GOVERNMENT OF RWANDA

RWANDA ENVIRONMENT MANAGEMENT AUTHORITY

GENERAL GUIDELINES AND PROCEDURE FOR ENVIRONMENTAL IMPACT ASSESSMENT

November 2006

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FOREWORD

By mandate of parliament of the Government of Rwanda, as conferred upon the Minister responsible for environment, in the Organic Law N° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda, the following guidelines pertaining to the contents of Chapter IV, articles 67-70, concerning Environmental Impact Assessment by the Rwanda Environment Management Authority (REMA) and as endowed with this power in Chapter III, paragraph 1° of Article 65 are here described.

These guidelines may be referred to and cited as the Environmental Impact Assessment Guidelines, 2006.

ACRONYMS AND DEFINITIONS

ADB:	African Development Bank
AIS:	Analysis of Initial State
CR:	Compliance Report
DMA:	Decision-Making and Authorization
EIA:	Environmental Impact Assessment
EIACA:	Environmental Impact Assessment Certificate of Authorization
EII:	Environmental Impact Initiation
EIR:	Environmental Impact Report
EMF:	Environmental Management and Follow-up
EMP:	Environmental Management Plan
EU:	European Union
IL:	Impact Level
NGO:	Non-Governmental Organisations
PHR:	Public Hearing Report
REMA:	Rwanda Environmental Management Authority (the "Authority")
RoD:	Record of Decision
SEA:	Strategic Environmental Assessment
ToR:	Terms of Reference
UNEP:	United Nations Environment Programme
WB:	World Bank

Glossary of Terms

Developer; Any person who has proposed or has undertaken to implement a project in the public or private sector.

Environment; The physical factors of the surroundings of the human being including land, water, atmosphere, climate, sound, odour, taste and the biological factors of fauna and flora and includes the cultural, social and economic aspects of human activity, the natural and built environment.

Environmental Audit; Means the systematic documentation and periodic and objective evaluation of protection and management of the environment and the conservation and sustainable use of natural resources.

Environmental impact; Effects a project has on the environment and natural resources. These effects may be positive or negative, which could produce costs or benefits.

Environmental Impact Assessment (EIA); The systematic evaluation of a project to determine its impact on the environment and natural resources.
Environmental Management Plan; An Action Plan or Management Strategy for the implementation of mitigation measures identified in an EIA.

Environmental Planning; Means planning that takes into account environmental issues;

Environmental Monitoring; Means the continuous or periodic assessment of the actual and potential impact of any activity on the environment;

Lead Agency; Means any public office or organisation including every Ministry or Government department which has functions for the protection of any segment of the environment and the conservation and sustainable use of natural resources.

Project; A development activity or proposal which has or is likely to have an impact on the environment. This encompasses polices, plans and programmes or strategic environmental assessment as well as technology and other categories of activities.

Residual impacts; Those negative environmental impacts which could not be eliminated during project design.

Scoping; The process of establishing the principal issues to be addressed in an environmental impact assessment.

Screening; The process of determining if a project should be subjected to a detailed EIA. The main considerations being project type, size and the environmental sensitivity of project location.

Stakeholder; Individuals, communities, government agencies, private organisations, non-governmental organisations or others having an interest or "stake" in both the EIA process and outcomes of the projects.

Part 1: INTRODUCTION

1. INTRODUCTION

The Organic Law on environment protection made environmental Impact assessment (EIA) mandatory for approval of major development projects, activities and programs in the Republic of Rwanda. However, besides the legislation, guidance is needed of a more technical nature to streamline the conduct of EIA and appraisal of EIA reports. As such, the establishment of *"General Guidelines and Procedures for Environmental Impact Assessment",* which unifies the legal requirements with the practical conduct of EIA, meets a need in the pursuit for sustainable development in Rwanda.

EIA is a tool for prevention and control of environmental impacts caused by socio-economic development. The *"General Guidelines and Procedures for Environmental Impact Assessment"* has been prepared to contribute to improvement of EIA practice in Rwanda and they aim to serve agencies and individuals taking part in the EIA process. The target groups include developers, EIA experts, staff of REMA, environmental committees at all local government levels (province, district sector and cell), lead agencies, experts from research institutions and universities, NGOs and the general public. The guidelines are designed to ensure that participants in the EIA process understand their roles and that laws and regulations are interpreted correctly and consistently. Two main principles underlie these general guidelines: first, they comply with the legal and institutional frameworks on environmental protection in Rwanda and, second, they contribute to improvement of quality and efficiency of EIA process in the country, and as such merge, step by step, with general global trends and practice of conducting EIA.

These general guidelines have been developed with the aim of providing information necessary when carrying out an environment impact assessment.

1.1 Definition of Environmental Impact Assessment

EIA is a systematic, reproducible and multilevel process of identification, prediction and analysis of significant environmental impacts (positive or negative) of a proposed project or activity and its practical alternatives on the physical, biological, cultural and socio-economic characteristics of a particular geographic area in order to provide information necessary for enhancing decision making. EIA is used to prevent and mitigate adverse impacts, enhance positive impacts and assist the rational use of resources, hence maximizing the benefit of socio-economic development projects and ensuring sustainable development. EIA assists in determining whether a proposed project is ecologically viable and facilitates decision-making on its authorisation and certification.

1.2 Historical Background and Context of EIA in Rwanda

Environmental challenges in Rwanda date back several decades. Environmental problems are manifested in the context of poverty and socio-economic development efforts meant to improve the welfare of people. Recently, the Government of Rwanda has undertaken strong commitment to understand its current and future environmental challenges as a necessary step in the pursuit for sustainable development. Current national environmental challenges are exacerbated by low levels of environmental awareness, inadequate technical human resources and low intra-sectoral coordination on environmental issues. Various initiatives to solve these problems have been initiated since colonial times. During the colonial period, conservation and establishment of protected areas and reserves was started. Today, to effectively manage environmental challenges such as soil erosion, deforestation, wetland drainage, water degradation, climate change and the loss of biodiversity, GoR established Rwanda Environmental Management Authority (REMA), under Organic Law No.04/2005 of 08/04/2005 Article 64, to coordinate and oversee all aspects of environmental management for sustainable development.

