

Rwanda

## Ministerial Order determining the Issuance of License used for the Activities relating to a District or Private Forest

Ministerial Order 4-MINIRENA of 2015

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# Ministerial Order determining the Issuance of License used for the Activities relating to a District or Private Forest

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## Rwanda

# Ministerial Order determining the Issuance of License used for the Activities relating to a District or Private Forest

## Ministerial Order 4-MINIRENA of 2015

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**Assented to on 18 June 2015**

**Commenced on 6 July 2015**

*[This is the version of this document from 6 July 2015.]*

### **The Minister of Natural Resources;**

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Law n° 47bis/2013 of 28/06/2013 determining the management and utilization of forests in Rwanda, especially in Articles 49 and 54;

After consideration and approval by the Cabinet, in its session of 13/02/2015;

### **HEREBY ORDERS:**

## **Chapter One General provisions**

### **Article One – Purpose of this Order**

This Order determines the issuance of a license used for the activities relating to District or private forest, its formats, conditions for its issuance and its validity.

### **Article 2 – Licenses governed by this Order**

This Order applies to the following licenses:

- 1° a District forest harvesting license;
- 2° a license of private harvesting forest exceeding two hectares (2 ha);
- 3° forest products transportation license;
- 4° forest products exportation license;
- 5° a forest clearing license.

## **Chapter II**

### **Licenses used for the activities relating to forests**

#### **Section One – District forest harvesting license**

##### **Article 3 – Authority responsible for issuance of district forest harvesting license**

The Mayor of District in which the forest is located shall, basing on the decision of the District Executive Committee, issue a district forest harvesting license.

The District forest harvesting license shall be issued in compliance with the forest management plan prepared in accordance with the Law determining the management and utilisation of forests.

##### **Article 4 – Taking decision to harvest a district forest**

The District Executive Committee shall take the decision to harvest a district forest basing on the following:

- 1° the forest management plan;
- 2° a report of a professional in charge of forests in the District showing the status of the forest, its location, dominant tree species in the forest, surface area of the forest, planting period and the expected productivity of the forest;
- 3° a note of the Mayor of the District describing how the harvest from the forest will be used and the post harvesting activities.

The Mayor of the District shall, in a period of five (5) days from the day the District Executive Committee takes a decision to harvest a District forest, submit in writing the same decision and all related documents to the Authority in charge of forests requesting for its opinion on the decision.

The Director General of the Authority in charge of forests shall, in writing and in a period not exceeding thirty (30) days from the day of reception of the decision on the harvesting a District forest, provide the opinion on the decision to harvest the forest to the Mayor of the District.

If the period referred to in Paragraph 3 of this Article expires without any reaction from the Director General of the Authority in charge forests, the decision shall be implemented.

##### **Article 5 – Issuance of a District forest harvesting license**

The District forest harvesting licensee shall be selected through an open competitive tender organized according to relevant laws and regulations.

The successful candidate shall be issued with the license after paying all required fees at the District account.

##### **Article 6 – Format and content of the District forest harvesting license**

The Authority in charge of forests shall prepare the format of the District harvesting license.

The forest harvesting license shall contain the following:

- 1° identity of the licensee;
- 2° number of the plot where the forest to be harvested is located;
- 3° size of the forest to be harvested;
- 4° number of the receipt as a proof of payment of the license fee;

- 5° effective date of the license;
- 6° validity of the license;
- 7° use of the products of the forest to be harvested;
- 8° post harvesting activities.

### **Article 7 – District forest harvesting contract**

The district may sign a contract with the person to whom the harvesting licence is issued, if necessary.

### **Article 8 – Contents of the District forest harvesting contract**

The District forest harvesting contract shall specify the following:

- 1° forest identification;
- 2° validity of the license
- 3° tools to be used during forest harvesting;
- 4° harvesting procedures, including selective cutting or clearing;
- 5° quantity of trees to be harvested in terms of the number of trees, volume (m<sup>3</sup>) or surface area and its marking;
- 6° responsibilities of a harvester;
- 7° safety measures around the harvesting area and liabilities of any damages that may be caused by the trees to be harvested;
- 8° post harvesting activities.

### **Article 9 – Validity of the harvesting license**

The District forest harvesting license shall have a validity of three (3) months calculated from the date of its issuance.

The license may be renewed only once (1) unless the issuing authority decides otherwise.

### **Article 10 – Report on harvested forests**

The Mayor shall submit to the Authority in charge of forests a quarterly report indicating the number, size and location of respective forests harvested in the District.

## **Section 2 – Harvesting license for a private forest exceeding two (2) hectares**

### **Article 11 – Conditions for issuance of the license**

Any person who applies for a license to harvest a private forest exceeding two hectares (2 ha) shall address a written application to the Mayor of the District in which the forest is located specifying the following:

- 1° the Village, Cell and the Sector in which the forest to be harvested is located;
- 2° the surface area of the forest;
- 3° limits of the forest;

- 4° dominant tree species in the forest;
- 5° tools to be used in the harvesting of the forest;
- 6° certificate of ownership.

### **Article 12 – Issuance of a license to harvest a private forest**

The Mayor of the District in which the private forest is located shall issue the license to harvest the forest within a period of thirty (30) days from the day he/she received the written application for the license.

### **Article 15 – Format and content of the license to harvest a private forest**

The Authority in charge of forests shall determine the format of a license to harvest a private forest exceeding two (2) hectares.

