Netherlands Commission for Environmental Assessment

Rwanda

SEA profile

Updated to: 16 February 2015

Contact & history

Country contact on SEA

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Country's planning system

In Rwanda, the Ministry of Finance and Economic Planning (MINECOFIN) is responsible for planning issues, particularly its Directorate "National Development Planning & Research". The Directorate's function is among others to ensure that the planning function in both, central and local governments, is aligned to national priorities. In general, policies, plans and programs are developed by sector ministries and implemented by the respective line institutions.

History of SEA

Through the new Environment Law, SEA is formally regulated in Rwanda.

The national strategy 'Vision 2020' already included the need for protection of the environment through sustainable resource management. The need for improved capacities for environment and resource managment was further recognized during the formulation of the first Poverty Reduction Strategy Paper (PRSP 1, 2002-2005). The Constitution of the Republic of Rwanda, adopted in June 2003, ensures the protection and sustainable management of environment and encourages rational use of natural resources.

With the Organic Law (No. 04/2005) SEA (such as EIA) was implicitly introduced into legislation. It required that programmes, plans and policies that may affect the environment shall be subjected to environmental impact assessment before obtaining authorisation for implementation. It thus implied that environmental assessment would have a broader scope than the project-based EIA and provides the

legal provision for an SEA instrument. However, it did not specify what form of environmental assessment would be required, the term SEA was not mentioned. In 2005, the Government of Rwanda joined the UNDP/UNEP Poverty Environment Initiative (PEI) to develop a strategy to mainstream environment into national planning processes and economic development strategies. In 2009, REMA started the implementation of the Decentralized Environment Management Project (DEMP). The PEI and DEMP promoted SEA further and the Economic Development and Poverty Reduction Strategy (EDPRS) identified the need for the development of specific SEA guidelines. Such SEA guidelines were issued in 2011 by REMA.

source

https://rema.gov.rw/fileadmin/templates/Documents/Law_on_environment.pdf

Legal framework for SEA

Framework/Enabling law

Law N°48/2018 of 13/08/2018 on Environment

source

https://rema.gov.rw/fileadmin/templates/Documents/Law_on_environment.pdf

Year of introduction of enabling law

2018

The law defines SEA as a systematic and flexible process of addressing the environmental aspects and consequences of proposed policies, plans and program initiatives at the earliest appropriate stage of decision-making.

SEA is regulated in Article 31:

Every policy, strategy, plan and programme must undergo a strategic environmental assessment. Procedures for conducting strategic environmental assessment are determined by an Order of the Minister.

source

https://rema.gov.rw/fileadmin/templates/Documents/Law_on_environment.pdf

Approving authority of enabling law

The president has approved the Environment Law.

First national detailed SEA regulation

A ministerial order that further defines the procedural requirements for the SEA process in Rwanda is under development.

Guidelines

Guidelines and procedures for SEA were published in June 2011 by REMA in collaboration with One-UN Rwanda to complement the existing EIA guidelines for Rwanda.These guidelines do not contain clear procedural arrangements on roles and responsibilities for SEA though.

Objective SEA

The SEA guidelines (2011) mention SEA to enable the assessment of potential effects of policy, plans and programs on the environment through processes involving broad stakeholder participation. They further mention that SEA aims to enhance environmental awareness, to integrate environmental sustainability into decision making, to facilitate coordinated action across development sectors and to contribute to the attainment of environmentally sound, integrated, and balanced development policies, planning, and programs. It further mentions that SEA supports Rwanda's committment to several international agreements.

Scope of SEA application

In the EIA guidelines (2006) it is mentioned that SEA is the assessment of impacts of policies, plans, programmes (PPP) which are higher than the project level. The guidelines for SEA maintain this scope of SEA.

Exemptions from SEA application

No list of PPPs that are exempted from SEA has been developed yet when the SEA guidelines were issued in 2011, but it is expected that such a list will be gazetted in a Ministerial Order on the recommendation of REMA as the regulatory agency.

SEA approach

The SEA guidelines aim to expand the application of environmental assessment principles and practices to the formulation and implementation of policies, plans and programs. The SEA guidelines also incorporate concepts and practices of Environmental Security Assessment (ESA), which are designed to inform strategic decision-making that integrates environmental protection, economic growth, and social well-being.

SEA tiering with EIA

The guidelines for EIA stress the importance of tiering of EIA and SEA. They mention that SEA and project level EIA have a close tiering relationship, similar to tiering from policy to project.