One of REMA's principal functions is to oversee the conduct of EIA and take a decision on proposed development projects to be undertaken by both public and private sectors. Thus, these EIA guidelines should serve as a protocol for use by various stakeholders involved in the conduct of environmental impact assessment.

1.3 National Policy on EIA

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. Organic Law (No. 04/2005 of 08/04/2005) and various socio-economic development policies and strategies such as "Rwanda Investment And Exports Strategic Action Plan, 2005-2007" and "Vision 2020" call for a well regulated environment management system that takes into account principles of sustainable development while at the same time contributing to poverty reduction. The Organic Law (Article 67) requires that projects, programmes and policies that may affect the environment shall be subjected to environmental impact assessment before obtaining authorisation for implementation. Article 69 gives REMA legal authority to oversee the conduct of EIA.

1.4 International Context of EIA

EIA process operates within and towards the global concept of sustainable development. It is intended to achieve benchmarks and embrace commitment to international environmental conventions agreed upon in Ramsar (1971), Vienna (1985), Montreal (1990), Rio (1992), Kyoto (1998), and Stockholm (2001) to all of which, Rwanda is a party. EIA also provides a framework for promotion of efficient decision-making in project approval. Lastly, EIA enables implementation of environmental safeguards to mitigate significant negative impacts, avoid ecological damage and large-scale irreversible loss of natural resource.

EIA is an invaluable tool for environmental management in a trans-boundary context, playing role in information dissemination between Rwanda and neighbouring countries and widening the

scope of understanding of impacts beyond its boarders. EIA process in Rwanda provides a pretext and basis for future international cooperation and conflict resolution concerning environmental impacts at a regional level.

1.5 Objective, Roles and Benefits of EIA in Rwanda

In its quest to fulfil "Vision 2020" and realise poverty reduction, Government of Rwanda has developed strategies to boost national economic development, protect natural resources and attract foreign investment. Realising that besides economic growth, development projects can also cause adverse environmental impacts on human beings and natural resources, Government developed an environment policy in 2004 and subsequently, an "environment Organic Law" establishing Rwanda Environment Management Authority. REMA is charged with the overall responsibility of overseeing environmental protection.

Economic growth, if not appropriately regulated, can also cause reverse impacts, whereby sustainability of the ecosystem and even of the economic development may be broken. Government of Rwanda is fully committed in its pursuit for sustainable development with the objectives of enhancing living standards of people in a short period of time and obtaining true benefits to sustainably balance human needs with nature for today's and future generations.

For sustainable development to occur, environmental issues should be given proper priority among the country's development challenges. These problems include pressure on land, soil degradation, depletion of natural resources, residential areas not meeting the requirements for normal life (housing, sanitation and water supply, pollution of air, soil and water) and important global problems such as the global warming, degradation of the ozone layer and loss of bio-diversity. Population pressure and socio-economic underdevelopment have contributed to this current situation. EIA is an invaluable tool that contributes to overcoming these challenges.

As a tool for sustainable development and poverty reduction in Rwanda, EIA addresses responsible and equitable use of the environment resources and fostering the commitment for environmental protection. EIA contributes to sustainable development by increasing efficiency of development projects in light of new environmental regulations and requirements. It streamlines business practices to conform to the Organic Law's requirements of development, environmental protection and habitat use. It also ensures that projects take necessary prevention, mitigation and monitoring steps to safeguard them from the high costs of environmental remediation if environmental damage occurs.

From a social standpoint, EIA incorporates interests of public and private stakeholders, residents and communities in the planning and approval process of projects. This ensures that development policies, plan and activities take into consideration the voice of even most marginalized members of society. Sustainable use of the environment is the principal goal of the EIA process. For the most impoverished members of society in Rwanda, particularly those in rural communities, this means conservation of natural resources upon which people immensely rely for survival, hence the need for them to have a decision in management of those resources.

The objective of EIA is fourfold: to provide a national standardized process for development authorization, to protect Rwanda's natural environment from potentially significant and avoidable impacts caused by development projects, to invoke environmental consciousness and responsibility for all development activities in Rwanda and to facilitate efficient and modern development activities whilst considering the needs of present and future generations. The aims of EIA are divided into two categories of planning, namely:

- *Immediate Aim*: To inform the process of decision-making by identifying potentially significant environmental effects and risks of development proposals.
- *Long-Term Aim*: To promote sustainable development by ensuring that development projects do not undermine critical resources and ecological functions or the well-being, lifestyle and livelihood of communities and people who depend on them.

To address these aims, the strategy of EIA process can be divided into two categories of action:

- *Short-Term Strategy*: Assess project proposals by identifying environmental risk, potential impacts and mitigation and monitoring measures.
- *Long-Term Strategy*: Assess the ongoing impacts of projects through environmental monitoring after the project has been approved and implemented.

EIA has direct and indirect benefits. Direct benefits include assisting developers to incorporate environmental considerations at design stage or change project site to minimise environmental risks and financial costs. Indirect benefits include beneficial circumstances created by the project. At project planning and design stage, EIA identifies adverse environmental consequences at an early stage, facilitating their prevention and mitigation. Hence at such an early stage, the level of environmental compliance of an activity is revealed, which facilitates decision-making to the benefit of the developer. For the Authority, EIA is an invaluable tool for project authorization and subsequent implementation monitoring. It provides a clear, impartial and transparent basis for efficient decision-making and eliminates stumbling blocks that would have been caused by unforeseen adverse environmental impacts of the project. Hence, the earlier the implementation of EIA is incorporated in the project cycle, the more benefits it will bring.

Generally, benefits of EIA are;

i) Enabling incorporation of environmental considerations in design and site selection for a project or development activities.
ii) Providing information beneficial to decision making.
iii) Enhancing responsibilities of relevant parties in the development process.
iv) Mitigating and minimizing environmental damage.
v) Avoiding costs and delays in implementation of projects that would arise from unanticipated environmental problems.
vi) Making development projects more financially and economically efficient.
vii) Making an active contribution to sustainable development.