The license to harvest a private forest exceeding two hectares (2 ha) shall specify:

- 1° the identity of the licensee;
- 2° the number of the plot in which the forest is located;
- 3° the identity of the person registered on the documents related to the forest;
- 4° the quantity of the products to be harvested;
- 5° the number of the receipt of payment of the license fee;
- 6° the effective date of the license;
- 7° the validity of the license;
- 8° the use of the products harvested from the forest;
- 9° post harvesting activities.

### **Article 13 – Payment of the forest harvesting license fee**

The person whose forest harvesting license application is approved shall be required to pay a license fee in accordance with provisions of the Presidential Order establishing the list of fees and other charges levied by decentralized entities and determining their thresholds before the license is issued.

### **Article 14 – Validity of the harvesting license**

The license for harvesting a private forest exceeding two (2) hectares shall have a validity of three (3) months calculated from the date of its issuance. It may be renewed only once unless the issuing authority decides otherwise.

## **Section 3 – Forest products transportation license**

### **Article 15 – Forest products subject to transportation license**

Forest products that require transportation license shall be the following:

- 1° charcoal exceeding ten (10) bags with a hundred kilograms (100) each;
- 2° twenty five (25) plunks or above measuring two (2) meters or four (4) meters each;
- 3° ten (10) trees or above;



4° three (3) staves or above of fire woods.

### **Article 16 – Application for a forest products transportation license**

Any person who applies for a forest transportation license shall address a written application to the Mayor of the District of provenience of the products.

### **Article 17 – Issuance of the license**

Authorities of the District in which forest products originate shall issue the forest products transportation license in their harvesting state or in any form of their transformation in thirty (30) days from the day of reception of the application.

### **Article 18 – Format and the content of the forest products transportation license**

The Authority in charge of forests shall determine the format of the forest products transportation license.

The forest products transportation license shall specify:

- 1° the identity of the licensee;
- 2° modes of transport such as the use of vehicle, ship or air;
- 3° the number of the receipt of payment of the license fee;
- 4° quantity of the forest products to be transported;
- 5° loading point and the destination;
- 6° effective date of the license;
- 7° validity of the license.

### **Article 19 – Payment of the transportation license**

The person whose application for a license for the transportation of forest products is approved shall be required to pay a license fee in accordance with provisions of the Presidential Order establishing the list of fees and other charges levied by decentralized entities and determining their threshold before the license issued.

## **Section 4 – Forest clearing permit**

### **Article 20 – Application for forest clearing permit**

A person who intends to clear a forest shall address his/her application to the Minister in charge of forests specifying the following:

- 1° forest identification;
- 2° surface area of the forest to be cleared;
- 3° dominant tree species in the forest;
- 4° certificate of ownership;
- 5° reasons for the clearing of the forest.

## **Article 22 – Issuance of the forest clearing permit**

The Minister in charge of forests shall issue the applicant with the forest clearing permit in a period of thirty (30) days from the day of reception of the application.

## **Section 5 – Forest products exportation license**

### **Article 23 – Forest products subject to exportation license**

Forest products that require an exportation license shall be the following:

- 1° charcoal;
- 2° planks;
- 3° timber.

### **Article 24 – Application for a forest products exportation license**

A person who applies for a forest product exportation license shall address a written application to the Director General of the Authority in charge of forests.

- 1° the location of products for which the exportation license is applied;
- 2° export trade license
- 3° the country of destination;
- 4° quantity of products to be exported;
- 5° mode of transport.

### **Article 25 – Issuance of the forest products exportation license**

The Director General of the Authority in charge of forests shall issue the forest products exportation license in a period of thirty (30) days from the day of reception of the application.

### **Article 26 – Format of the forest products exportation license**

The Authority in charge of forests shall determine the format of the forests products exportation license.

### **Article 27 – Validity of the forest products exportation license**

The forests products exportation license shall be valid for a period of three (3) months from the date of issuance.

## **Section 6 – License register**

### **Article 28 – Establishment of the license register**

There is hereby established a register to record forestry licenses. That register shall be a database of forest licenses issued by relevant institutions. It may be software or an ordinary book.

### **Article 29 – Filling the register and its keeping**

The authority responsible for issuance of a license shall have the duty to fill the register and to keep it safely.

### **Article 30 – Format and content of the license register**

The format and the contents of the licence register shall be determined and prepared by the Authority in charge of forests.

### **Article 31 – Compiling of information contained in the registers**

The Authority in charge of forests shall have the duty to compile all the licenses related information recorded in the license registers of different Districts.

## **Chapter VIII Transitional and final provisions**

### **Article 32 – Licenses issued before the coming into force of this Order**

Licenses issued before the coming into force of this Order shall remain valid until their expiration.

Applications for license which are pending on the date of coming into force of this Order shall be considered in accordance with this Order.

### **Article 33 – Issuance of licenses before approval of District forest management plan**

The Authority in charge of forests may issue district forest harvesting licenses during the period even if the District forest management plan is not yet prepared.

The Mayor of the District shall address a written request to the Authority in charge of forests indicating the following:

- 1° forest identification;
- 2° a report of the professional in charge of forest at District level highlighting the forest status, the dominant trees, its surface area, period of plantation, its estimated value and post harvesting activities.

### **Article 34 – Repealing provision**

All prior provisions contrary to this Order are hereby repealed.

### **Article 35 – Commencement**

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