

Rwanda

Country: [Rwanda](#) [1]

EIA Law: Organic Law No. 04/2005, Determining Modalities of Protection, Conservation, and Promotion of Environment in Rwanda

Law Link: [Link](#) [2]

EIA Regulations: Ministerial Order Nos. 003/2008 & 004/2008

Regulations Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Environmental Impact Assessment Guidelines, 2006

Guidance Link: [Link](#) [2]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: The EIA Guidelines describe three levels of assessment: IL1 (no assessment needed); IL2 (some assessment needed); IL3 (full EIA required). The IL2 level, "represents projects believed to have adverse, but not irreversible environmental impacts and mitigation and management measures can be readily designed and incorporated into the project. The EIA process for these projects is similar to that of IL3 projects." EIA Guidelines, sec. 2.1.2(b)

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: The project developer submits a project brief to the Authority. Min. Order No. 003/2008, Art. 3. "The purpose of a Project Brief, prepared as prescribed by the EIA Regulations, is to provide sufficient information on the project to enable the Authority and Lead Agencies establish whether or not the proposed activities are likely to have significant environmental impacts, and also enable to determine the level of EIA required (screening)." EIA Guidelines, sec. 2.1.1.

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: The EIA regulations contain an annex listing projects that are subject to EIA. See Annex to Min. Order No. 004/2008. Also, "[w]hen it is necessary and evident that the project might have a negative impact on the environment, Rwanda Environment Management Authority shall have the power to request the project's owner to conduct environmental impact assessment even if it is not listed in the annex." Min. Order No. 004/2008, Art. 4

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: Min. Order No. 003/2008, Arts. 4, 5

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "The environment impact assessment shall be carried out at the expense of the promoter." Organic Law No. 04/2005, Art. 69

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: The expert (contractor) must be approved by the Authority. Min. Order No.003/2008, Art. 5. An expert is defined as "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 [with regulations.]" Id., Art. 1(5)

Conflict of Interest: Yes

Conflict of Interest Detail: The selected experts should have no direct or indirect interests in the project. Min. Order No. 003/2008, Art. 5. Note that the language is phrased as a recommendation ("should") and not a mandatory requirement.

Terms of Reference: Yes

Terms of Reference Detail: "Within 30 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." Order 003/2008, Art. 4

Days for Decision Maker Review: Variable (at least 20 days)

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: "The Authority shall communicate its decision to the developer in writing." Min. Order 003/2008, Art. 10.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: Although the EIA law and regulations do not address whether conditions may be imposed, the EIA Guidelines provide some clarification. Following a record of decision, the Authority will issue an "Implementation and Operations Order (IOO). This legal order specifies compliance terms and conditions to be met during project implementation and operation." EIA Guidelines, sec. 2.1.6.6

Expiry of Decision: Unknown

Expiry of Decision Detail: The EIA law and regulations do not specify how long a decision is valid.

Financial Assurances or Bond: No

Financial Assurances Detail: Financial assurances are not discussed in the EIA law or regulations.

Interdisciplinary Team: No

Interdisciplinary Team Detail: This issue is not addressed in the EIA law or regulations.

Range of Alternatives: Yes

Range of Alternatives Detail: The EIS must contain "a brief description of the project and its variants[.]" Organic Law No. 04/2005, Art. 69. According to the EIA Guidelines: "During EIA studies, the EIA experts shall undertake an analysis of alternatives with the view of finding feasible ways to prevent or minimize negative impacts while maintaining project objectives." EIA Guidelines, 2.1.4(iii)(b)

No Action Alternative: Yes

No Action Alternative Detail: Although the EIA law and regulations do not mention this issue, the EIA Guidelines recommend the following: "The 'No project' option which implies that the project may not be implemented, should also be analysed." EIA Guidelines, sec. 2.1.4(b)

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The EIS must indicate "measures envisaged to reduce, prevent or compensate for the damage . . ." Organic Law No. 004/2005, Art. 68. See also EIA Guidelines, sec. 2.1.4

Monitoring Plans: Yes

Monitoring Plans Detail: The EIS must provide "an explanation of the methods that will be used in monitoring and evaluating the state of the environment before, during the activities of the project, in using the installation but particularly after completion of the project." Organic Law No. 004/2005, Art. 68. See also EIA Guidelines, sec. 2.1.4

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: Although the EIA law and regulations do not specifically instruct the Authority or project proponent to notify the public about opportunities to review the environmental impact study, the EIA Guidelines state that the Authority must publish a notice "prior to the public hearing." EIA Guidelines, sec. 6.2(d).

Final EIA Available: No

Final EIA Available Detail: Availability of and access to the environmental impact study is left to the discretion of the Authority. According to the EIA Guidelines: "After submitting an EIA report to the Authority, it shall be a public document and any person can access it, except for that information which a developer asked to be maintained confidential. REMA shall publicize the report (excluding the confidential portions) to the public together with locations where it would be available for public viewing. REMA shall also make copies of the EIR for relevant stakeholders." EIA Guidelines, sec. 6.2(c)

Final EIA Locations: Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: No

Availability of Reference Studies Detail: The EIA law and regulations do not require supporting studies or data to be made available to the public; however, it probably could be accessed through an access to information request. See Law No. 04/2013 Relating to Access to Information

Public Notice of Final Decision Detail: There are no provisions in the EIA law or regulations requiring the Authority or project developer to notify the public when a decision has been made.

Public Scoping: Sometimes

Public Scoping Detail: The EIA Regulations state the "environmental impact study shall be done with due consideration of the opinion of all the relevant stakeholders." Min. Order 003/2008, Art. 6. This suggests that there must be some public input before the study is complete

Public Review of TOR: No

Public Review of TOR Detail: Although public opinions may be gathered during scoping, the EIA law and

regulations do not allow for members of the public to review the terms of reference before it is provided to the developer.

Public Participation Opportunities: Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail:: The EIA Regulations suggest that a public hearing is discretionary. "If it becomes necessary to hold public hearing [the Authority may extend the time for its review of the environmental impact study report.]" Min. Order No. 003/2008, Art. 8. However, the EIA Guidelines state that a public hearing report must accompany an EIA before it can be reviewed by the Authority EIA Guidelines, sec. 2.1.5

Public Input at Meeting: Yes

Public Input at Meeting Detail: "[S]takeholders may comment on the environmental impact report and express views on the impact of the proposed development." Min. Order 003/2008, Art. 9

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: Not specified

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "[S]takeholders may comment on the environmental impact report and express views on the impact of the proposed development." Min. Order 003/2008, Art. 9

Response to Public Comments: No

Response to Public Comments Detail: The EIA law and regulations do not require decisionmakers to respond to or consider public comments provided during the EIA process.

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: There are no provisions in the EIA law or regulations, but the EIA Guidelines state: "Situations may occur where special provisions need to be made in order to get input from disadvantaged or minority groups." EIA Guidelines, sec. 6.7.4

Citizen Administrative Review: No

Citizen Administrative Review Detail: The EIA law and regulations allow only the project proponent to appeal a decision made by the Authority.

Project Monitoring: Yes

Project Monitoring Detail: There are no provisions in the EIA law or regulations, but the EIA Guidelines describe a monitoring process to be undertaken by the Authority and the project developer. EIA Guidelines, sec. 2.1.6.9

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