1.6 EIA of Development Planning- Strategic Environmental Assessment (SEA)

The concept of sustainable development requires EIA to be expanded beyond projects level. SEA is the assessment of impacts of policies, plans, programmes which are higher than the project level. It involves impacts identification and analysis of development programs or policies in order to establish potential cumulative effects on environment over the long-term.

For effective integration of decision making with sustainable development criteria, SEA has proven an effective tool in restraining environmental degradation at national and global levels.

SEA and project level EIA have a close tiering relationship, similar to tiering from policy to project (the policy poses the general objectives for the planning, plans are the general framework for the formulation of programs and the programmes orient the preparation of concrete development projects). According to this tiering approach, the type and detail of environmental information necessary depends on the relevant needs of decision makers. For example, in policies and development plans one needs general and qualitative environmental information to identify major environmental problems, without dealing with specific impacts. Then, when implementing project level EIA it is necessary to identify specific impacts and technical information of the project. Since it is important that EIA must be carried out not only at project level, but also for masterplans for development of regions, sectors, provinces, cities and industrial zones, SEA is a vital tool in such cases.

1.7 Roles and Responsibilities of Different Stakeholders in EIA

Many relevant parties take part in EIA process as indicated below.

a) REMA

Mandated by law, REMA has a responsibility to organise the EIA procedure by undertaking screening, guiding developers on assessment procedures, conducting public hearings, reviewing EIA reports based on the terms of reference (ToR) and taking decisions on approval or disapproval of proposed projects. The Authority is also responsible for monitoring implementation of environmental protection measures recommended by EIA studies.

b) Developers

The developer has direct responsibility for the project and should provide necessary information about the project at all stages of the EIA process. Developers hire experts to undertake EIA studies on their behalf and answer questions about potential impacts and proposed mitigation recommendations at public hearings. Developers have the responsibility to implement the environmental management plan including mitigation measures as proposed in the EIA report and carry out subsequent environmental monitoring and auditing.

c) EIA Experts

EIA experts are professionals registered with REMA to undertake impact studies. They help the developer to carry out EIA, design mitigation measures, prepare EIA report, design environmental management and monitoring plans.

d) Lead Agencies

Lead agencies such as government ministries or departments have the responsibility for management and protection of environmental resources, public health and socio-economic development. Lead agencies have the responsibility to take part in EIA of projects under their sectors. They provide valuable technical information to EIA experts during EIA studies and are involved in the review process.

e) The Public

Communities have a right to take part in the EIA process. Public participation allows important social and environmental problems to be identified and gain consensus on nature and adequacy of proposed mitigation measures and recommendations.

The role of the public in the EIA process includes contributing information and advice to EIA studies during scoping and public hearing process. The public also advises project developers and REMA on approaches to avoid, minimize or compensate for adverse environmental impacts.

f) International Funding Organisations

All international funding organisations require EIA for projects they are to fund.

g) Academic Institutions

Members of academic institutions are commonly co-opted on EIA Technical Committees. They also institutionalise environmental education in their curricula.

1.8 Cost of EIA

Article 69 of the Organic Law (N^{o}. 04/2005 of 08/04/2005) indicates that environment impact assessment shall be carried out at the expense of the developer. Upon project approval, a developer is required to pay an administrative fee to the environmental fund (FONERWA) to be determined as a percentage of the estimated cost of the investment.

Part 2: EIA Process

2. EIA PROCESS

2.1 INTRODUCTION

Rwanda Environment Management Authority (REMA) was established under the Organic Law (N°. 04/2005 of 08/04/2005) and charged with the responsibility to oversee, co-ordinate and supervise the operationalization of the EIA process in Rwanda. As provided for in Article 67 of the Organic Law, a project cannot receive authorization for implementation unless issued with a certificate stating that an EIA is not required or, basing on an EIA report, REMA has approved the project.

EIA process involves the following four stages, namely: the Environmental Impact Initiation phase involving screening and scoping. Following this is the Impact Study Phase, which includes impact identification and analysis, development of mitigation measures and preparation of the report. The decision-making and authorization phase entails review of EIA reports and to either approve or disapprove a project. Lastly, environmental management and follow-up phase deals with monitoring aspects of the project during its implementation.

By law, EIA must be conducted before a developer implements a project. In situations where projects are already implemented (before coming into force of the Organic Law of May 1st, 2005) or are currently in an operation stage, such projects must undertake an Environmental Audit to ensure environmental compliance.

There are two types of formal submissions, which represent sequential stages in the EIA process. They are a Project Brief and an EIA report whose preparation and submission is a responsibility of the developer. A Project Brief is an information document that focuses on critical issues and is used by REMA for project screening. REMA provides procedural and technical advice to developers, as required, on how best to comply with EIA requirements and maintains a list of local, regional and international experts capable of carrying out EIA studies in Rwanda. REMA also maintains a register of all projects that have been approved and those being appraised under the EIA requirements. REMA has statutory responsibility for ensuring compliance with EIA requirements and relies substantially on expertise and advice of Lead Agencies

Detailed below are steps in the EIA process.

2.1.1 Project Application and Registration by REMA

The first step of the EIA process is a developer submitting an application for EIA of a proposed project to REMA in form of a Project Brief. REMA registers the Project Brief as the developer's formal application for an EIA. 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). If

adequate mitigation measures are identified in the Project Brief, this may eliminate the need for a full EIA and a project may be approved with or without implementation conditions.

