusion and evaluation of performance contract of the Authority are determined by relevant laws.

Chapter IV

Organisation and functioning of the Authority

Article 8 – Management organs of the Authority

The Authority is comprised of the following two (2) management organs:

- 1° the Board of Directors;
- 2° the Executive Organ.

Section One – Board of Directors

Article 9 – Composition of the Board of Directors of the Authority

The Board of Directors of the Authority is composed of seven (7) members appointed by a Presidential Order, including the Chairperson and the Deputy Chairperson.

Members of the Board of Directors are selected on the basis of their wisdom, competence and expertise.

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

The term of office of members of the Board of Directors as well as their replacement are determined by a Presidential Order.

Article 10 – Powers of the Board of Directors

The Board of Directors of the Authority is the supreme management and decision-making organ. It has absolute powers to make decisions regarding administration, human resources and property of the Authority in order to fulfil its mission.

Article 11 – Responsibilities of the Board of Directors

The main responsibilities of the Board of Directors of the Authority are as follows:

1. to supervise the functioning of the Executive Organ of the Authority and provide strategic guidance to be followed by the Executive Organ in fulfilment of its mission;
2. to approve strategic plan and medium and short term action plans of the Authority and related reports;
3. to conclude a performance contract with the supervising organ of the Authority and monitor its execution;
4. to approve the internal rules and regulations of the Authority;
5. to approve the draft budget proposal of the Authority and monitor the use of budget and its execution;
6. to approve the activity report and the use of property for the previous year;
7. to approve the draft organizational structure of the Authority;
8. to evaluate the functioning of the Authority on the basis of the action plan and budget;
9. to submit the quarterly and annual activity reports to the supervising organ of the Authority;
10. to make decisions on all critical matters falling under the mission of the Authority.

Article 12 – Responsibilities of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors has the following responsibilities:

1. to head the Board of Directors and coordinate its activities;
2. to convene and preside over meetings of the Board of Directors;
3. to submit minutes of meetings of the Board of Directors of the Authority to its supervising organ;
4. to sign a performance contract between the Board of Directors and the supervising organ of the Authority;
5. to submit the reports of the Authority adopted by the Board of Directors to concerned organs;
6. to follow up the implementation of resolutions of the Board of Directors;
7. to perform any other duties falling under the mission of the Board of Directors as may be assigned to him/her by the Board of Directors.

Article 13 – Responsibilities of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson of the Board of Directors has the following responsibilities:

- 1^o to assist the Chairperson and deputies for him/her in case of his/her absence;
- 2^o to perform such other duties as may be assigned to him/her by the Board of Directors falling within its responsibilities.

Article 14 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors are not allowed to perform any remunerated activity within the Authority.

They are also not allowed, whether individually or through companies in which they hold shares, to bid for tenders of the Authority.

Article 15 – Reasons for loss of membership to the Board of Directors and modalities for replacement

A member of the Board of Directors loses membership if:

1. his/her term of office expires;
2. he/she resigns in writing;
3. he/she is no longer able to perform his/her duties due to physical or mental disability certified by a committee of three (3) authorized medical doctors;
4. he/she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months;
5. he/she fails to attend three (3) consecutive meetings without valid reasons;
6. he/she manifests any behaviour likely to compromise his/her dignity, that of his/her work or his/her position;
7. he/she jeopardizes the interests of the Authority;
8. he/she is convicted of the crime of genocide or genocide ideology;
9. he/she no longer fulfils the requirements considered at the time of his/her appointment;
10. he/she dies.

In case a member of the Board of Directors of the Authority leaves office before the expiry of his/her term of office, the competent authority appoints his/her substitute to complete such a term of office.

Article 16 – Convening and holding of meetings of the Board of Directors and decision-making

The meeting of the Board of Directors of the authority is held once a quarter and whenever necessary upon invitation by its Chairperson, or in his/her absence, by its Deputy Chairperson, at their own initiative or upon request in writing by at least a third (1/3) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen (15) days before the meeting is held.

However, an extraordinary meeting is convened in writing at least three (3) working days before the meeting is held.

Among items to be examined by the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

Every quarter, the Board of Directors also considers the previous quarter's financial and activity reports to be transmitted to the supervising organ of the Authority.

The quorum for a meeting of the Board of Directors to be held is two-thirds (2/3) of its members. However, if the meeting is convened for the second time, it takes place regardless of the number of members present.

The Director General attends the meetings of the Board of Directors.

Procedures for decision-making by the Board of Directors are determined by internal rules and regulations of the Authority.

Article 17 – Invitation of a resource person to the meeting of the Board of Directors

The Board of Directors of the Authority may invite to its meeting any person from whom it may seek an advice on any item on the agenda.

The invited person is not allowed to vote and follow debates on other items on the agenda.

Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors

Resolutions of the meeting of the Board of Directors are signed by its members immediately after the end of meeting and a copy thereof is sent to the supervising organ of the Authority within five (5) working days.

The head of the supervising organ of the Authority gives his/her views on the resolutions of the meeting of the Board of Directors within fifteen (15) working days from receipt thereof. If this period expires before he/she gives his/her views, the resolutions of the meeting are deemed definitively approved.

The minutes of the meeting of the Board of Directors are signed by the Chairperson and its rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising organ of the Authority within fifteen (15) working days from the day of its approval.

