

Rwanda

Ministerial Order relating to the Requirements and Procedure for Environmental Impact Assessment

Ministerial Order 3 of 2008

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Commenced on 15 November 2008

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The Minister of Natural Resources;

Pursuant to the Constitution of the Republic of Rwanda of 4 June, 2003 as amended to date, especially in Articles 49, 120, 121 and 201

Pursuant to Organic Law n° 04/2005 of 08/04/2005 establishing the Modalities of Protection, Conservation and Promotion of the Environment especially in Articles 67, 68, 69, 70;

Pursuant to Law n° 26/2005 of 17/12/2005 relating to Investment and Export Promotion and Facilitation especially in Article 3;

Pursuant to Law n° 16/2006 of 03/04/2006 determining the organization, functioning and attributions of Rwanda Environment Management Authority especially in Article 3.

After consideration and approval by the Cabinet in its session of 14/11/2007;

ORDERS:

Chapter One General provisions

Article One – Definitions

For the purposes of this Order, the following terms mean:

1. **Environmental impact study** is a systematic way of identifying environmental, social and economic impacts of a project before a decision of its acceptance is made.
2. **Public Participation** is a systematic way of involving public or relevant institutions in project planning, development and decision making process.
3. **Public Hearing** is a way of getting ideas from the people or institutions who/which might be affected directly or indirectly by the project with a view to protecting their rights before a project gets authorization.
4. **Authority** means the Rwanda Environment Management Authority, REMA in abbreviation.
5. **Experts** refers to Environmental Impact Assessor or any physical or moral person that is technically competent, fulfils the requirements of the Environmental Impact Assessment guidelines and is recognized by the Authority to conduct an Environmental Impact Assessment or studies in accordance to this Order.
6. **Stakeholders** refers to individuals, communities, government agencies, private organizations, non-governmental organizations or others having an interest or “stake” in both the Environmental Impact Assessment (EIA) process and outcomes of the project.

Article 2 – Scope

The present Order aims at determining the requirements and procedure for conducting an environmental impact assessment.

Chapter II Environmental Impact Assessment Procedure

Article 3 – Application for authorization

The developer submits an official application which includes a project brief of the proposed project to the authority. The details of the required information can be found in the Environmental Impact Assessment guidelines provided by Rwanda Environment Management Authority.

Article 4 – Terms of Reference of the Environmental impact study

Within thirty (30) calendar days after receipt of the project brief and after its analysis, the Authority shall submit the Terms of Reference to the developer for the Environmental impact study.

The Developer may also prepare the Terms of Reference provided they are approved by the authority before conducting the study.

Article 5 – Selection of experts to conduct environmental impact study

Upon reception of the Terms of Reference by the developer, he/she shall select experts from the list of experts published by the Ministry in charge of the environment to carry out the study.

The selected experts should have no direct or indirect interests in the project.

The developer may propose to the Authority, for approval any other(s) competent Environmental Impact Assessment Expert(s) whose name is not on the published list.

Within a period of five (5) working days after reception of the proposed experts, the Authority will notify the developer of its acceptance or refusal of the proposal. In case of refusal the Authority shall provide justification.

Article 6 – The environmental impact study

The environmental impact study shall be based on the Terms of Reference mentioned in article 4 of this Order.

The environmental impact study shall be done with due consideration of the opinion of all the relevant stakeholders.

Article 7 – Submission of the environmental impact study report

Upon completion of the environmental impact study, the developer shall deposit with the Authority five (5) hard copies and a soft copy of the report.

Where the developer deems it necessary he may provide an addendum to the report for the facts that are not provided for under the Terms of Reference.

Article 8 – Analysis of environmental impact study report

Upon receipt of the environmental impact study report, the Authority shall analyse the report to verify its conformity to the Terms of Reference. The Authority shall, within twenty working days, accept or request for additional information from the developer.

Depending on the nature of the project, the days mentioned in paragraph one may be increased after informing, in writing, the developer and the Minister in charge of the environment before the elapse of the days mentioned in paragraph one.

If it becomes necessary to hold public hearing, the Authority shall require an additional period of thirty (30) working days from the date of public hearing notification.

Article 9 – Public participation

The stakeholders may comment on the environmental impact report and express views on the impact of the proposed development.

The Authority shall cover all costs of the public hearing process.

In the framework of public hearing, the Authority shall notify the public of:

- (a) The day, time and venue where the public hearing shall take place by using at least any of the three of the following means:
 - (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.
- (b) The developer's details include name and address.

Article 10 – Decision making and authorisation

The Authority shall communicate its decision to the developer in writing.

Article 11 – Appeal of the developer

In case a project is not approved, a developer may appeal against the decision of the Authority to the Ministry in charge of environment within thirty (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.

Chapter III Final provisions

Article 12 – Repealing of inconsistent provisions

All prior provisions contrary to this Order are hereby repealed.

Article 13 – Commencement

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