At a minimum, a Project Brief submitted to the Authority shall contain the following information:

i) Name, title and address of developer.
ii) Name, purpose, objectives and nature of project, including attributes such as size of project, design, activities that shall be undertaken during and after the establishment of the project, products and inputs, sources of inputs, etc.
iii) Description of the proposed project site and its surroundings and alternative sites, if any, where the project is to be located.
iv) Description of how the proposed project and its location conform to existing laws, regulations and policies governing such project and the use of the site/area proposed for its location.
v) Any likely environmental impacts that may arise due to implementing various phases/stages of the project and proposed mitigation measures thereto.
vi) Description of any other alternatives, which are being considered (e.g. siting, technology, construction and operation procedures, sources of raw materials, handling of wastes etc., decommissioning/closure and site restoration).
vii) Any other information that may be useful in determining the level of EIA required.

2.1.2 Screening

Screening, carried out by the Authority is a process of determining impact level of a proposed project, which then determines extent of the EIA study.

When the Authority receives the Project Brief, it reviews it seeking input from appropriate Lead Agencies and other relevant stakeholders. Based on information in the Project Brief and established project screening criteria as outlined in Appendix 2, REMA determines whether or not an EIA is required and the developer is accordingly notified.

Screening enables early identification of environmental issues of major concern and incorporation of appropriate mitigation measures. Screening also enables identification of potential impacts on natural resources (whether the project would result in direct or indirect negative or positive impacts to natural resources), excessive resource consumption and waste generation. Screening enables categorisation of projects according to their Impact Level (IL) as follows:

a) IL 1: Projects not requiring further environmental analysis

Projects in this category are believed to have minimal adverse impacts, which can easily be identified through a Project Brief. A Project Brief is a summary statement of the likely environmental effects of a proposed development and it includes description of the site and proposed development in sufficient detail to enable the Authority to determine whether an EIA is required or not. For potential impacts of these projects, mitigation measures can be integrated in

the design of the project without necessarily requiring a detailed EIA. Hence, after a period of public input the project passes directly to decision-making level.

b) IL 2: Projects not requiring a full EIA but necessitate further level of assessment.

This category 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.

c) IL 3: Projects requiring a full EIA:

This category involves projects for which it is evident that there will be significant and adverse environmental impacts whose mitigation measures cannot readily be prescribed, and thus, must undergo through a complete EIA process.

The above definitions notwithstanding, categorisation of project impact levels and extent of EIA studies (with respect to duration and detail of terms of reference) will be determined by REMA.

If an EIA is not required, the project is exempted from further compliance with the EIA process in which case, REMA issues a certificate to that effect and advises the developer and relevant licensing authority of the exemption. Conversely, if an EIA is required, REMA informs the developer that a full impact study must be undertaken.

2.1.3 Scoping and Terms of Reference

Scoping is the initial step of the Environmental Impact Study phase and involves input of relevant Lead Agencies, stakeholders and the developer to obtain their comments on what should be included in the study and what alternatives should be considered. Scoping is a role of the developer through EIA experts.

The purpose of scoping is:

- To consider the main environmental problems to be studied, alternatives and to ensure that the spatial and temporal scopes and extent of the environmental assessment is compatible with the size of the project.
- To determine appropriate EIA methods relevant to the project's potential environmental and socio-economic impacts.
- To provide information to communities in areas affected by the project on environmental problems and alternatives so that they may take part in identification and assessment of the project's environmental and socio-economic impacts.
- Scoping is a necessary step in formulation of detailed ToR for impact assessment by the developer.

ToR ensure that important issues are not overlooked by the EIA Experts and developers during EIA studies. ToR outline conditions and expected output of an impact study.

ToR shall include:

i) Issues to be assessed during the impact study, as identified during scoping,
ii) Sufficient description of the specific work tasks for the EIA Experts,
iii) Stakeholders to be consulted,
iv) Description of the experts required for the impact study.

At the end of this exercise, the scoping report produced is submitted to REMA for review. Any relevant comments raised by the public after review of Project Briefs of IL-3 and IL-2 projects will also be incorporated in Terms of Reference. When ToR have been approved by the Authority, they are sent to the developer as authorisation to commence the environment impact assessment study.

2.1.4 Environmental Impact Study and Report

Environmental Impact Study phase is the investigative stage of the EIA process for which a developer hires EIA experts. This phase begins by a developer selecting expert(s) among a list of EIA experts provided by the Authority. If REMA disapproves of the selected expert(s), because their expertise is not suited to the scope of the proposed study, the developer will be required to choose again. If the developer's second choice is disapproved, then the Authority shall appoint EIA expert(s) it considers best suited to undertake the study and develop an Environmental Impact report, which is submitted to the developer. The developer and EIA experts shall work together throughout the EIS phase to develop adequate measures to mitigate negative impacts and enhance positive ones.

REMA's first role during the impact study process is in ensuring that experts chosen by the developer to undertake impact studies have specializations appropriate to the proposed project. Subsequently, REMA takes part in public hearings conducted for projects.

For an EIA Expert, the EIS which is a research and investigation phase of the EIA process, is the main stage of intervention. It is a three-step process as follows:

In step 1, potential impacts of a project and their magnitude are identified. Also included in this step is the Analysis of Initial State. Impact Level 3 (IL-3) projects start the Environmental Impact Study process at step 1 while IL-2 projects start the process at Step 2. IL-1 projects are not subjected to Environmental Impact Study, instead they go directly to the Decision-making and Authorization stage. IL-1 projects are however subjected to a period of public review during which stakeholders may submit written views to the Authority.

After completion of the impact study, EIA Experts produce an Environmental Impact Report including an Environment Management Plan (EMP). The main objective of an EMP is to streamline environmental issues into the business and operational plans of the project. An EMP is incorporated into the Environmental Impact Report and submitted to the developer who may, if necessary, append an addendum (*Environmental Impact Report Addendum)* to the EIA report. The developer then submits the EIA report including the environmental management plan and

the addendum (if applicable) to the Authority. The Authority will check these documents for completeness before passing them on to lead agencies and stakeholders for review (Step 3).

In Step 3 the Environmental Impact Report is subjected to a formal public hearing and post-hearing consultation. Output of the public hearing is a Public Hearing Report, written by the presiding officer (a REMA staff). The public hearing report and environmental impact report are then used by REMA for making a decision about approval or disapproval of the project. The EIA Experts should be present at public hearings to assist the developer in providing technical description of the project, potential impacts and justification of proposed mitigation recommendations.

