

Rwanda

## Ministerial Order determining Procedures for Conducting Strategic Environmental Assessment

Ministerial Order 2 of 2021

Legislation as at 10 February 2021

FRBR URI: /akn/rw/act/mo/minister-of-environment/2021/2/eng@2021-02-10

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PDF created on 21 February 2024 at 15:40.

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## Rwanda

# Ministerial Order determining Procedures for Conducting Strategic Environmental Assessment

## Ministerial Order 2 of 2021

Published in Official Gazette special on 10 February 2021

**Assented to on 8 February 2021**

**Commenced on 10 February 2021**

*[This is the version of this document from 10 February 2021.]*

### **The Minister of Environment,**

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 48/2018 of 13/08/2018 on environment, especially in Article 31;

After consideration and approval by the Cabinet, in its meeting of 14/08/2020;

### **ORDERS:**

## **Chapter One General provisions**

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

This Order determines procedures for conducting strategic environmental assessment.

### **Article 2 – Definitions**

In this Order, the following terms are defined as follows:

- 1° **Authority:** institution in charge of environmental conservation;
- 2° **strategic environmental assessment:** systematic process of assessing and addressing the environmental aspects and consequences of proposed policies, plans and programme before decision making;
- 3° **responsible institution:** institution that prepares or on behalf of which a policy, plan or programme is prepared.

## **Chapter II Strategic environmental assessment development**

### **Article 3 – Principles of strategic environmental assessment**

Strategic environmental assessment is based on the following principles:

- 1° early identification and integration of environmental concerns and goals in Governmental planning and decision-making;
- 2° consideration of all feasible alternatives to the project of responsible institution, including the alternative of taking no action;

- 3° consideration of stakeholders' views and transparency in decisions-making;
- 4° documentation and assessment of results of the strategic environmental assessment;
- 5° access to information generated or compiled by the responsible institution;
- 6° accountability to the public and the Government of Rwanda.

The strategic environmental assessment is carried out during the preparation of a policy, strategic plan or program and before the adoption of such policy, strategic plan or program.

#### **Article 4 – Procedures for strategic environmental assessment**

Strategic environmental assessment is initiated by the responsible institution and is carried out in following manner:

- 1° to identify the main characteristics of the policies, programs and strategic plans;
- 2° to analyse the policies, programs and strategic plans formulation process;
- 3° to determine the nature and extent of impacts on the environment;
- 4° to determine the contents of the strategic environmental assessment report;
- 5° to do consultations with relevant authorities;
- 6° requesting the views of the beneficiaries;
- 7° to ensure strategic environmental assessment integration in the policies and programmes process preparation;
- 8° to coordinate strategic environmental assessment within the policies, programs and plans development process;
- 9° to monitor the strategic environmental assessment process.

#### **Article 5 – Development of terms of reference**

The terms of reference for the strategic environmental assessment are developed by the Authority upon request by the responsible institution. However, the responsible institution may itself develop the terms of reference to submit them to the Authority for assessment and approval.

The request addressed to the Authority is accompanied by a summary of the policy, strategic plan and program which includes important information that can help in the preparation.

The terms of reference must be availed by the Authority within fifteen (15) days from the reception date of the request.

The terms of reference determine the level of strategic environment assessment, depending on the impact of the policy, strategic plan and program on environment.

#### **Article 6 – Content of strategic environmental assessment report**

The strategic environmental assessment report indicates the following:

- 1° project and its policy objectives;
- 2° anticipated adverse environmental effects of the proposed policy, strategic plan or program, including direct, indirect and cumulative effects;
- 3° feasible alternatives to the project, including that of taking no action and that of a comparison of the environmental effects of these alternatives;

- 4° feasible methods to avoid, minimise or mitigate adverse environmental effects of the project;
- 5° potential overall effects on the environment, assuming the successful implementation of described impact avoidance and mitigation measures;
- 6° compliance of the project with relevant laws and guidelines given by the Authority;
- 7° environmental benefits of the project and how the project advances the Government's objectives on:
  - a. sustainable development;
  - b. environmental protection;
  - c. preservation of cultural heritage;
  - d. use of environmental friendly technology;
  - e. economic benefits;
- 8° commitment for prevention and mitigation of environmental effects and establishing mechanisms for future monitoring and assessment.

### **Article 7 – Responsibilities and powers of the Authority**

The Authority has the following responsibilities and powers:

- 1° to create awareness on the scope of strategic environmental assessments;
- 2° to issue necessary guidelines on strategic environmental assessment tools, requirements and procedures;
- 3° to ensure that the responsible institution is following the provisions of this Order and relevant guidelines in strategic environmental assessment;
- 4° to keep records of all materials related to a strategic environmental assessment for a policy, strategic plan or program;
- 5° to provide advice to responsible institutions;
- 6° to audit the quality of a strategic environmental assessments and to provide inputs, where it is necessary, to ensure the quality and compliance to the strategic environmental assessment process;
- 7° to approve the strategic environmental assessment report.

### **Article 8 – Responsibilities of the responsible institution**

Any governmental agency that formulates, renews, modifies or implements a policy, strategic plan or program conducts a strategic environmental assessment in accordance with this Order, before the project is adopted or submitted for approval.

The responsible institution engages all relevant stakeholders in the strategic environmental assessment process of a proposed policy, strategic plan or program.

A copy of the strategic environmental assessment report is submitted to the Authority for record and comments, where necessary.

The responsible institution implements mitigation measures and monitors the significant environmental effects of the implementation of policies, strategic plans and programs in order to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

### **Article 9 – Experts to conduct strategic environmental assessment**

The strategic environmental assessment study is conducted by a certified environmental professional, in accordance with relevant legislation.

The responsible institution may propose to the Authority, any expert or experts of its choice for approval.

Within five (5) working days from the date of reception of the proposed experts, the Authority notifies the responsible institution of its acceptance or refusal of the project. In case of refusal, the Authority provides justification.

### **Article 10 – Monitoring and assessment of environmental effects**

The Authority monitors and analyses the environmental effects of the implementation of policy, strategic plan or program at regular intervals to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action with a threshold-based analysis.

## **Chapter III Final provisions**

### **Article 11 – Repealing provision**

All prior provisions contrary to this Order are repealed.

### **Article 12 – Commencement**

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