The SEA guidelines specify that SEA complements and strengthens EIA at the project level by: identifying prior information needs and potential impacts; addressing strategic issues and concerns that may relate to project justification; and streamlining the project review process.

Institutional setting for SEA

Central SEA authority

Such as for EIA, the Rwanda Environmental Management Authority (REMA) is the central authority responsible for SEA. REMA is required by law to oversee environmental assessment requirements in policies, plans and programs and advice the Government on policies, strategies, and legislation related to the managment of the environment. Under this mandate, REMA develops facilitative and legal instruments, such as SEA guidelines.

The REMA operates under the Ministry of Natural resources (MINIRENA), which supervises the REMA. It is governed by a board of directors comprising of 7 people that are appointed by the Prime Minister on advice from the Minister responsible for the environment.

Mandate for exemption of SEA obligation

The ministerial order on exemptions of SEA obligation is not yet available.

(De)centralisation of SEA mandates

SEA mandates are centralized at REMA

Initiator of the SEA

According to the SEA guidelines, the lead agency, which formulates and implements a policy, plan or programme, is responsible for conducting an SEA for the policy, plan or program. It is, however, common practice for a team of independent experts to be appointed to conduct the SEA on behalf of a PPP formulation team.

SEA procedure

Establishing context

Overview SEA procedure

The SEA guidelines describe the SEA process and procedures. The conceptual basis for these guidelines follows an approach developed by the United Nations Commission for Europe. It follows 10 steps:

1. Identifying the main characteristics of the policy, plan or program (PPP)
2. Analyzing the PPP formulation process
3. Determining the need for SEA for a PPP
4. Determining the nature and extent of impacts
5. Determining content and level of detail in SEA report
6. Consultation with relevant authorities
7. Public consultation
8. Ensuring SEA integration in the PPP process
9. Coordinating SEA within the PPP process
10. Monitoring SEA within the PPP process.

Screening requirement and authority

As the description of the screening process indicates, the legally non-binding SEA Guidelines ask for a final screening decision for some of the PPPs only. This decision is taken by REMA.

Screening process

The screening process includes three main steps. The SEA guidelines suggest that as a first step of the SEA procedure the main characteristics of the targeted PPP are identified. This information will help to determine whether or not there is a need to conduct an SEA for the particular PPP and if there is a need to establish the context for the SEA objectives, outcomes, and report recommendations. The guidelines provide a list of questions to determine the characteristics of the PPP. Thereafter, the PPP formulation process is analysed to find out whether or not the environmental assessment requirements have been or will be met, if consultations with relevant government authorities and the public have taken place and what the timing of these activities was. The general SEA guidelines provide questions to guide this analysis as well as a framework for the analysis in their Appendix 2.

With the collected information it is then decided whether or not an SEA is required for the respective PPP. Up to the moment of the issuing of the SEA guidelines, no list of PPPs subject to and those exempt from SEA has yet been gazetted. Such a list

was then expected to be published soon though. The SEA guidelines nevertheless already indicate how the process leading to the screening decision for PPP will be built up. Firstly, it is assessed whether the PPP is exempted from SEA (list has yet to be established). Then it is determined if the PPP is likely to cause negative environmental effects. The SEA guidelines provide criteria to establish the likelihood of a PPP causing significant environmental effects on a case-by-case basis (includes criteria based on characteristics of PPP and of the effects and of the area likely to be affected). If it is likely to do so, it is checked if the PPP relates to a small area at a local level or involves a minor modification to a PPP. If this is not the case, an SEA is directly required. If this is the case, the PPP is subject to a final screening decision carried out by REMA. In case the PPP does not belong to a high impact sector, the opinion of the REMA is sought in an additional process referred to as pre-screening. REMA can exempt this PPP or recommend that a final screening has to take place.

Timeline Screening

Not specified

Identification of stakeholders

The key stakeholders are identified as part of the scoping process.

Setting SEA objectives

No information.

Implementing the SEA

Scoping process

The SEA guidelines suggest that after it was determined that a PPP is subject to an SEA, the nature and extent of environmental impacts to be measured must be identified and a study approach designed. The

scoping exercise involves the identification of key stakeholders as well as the establishment of data requirements, the level of detail of the study and the study program. The SEA guidelines provide a list of questions that may guide the scoping process and analytic categories that may be used for scoping issues in Appendix 3. A team of professional experts finally formulates the scope of work as Terms of Reference for SEA. International experts can be asked to give advice on the scope of the SEA as it was the case for the IWRM support programme where the NCEA was involved.