Other specific roles of the EIA experts during impact study are;

i) Analysis of the initial state

During environmental impact study, EIA Experts should undertake an analysis of the initial state of the environment performed to create a comparative basis of impacts after project implementation commences. Analysis of Initial State should include a record of baseline environmental conditions considered to be threatened by the project. It may utilise scientific data, photographs of the area, or any other geophysical recordings. This information will be kept on record at the Authority for historical reference.

ii) Identification and Analysis of Impacts

This involves prediction and analysis of potential socio-environmental impacts that would result from developing, operation and decommissioning of the project.

iii) Mitigation Measures, Alternatives and Monitoring

This entails identification and assigning responsibilities and duties related to impact mitigation, alternative project options and requirements for monitoring. After mitigation measures have been identified, viable alternatives considered, details and schedule for monitoring during project implementation identified, the EIA Experts shall include this information in the Environmental Impact Report.

a) Mitigation Measures

Mitigation measures are intended to prevent or minimize negative impacts of a project and enhance the positive ones. EIA Experts shall develop mitigation measures for IL-3 projects, basing on findings of the environmental impact study. Mitigation measures for IL-2 projects will be based on nature of the project, its components and input of the review committees. The EIA experts shall prioritise mitigation measures, organizing them into a hierarchy of importance with highest priority given to measures that prevent highly significant adverse environmental or socio-economic impacts.

b) Review of Alternatives

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. Alternatives suggested will be evaluated by the Technical Committee during the decision-making process.

The EIA experts shall make a systematic comparison of the proposed investment design, site, technology, and operational alternatives in terms of their potential environmental impacts, capital and recurrent costs, suitability under local conditions, and institutional, training and monitoring requirements. For each alternative, the environmental costs and benefits should be quantified to the extent possible, economic values should be attached where feasible, and the basis for the selected alternative should be stated. The *"No project*" option which implies that the project may not be implemented, should also be analysed.

iii) Preparation of EIA Report

The EIA experts shall compile results of an impact study into a report termed an *Environmental Impact Report*. This document should provide the Authority with sufficient information to objectively appraise and either approve or disapprove of a proposed project. The Environmental Impact Report should be forwarded to the developer who shall have the responsibility of submitting it to REMA.

An EIA report shall have the content outlined Appendix 3. While there is no limit to number of pages required, EIA Report should be concise, addressing only the relevant issues based on logical assumptions and simulations.

a) Environmental Impact Report Addendum

After going over the EIA report, the developer may consider some information insufficient and requires clarification or want to add organisational or technical information relevant for authorisation. In such circumstances, the developer is encouraged to attach a supplementary addendum to the EIA Report before submitting the documents to REMA. This addendum will address specific changes in mitigation measures and/or plans for monitoring. The addendum will indicate changes to specific parameters, measurements, or mitigation requirements in the EIA report and propose alternatives. Each change to the EIA report should have a short description and a concise reason justifying it.

2.1.5 Submission of EIA Report to the Authority

After a developer has reviewed the EIA report and, if necessary, written an addendum, these documents, which should be signed by the EIA experts, are submitted by the developer to REMA. The developer shall submit at least five copies of the EIA report to the Authority.

When submitting EIA documents to the Authority, developers shall indicate any information, which they wish to remain confidential. All such confidential information shall only be privy to the developer, EIA experts and the Authority.

The Authority shall ensure that for any project ready for review, three principal documents are available, namely;

i) Environmental Impact Report (EIR) including Environment Management Plan (EMP),
ii) Developer's Environmental Impact Report Addendum (where applicable),
iii) Public Hearing Report.

REMA cannot start the review process if any of the above documents is missing.

2.1.6 EIA Report Review, and Decision-Making

Review of EIA documents submitted to the Authority enables subsequent decision-making on either approval or disapproval of a project.

2.1.6.1 Public Hearing

REMA is responsible for conducting public hearings during the EIA process. The purpose of a public hearing is to furnish interested and affected parties and the public with an opportunity to comment on, or raise issues relevant to an application for environmental authorization. The range of individuals, agencies and organizations to be involved in public hearings should include as a minimum: government ministries likely to have their areas of responsibilities affected by the project, a local government with jurisdiction over the area where a project is proposed, environmental committees, trade associations, public, local communities, non-governmental organisations and the developer.

During a public hearing, the developer will be given time to deliver a presentation to stakeholders, describing the project, perceived impacts and proposed mitigation measures. For completeness, the developer may also discuss findings of the impact assessment study. If a public hearing is held during scoping, the developer should be available to describe the project, potential impacts and proposed mitigation measures to stakeholders. Developers may adopt their legal counsels or EIA experts as either principal or secondary speakers during presentation at public hearings. On completion of this process, REMA compiles a public hearing report. Guidelines for public hearings are detailed in Chapter 6.

2.1.6.2 Review by Lead Agencies, Local Governments and Community

Once EIA documents are received by REMA, copies are forwarded to relevant Lead Agencies, Local Governments and general public for them to provide comments that would be useful for making a final decision about approval of the proposed project. Within REMA, EIA documents are reviewed by two committees, namely; a Technical Committee and an Executive Committee, performing specific roles detailed below.

2.1.6.3 Review by Technical Committee

EIA documents submitted to REMA are first reviewed by a Technical Committee. The committee appointed by the Director General of the Authority, reviews technical aspects of the EIA report, Public Hearing Report and if applicable, the Environmental Impact Report Addendum. Depending on nature, location and impact level of a project, the Technical Committee constitutes experts selected from:

i) The Authority (EIA Department),
ii) Lead Agencies,
iii) Academic institutions,
iv) Recognized experts in the field of project.

In reviewing the addendum, the Technical Committee shall make an informed decision on the validity of changes made to the EIA Report and the rationale for any adopted changes will have to be explained in the committee's Technical Summary Report.