Article 19 – Rapporteur of meetings of the Board of Directors

The Director General of the Authority serves as the rapporteur of the meetings of the Board of Directors, but he/she has no right to vote in decision making.

The Director General of the Authority does not participate in the meetings that make decisions on issues that concern him/her.

In that case, members of the Board of Directors elect among themselves a rapporteur.

Article 20 – Personal interest in issues on the agenda

When a member of the Board of Directors has a direct or indirect interest in the issue to be examined, he/she must immediately inform the Board of Directors about where his/her interest lies. The member informing of interests in the issue to be examined shall not attend the meeting deliberating on that issue.

When it appears that many or all Board's members have a direct or indirect interest in the issues to be examined in such a way that it is impossible to make decision on the issue, the issues are submitted to the supervising organ of the Authority to decide on the matter within thirty (30) days.

Article 21 – Sitting allowances of members of the Board of Directors

Sitting allowances of members of the Board of Directors are determined by a Presidential Order.

Section 2 – Executive Organ

Article 22 – Composition of the Executive Organ and modalities for appointment

The Executive Organ of the Authority is comprised of the Director General appointed by a Presidential Order and other staff members recruited in accordance with relevant laws.

A Presidential Order may also appoint Deputy Directors General and determine their powers and responsibilities.

Article 23 – Functioning of members of the Executive Organ

The functioning of members of the Executive Organ of the Authority is determined by a Prime Minister's Order.

Article 24 – Responsibilities of the Executive Organ

The Executive Organ of the Authority has the following main responsibilities:

1. to monitor and coordinate daily functions and activities;
2. to perform any other duty falling under the mission of the Authority as may be assigned to it by the Board of Directors.

Article 25 – Powers and responsibilities of the Director General of the Authority

The Director General of the Authority has the power to make decision in the administrative and financial management in accordance with relevant laws. He/she coordinates and directs the activities of the Authority.

The Director General of the Authority has the following responsibilities:

1. to supervise daily activities of the Authority;
2. to serve as the legal representative of the Authority;
3. to serve as the spokesperson of the Authority;
4. to implement decisions of the Board of Directors of the Authority;
5. to submit to the Board of Directors a report on the management of staff, equipment and property;
6. to prepare the action plan and activity report to be approved by the Board of Directors of the Authority;

7. to prepare the draft rules of procedure of the Authority to be approved by the Board of Directors of the Authority;
8. to prepare the draft budget proposal of the Authority;
9. to ensure the execution of the Authority budget;
10. to attend the meetings of the Board of Directors and act as rapporteur;
11. to perform any other duties relating to the mission of the Authority as may be assigned to him/her by the Board of Directors

Article 26 – Responsibilities of other staff members of the Executive Organ of the Authority

The responsibilities of other staff members of the Executive Organ of the Authority are determined by a Prime Minister's Order.

Article 27 – Statutes governing the staff of the Authority

The staff of the Authority is governed by the general statutes for public service.

Article 28 – Salaries and fringe benefits allocated to members of the Executive Organ

Salaries and fringe benefits allocated to the Executive Organ members of the Authority are fixed in accordance with laws governing public service.

Chapter V Property and finance

Article 29 – Property of the Authority and its sources

The property of the Authority is comprised of movable and immovable assets.

The property of the Authority derives from the following sources:

1. State budget allocations;
2. State or development partners' subsidies;
3. income from services rendered;
4. interests from its property;
5. loans granted to the Authority as approved by the Minister in charge of finance;
6. donations and bequests.

Article 30 – Budget of the Authority

The Authority prepares its annual budget to be approved by the relevant authority and executed in accordance with relevant laws.

Article 31 – Use, management and audit of property of the Authority

The use, management and audit of the property of the Authority are carried out in accordance with relevant laws.

The internal audit service of the Authority submits a report to the Board of Directors, with a copy to the Director General of the Authority.

Article 32 – Annual financial statements

Within three (3) months following the end of the financial year, the Director General of the Authority submits the annual financial statements to the supervising organ of the Authority after its approval by the Board of Directors in accordance with laws governing the management of State finance and property.

Chapter VI

Miscellaneous, transitional and final provisions

Article 33 – Transfer of employees

The former employees of Rwanda Natural Resources Authority established by Law N° 53/2010 of 25/01/2011 are transferred to Rwanda Water and Forestry Authority established by this Law in accordance with its organisational structure.

Article 34 – Transfer of property, contracts and liabilities

Movable and immovable property as well as liabilities and contracts of the former Rwanda Natural Resources Authority established by Law N° 53/2010 of 25/01/2011 are transferred to the Authority established by this Law in accordance with its mission.

Article 35 – Validity of performed acts

Acts performed pursuant to Law N° 53/2010 of 25/01/2011 establishing Rwanda Natural Resources Authority (RNRA) and determining its mission, organisation and functioning in connection with forests and natural water resources, remain valid.

Article 36 – Transitional period

There is established a transitional period not exceeding six (6) months from the date of publication of this Law in the *Official Gazette* of the Republic of Rwanda for provisions relating to employees, contracts and property in connection with the mission of this Authority to be enforced.

Article 37 – Drafting, consideration and adoption of this Law

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

Article 38 – Repealing provision

All prior legal provisions contrary to this Law are repealed.

Article 39 – Commencement

This Law comes into force on the date of its publication in the *Official Gazette* of the Republic of Rwanda.