Participation in scoping

The SEA guidelines specify that the scoping process involves the identification of key stakeholders and that for the formulation of the Terms of Reference for SEA, input from the participation of the public shall be considered.

Outcome of scoping

The SEA guidelines mention that Terms of References may be formulated to define the scope of work, but no further specifications regarding its content, public availability or a possible review process is given.

Baseline data

No information.

Alternatives

The SEA guidelines determine that alternative options for the PPP should be considered before embarking on analyzing the nature and extent of impacts of the proposed PPP. For this, a well-documented "do nothing"option is used as the point of reference. Potential positive and negative impacts (direct, indirect, cumulative and/or large-scale impacts) of alternative options then need to be identified. A format for presenting alternative options within the PPP and their impacts is provided in Appendix 4.

Assessment/mitigation of effects

The SEA guidelines mention the following impact assessment methods: Scenario development, risk assessment, policy impact matrix, predictive and simulation models, significance thresholds, GIS capacity/habitat analysis, cost/benefit analysis, least cost analysis, multi-criteria analysis.

The most suitable method is chosen according to professional experience and judgement of the SEA team members.

Institutional analysis

The SEA guidelines mention that recommendations for institutional strengthening should be part of the SEA report, thus it can be assumed that such an analysis takes place.

Documenting results

An SEA report is formulated.

Content of SEA report

The SEA guidelines list the content of the SEA report: It should contain information on the content and the main objectives of the strategic decision drafted. Also environmental protection and social objectives that are established at international, national, regional and local levels which are relevant to the SEA report, shall be assessed and discussed. Further the current state of the environmental and social aspects and the likely evolution of this state is to be mentioned. Then the environment and social conditions likely to be affected have to be identified (Appendix 1 of the SEA guidelines provides a list of questions that help to capture the qualitative dimensions of these environmental and social issues). Further the likely significant impacts on the environment and socio-economic aspects have to be presented (including cumulative, indirect and transboundary impacts). Reactions, suggestions and objections from stakeholders have to be included as well as the eligibility for carbon credits. An overview of the data requirements, quality and data gaps has to be given. Measures to prevent, reduce, mitigate or compensate any adverse effects on the environment have to be assessed and mentioned as well as residual effects discussed.

Furthermore, information on the methods envisaged for monitoring the implementation of the SEA report have to be mentioned. The report should further contain recommendations for institutional strengthening, a communication strategy for disseminating report findings, a non-technical executive summary.

SEA review

The SEA guidelines mention an independent review of the SEA report, but no further info is given.

Participation in review

Not specified in SEA guidelines.

Timeline review

Not specified in SEA guidelines.

Informing and influencing decision-making

SEA and planning decision-making

The SEA guidelines do highlight the importance of a timely start SEA during the formulation of the PPP and that it has to be ensured that appropriate attention is paid to the outcomes of SEA and the measures recommended in the SEA report as well as to the outcomes of the consultations with authorities and the public. However, they do not specify procedures to ensure the integration of SEA into the planning decision. It seems that the guidelines rather suggest a case-by-case approach that determines the relation between SEA and the planning decision, as they provide a set of questions that can help to facilitate an understanding of how to ensure due consideration of SEA outcomes in the PPP formulation.

Recommendations for decision-making

Not specified in SEA guidelines.

Justification of decision

Not specified in SEA guidelines.

Monitoring

Monitoring requirement

The SEA guidelines mention monitoring as a formal step of the procedure, but do not give further details on it. They merely prescribe that the SEA report shall contain information on the methods envisaged for monitoring the implementation of the SEA report drafted.

Evaluation requirement

As for the monitoring, the evaluation of the SEA is mentioned as part of the SEA procedures in the SEA guidelines. Further information is lacking though.

SEA practice

Annual no. of SEAs

About 3 SEAs are produced annually.

Central SEA database

There is no central database or library where information on SEAs is kept

Professional bodies

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Association pour la Promotion des Etudes d?Impacts Environnementaux au Rwanda (APEIER)

Capacity development

The ongoing five-year Decentralized Environment Management Project (DEMP, 2008-2013) is designed to strengthen environmental policy, planning and legislative capacity at the national level, to increase management capacity at the district and lower levels, and to empower people by promoting sustainable alternatives while protecting environmental resources.

The project included training workshops that incorporated key principles of SEA and served to build awareness for it.

Rwanda participates in the UNDP-UNEP Poverty Environment Initiative (PEI). From 2005 onwards various capacity building activities, trainings and workshops were held as part of this programme of which some were directly related to environmental assessment.

SEA links