Upon completing the review, the committee chair (a member of the Authority) shall draft a Technical Summary Report to include the following:

i) A summary of the project,
ii) A decision of the Technical Committee concerning acceptability of the project,
iii) Rationale for adopting changes in the EIA report addendum,
iv) Any other information suggested by the Technical Committee.

The Technical Summary Report shall be signed by all Technical Committee members and submitted to the Executive Committee for final review. Where one or more members are not in agreement with the general position of the Technical Committee, these members shall present their views in a separate document to be submitted with the Technical Summary Report to the Executive Committee.

If a project is to be approved with conditions, the Technical Committee shall incorporate them in terms and conditions for implementation.

2.1.6.4 Review by Executive Committee

The Executive Committee makes the final decision on acceptability of a proposed project. The committee shall comprise three members; the Director General of the Authority (as Chair), Authority's Director of EIA Department and a representative of a relevant Lead Agency.

The review by Executive Committee shall dwell on implications of identified impacts, their mitigation measures and input from public hearings. For impacts, the review will focus mainly on consideration and choice of alternatives, while for mitigation measures, the decision would be based on their effectiveness. A unanimous agreement of the Executive Committee shall be

required for project approval. Once the project is approved, conditions shall be prepared detailing, where applicable, terms to be abided by during project implementation.

2.1.6.5 Record of Decision

When review of EIA documents is completed, the Authority shall decide to either approve the project with or without conditions, or reject it. A Record of Decision shall be prepared by the Authority (Executive Committee) and issued to the developer. If the project is approved, the developer will be issued with an EIA Certificate of Authorization, which permits implementation of the project in accordance with mitigation measures in the EIA Report and any additional conditions as the Authority might consider necessary.

2.1.6.6 Implementation and Operations Order (IOO)

After a Record of Decision approving project implementation has been made, the Director in charge of EIA in REMA shall issue to the developer, an Implementation and Operations Order (IOO). This legal order specifies compliance terms and conditions to be met during project implementation and operation. These conditions based on information from the EIA Report and Public Hearing Report shall indicate requirements for implementation, impact mitigation and environmental monitoring. An EIA Certificate of Authorization granting permission to begin development shall not be issued until a developer agrees to these conditions.

2.1.6.7 EIA Certificate of Authorization

REMA shall issue a Certificate of Authorisation after a proposed project is approved. This document is legally binding and authorises the developer to implement a proposed project, subject to any terms and conditions stipulated. Except in cases of appeals, the Authority is the final decision-making agency with power over issuance of EIA Certificates of Authorization.

2.1.6.8 Appeal Against Authority's Decision

If REMA rejects a proposed project after reviewing an environment impact report, the developer can abandon the project, improve and resubmit a revised EIA report or appeal to the Minister for environment as follows:

i) The developer shall appeal in writing, stating all facts and grounds of the appeal.
ii) All relevant documents or their copies, which are certified by a Commissioner of Oaths as true documents, must accompany the appeal.
iii) The Minister shall, after considering all relevant facts and supporting documents, uphold the original decision outright, with modification or reverse the decision.

If the developer successfully appeals against the Authority's decision, the Authority is obliged to issue a revised Record of Decision to the developer.

2.1.6.9 Environmental Auditing and Monitoring

Monitoring refers to regular collection of environmental data at the project site while environmental auditing is a systematic documentation, periodic and objective evaluation of protection and management of the environment.

Both REMA and the developer (or an EIA Expert contracted by a developer) shall be responsible for environmental monitoring and auditing. During auditing and monitoring, the Authority intends to ensure that mitigation measures and recommendations of the environmental impact study are implemented to avoid adverse environmental impacts and costs a developer would incur in restoration if environmental degradation occurred.

a) Dual Level Monitoring

The monitoring process shall be a dual level process executed by both the developer and REMA. The developer shall undertake self-monitoring, self record-keeping and self-reporting. Information gathered through monitoring shall be recorded and forwarded to REMA annually.

During monitoring the developer shall measure specific environmental indicators determined by prevailing national standards, sectoral regulations and any other relevant legislation. The developer will be responsible for regular and frequent monitoring and shall keep records of monitoring with respect to date and findings. Monitoring environmental parameters recommended by the EIA study should be an ongoing responsibility of the developer who should annually submit a monitoring report to the Authority.

Monitoring shall follow a plan detailing a schedule for inspecting and reporting findings to REMA and relevant Lead Agencies. It shall also identify key indicators of the environmental quality and impacts to be monitored and threshold levels above which the impacts are significant, delineate responsibilities specifying who collects data, who acts, what specific actions and costs involved. REMA and relevant Lead Agencies shall review the monitoring reports and advise on measures necessary to abate any ongoing impacts.

A project shall be considered non-compliant and could face penalties or closure if a developer does not submit monitoring reports or does not implement impact mitigation measures to the satisfaction of the Authority. REMA shall also undertake parallel monitoring as the developer, but on an impromptu basis.

b) Preparation and Contents of a Monitoring Report

The developer and REMA shall implement and monitor environmental aspects of the project in accordance with the impact mitigation plan described in the Environmental Impact Report, each entity preparing a monitoring report with the following information:

1. Name or title of developer,
2. Address of developer,
3. Name of project,

4. Details of environmental parameters/ indicators monitored,
5. Results of monitoring exercise,
6. Specific parameters not in compliance,
7. New measures for improved environmental conservation (in cases where monitoring results show worse conditions than predicated in the Environmental Impact Assessment).

c) Verification of Monitoring Data

In cases where the Authority needs to verify content of monitoring reports submitted by facility owners, its inspectors shall undertake onsite measurements as need arises. Data so collected will be compared with what is provided by the developer. After cross-checking the two sets of data, the Authority shall produce a report detailing the monitoring results. The monitoring report made by the Authority, referred to as a Compliance Report, will indicate whether or not the developer's monitoring data is consistent and if he is in compliance.

If the monitoring data is found to be inconsistent, REMA will immediately repeat monitoring for contradictory parameters. If the developer is found to be non-compliant he/she shall take measures necessary to mitigate any ongoing adverse environmental impacts. The Authority shall have an oversight function to ensure that monitoring is conducted and that the developer implements measures arising out of such monitoring. The developer shall submit to the Authority and the lead agency a report on mitigation measures taken to address ongoing impacts.

d) Compliance

The Authority shall ensure that all development projects comply with environmental regulations. Compliance is attained when a project fulfils all necessary mitigation, remediation, monitoring and conditions (or any of their amendments) specified by REMA before project implementation. A project is said to be non-compliant if:

- Higher than regulatory levels of impact in at least one parameter have occurred,
- Appropriate mitigation measures as agreed in the implementation terms and conditions are not implemented,
- Monitoring records are not kept and reported to REMA,
- Directions of the Authority to mitigate environment impacts are overlooked,
- No EIA Certificate of Authorization from REMA was obtained,
- Designated environmental inspectors are denied access to project premises.

Notwithstanding any licence, permit or approval granted under any law or government agency, projects found to be non-compliant shall be charged with an offence, penalised, have its EIA Certificate of Authorization withdrawn and can be temporarily or permanently closed.

e) Self Auditing

Developers shall undertake self-auditing according to national Audit Guidelines and Regulations.

2.1.7 Project Decommissioning or Relocation

Upon project completion or when seeking relocation, a developer should prepare a decommissioning plan and submit it to REMA for approval. The decommissioning plan should include but not limited to assessment of existing environmental conditions, all proposed engineering works, mitigation activities associated with the removal of project facilities and proposed restoration measures.

Part 3: Roles of Stakeholders' in the EIA Process

3. ROLES OF DEVELOPERS

Following the EIA process in Chapter 2 above, developers shall undertake the following roles:

i) Prepare and submit EIA applications (in form of Project Briefs) to REMA,
ii) Hire experts to undertake EIA studies on their behalf,
iii) Prepare and append an addendum (*Environmental Impact Report Addendum)* to the EIA report (if necessary),
iv) Submit the EIA report, Environmental Management Plan and the EIA Report Addendum (if applicable) to the Authority,
v) Participate in public hearings,
vi) Implement terms and conditions (if any) REMA attached to approval of their projects,
vii) Report to REMA and relevant Lead Agencies on compliance with terms and conditions of approval,
viii) Undertake monitoring of projects during implementation and report annually to REMA,
ix) Undertake annual (or at any other time as demanded by REMA) environmental auditing of their projects, according to Audit Guidelines and Regulations of Rwanda,
x) Undertake environmental auditing, according to Audit Guidelines and Regulations of Rwanda, when seeking closure or relocation.

4. ROLES OF THE AUTHORITY AND LEAD AGENCIES

According to the EIA process (Chapter 2), REMA and Lead Agencies shall undertake the following roles:

4.1 Roles of REMA

i) Receive and register EIA Applications (Project Briefs) submitted by developers,
ii) Identify relevant Lead Agencies to review Project Briefs and provide necessary input during screening,
iii) Review Project Briefs and determine project classification at screening stage,
iv) Transmit Project Briefs to relevant Lead Agencies and concerned Local Governments to provide input on Terms Of Reference (ToR),
v) Publicise Project Briefs and collect public comments during development of ToR,
vi) Approve EIA Experts to conduct EIA studies,
vii) Receive EIA documents submitted by a developer and verify that they are complete,
viii) Transmit copy of EIA Reports to relevant Lead Agencies, Local Governments and Communities to review and make comments,
ix) Review EIA reports and make decision on approval, organize and conduct public hearings, appoint an officer from Authority to chair public hearings, receive public comments and compile public hearing reports,
x) Appoint the Technical Committee and its representative to the Technical Committee,
xi) Appoint the an Executive Committee, and its representative to the Technical Committee,
xii) Forward EIA Documents (EIA Report, Environment Monitoring Plan and Public Hearing Report) to the Technical Committee,
xiii) Chair the Executive Committee which makes final decision on approval of a project,
xiv) Communicate decision on whether or not a proposed project is approved,
xv) Issue to developers EIA Certificate of Authorisation if their projects are approved,
xvi) Enforce compliance through inspection, environmental monitoring and auditing.

Its other functions are;

xvii) Ensure compliance with EIA provisions,
xviii) Manage the production and updating of guidelines on EIA practice, procedures and regulations,
xix) Preparation of sector-specific EIA guidelines,
xx) Maintain a register of projects being appraised under the EIA process,
xxi) Maintain a central library of approved EIA reports,
xxii) Register and maintaining a directory of registered EIA Experts.

b) Technical Committee of REMA

i) Receive EIA Reports, Environment Monitoring Plans and Public Hearing Reports from Authority,
ii) Review EIA documents and report its recommendations to the Executive Committee,
iii) Develop project approval terms and conditions,
iv) Prepare and transmit to Executive Committee a Technical Summary Report after reviewing EIA documents,
v) Prepare monitoring terms and conditions to be followed during project implementation.

c) Executive Committee of REMA

i) Receive and review Technical Summary Report of the Technical Committee,
ii) Make the final decision on approval of the proposed project,
iii) Produce and send to the developer a Record of Decision indicating final decision of the Committee's review,
iv) If project approved, prepare and send EIA Certificate of Approval to the developer.

4.2 Functions of Lead Agencies/ Line Ministries

i) Participate in screening at the request of REMA,
ii) At the request of REMA, review Project Briefs so as to advise on Terms of Reference,
i) Ensure that their *own* projects adhere to EIA requirements,
ii) Ensure that *private-sector* projects in fields over which they have jurisdiction comply with EIA requirements,
iii) At the request of REMA, review EIA report,
iv) Serve on REMA's Technical Committee,
v) Serve on REMA's Executive Committee,
vi) Provide information or advice to developers and EIA Experts during EIA process,
vii) Participate as panellists at public hearings held during the conduct of EIA,
viii) Advise developers on the requirement for EIA (where relevant) before licensing their projects,
ix) Assist in inspecting and monitoring environmental compliance by ensuring that licensing terms and conditions are met, including those specified by REMA.

a) Rwanda Investment & Export Promotion Agency

- Advise investors on the need to obtain EIA certificate of approval from REMA before project implementation,
- Review project documents of prospective investors and seek advice from REMA,

b) Academic/ Training Institutions

- Develop and execute short-term training programmes on EIA,
- Institutionalise environmental education,
- Serve on REMA's Technical Committee.

c) Non-Governmental Organizations

- Identify projects in their area, with potential adverse environmental effects,
- Monitor compliance with EIA requirements,

d) Local Governments

i) At the request of REMA, review Project Briefs so as to advise on Terms of Reference,
ii) Provide information or advice to developers and EIA Experts when consulted during EIA process,
iii) At the request of REMA, review EIA reports and provide comments to REMA,
iv) Assist REMA in organising public hearings,
v) Host public hearings,
vi) Host individual consultations,
vii) Gather written comments from public and transmit them to REMA.

5. GUIDELINES FOR EIA EXPERTS

This section outlines functions of experts (or EIA Experts) who shall conduct EIA studies. Due to the diversity of environmental issues in an environmental impact study, conduct of EIA often requires a multi-disciplinary team of EIA experts. EIA process in Rwanda has four main phases, namely; 1) Environmental Impact Assessment Initiation Phase, 2) Environmental Impact Study Phase, 3) Decision-Making and Authorization Phase and 4) Monitoring. Involvement of an EIA Expert is mostly in stages 1 and 2 with the following functions;

i) Undertake an "Analysis of Initial State" to record baseline environmental conditions that would be threatened by the proposed project,
ii) Identify impacts of a proposed project,
iii) Identify necessary mitigation measures and logical alternatives to project location, technology, and processes,
iv) Undertake stakeholder consultation,
v) Prepare an EIA Report and Environment Management Plan which they shall forward to the developer,
vi) Participate in public hearings,
vii) Undertake environmental monitoring (if hired by the project developer),
viii) Undertake environmental auditing (if hired by the project developer).
ix) Adhere to the Code of Conduct governing registration of EIA experts in Rwanda.

Table 1: Chronological functions of various actors in the EIA process.

Functions / EIA stages	Developers	REMA	Lead Agencies	Local Governments	Community
Application for of EIA.	Submit application in form of Project Brief.	Receive and register EIA application (Project Brief) submitted by developer.			
Screening.		• Review Project Brief to determine project classification. • Identify relevant Lead Agency to participate in project screening.	• Participate in screening.		
Scoping & developing Terms of Reference.		• Transmit Project Brief to Lead Agency, Local Government. • Organize publication & consultation on the Project Brief. • Collect public comments. • Approve experts to conduct EIA study. • Write ToRs and send them to the developer.	• Receive and review copy of Project Brief from Authority. • Send advice on Project Brief to REMA.	• Receive and review copy of Project Brief from REMA. • Send comment/ advice on Project Brief back to REMA.	• Receive and review copy of Project Brief from REMA. • Send comment/ advice on Project Brief back to REMA.
Assessment of Impacts.		• Provide information when consulted by EIA experts during impact studies.	• Provide information to EIA Expert / and or Developer.	• Provide information to EIA Expert /and or Developer.	Provide feedback during community consultations.
Submission of EIA documents to REMA.		• Receive prescribed number of copies of EIR, EMP and Addendum (if applicable) from developer. • Verify that submitted EIA documents are complete.			

Functions / EIA stages	Developers	REMA	Lead Agencies	Local Governments	Community
Public & stakeholder input.		• Transmit copy of EIR and EMP to Local Government(s), Lead Agencies and communities. • Organize public hearings. • Appoint Public Hearing presiding officer (Chairperson) from its staff. • Receive public comments.	• Receive and review copy of EIR and EMP from Authority (if not member of Technical Committee). • Serve on public hearing panel.	• Receive and review copy of EIR and EMP from Authority. • Assist REMA in organising public hearings. • Host public hearings. • Host individual consultations. • Collect written comments from general public. • Send collected public comments to REMA.	• Receive and review copy of EIR and EMP from Authority. • Send comments on project to Local Authority • Participate in public hearings.
Review process & Decision-making.		• Appoint the Technical and Executive Committees to review EIA documents and make final decision, respectively. • Be member of the Technical Committee. • Transmit EIR, EMP & Public Hearing Report to Technical Committee. • Chair the Executive Committee. • Take decision and communicate to developer.	• Serve on the Technical Committee. • Serve on the Executive Committee.		

Functions / EIA stages	Developers	REMA	Lead Agencies	Local Governments	Community
Project implementation, monitoring & auditing.		• Inspect to ensure environmental compliance during project implementation. • Receive and review annual Monitoring Reports prepared by developers. • Cross-check monitoring results. • Undertake routine inspection and auditing to enforce compliance. • Take action when project not in compliance.	• Assist in inspecting and monitoring environmental compliance during project implementation.	• Environmental officers at local government level assist in inspecting and monitoring environmental compliance during project implementation.	

6. PROCEDURE FOR CONDUCTING PUBLIC HEARINGS

This section provides the procedure for conducting public hearings to inform stakeholders about development projects, obtain their input and the use of that information in decision-making.

6.1 Introduction

Public participation in EIA is a systematic way to obtain public involvement in the planning, development and decision making process. Public hearing is vital in conducting an effective, balanced and streamlined EIA process and it benefits not just the public but also developers. By incorporating socio-cultural issues into environmental management and economic development, public involvement promotes the concept of sustainable development.

a) Background

Public involvement is a cornerstone of the EIA process in Rwanda. The Authority considers public participation as a valuable source of information on potential impacts, mitigation measures and viable alternatives. Public participation aims at improving project design, environmental soundness and social acceptability. It provides opportunity for public involvement in scoping, EIR review and monitoring.

b) Advantages of public participation in EIA process

Public hearing is designed to guide discussion by interested parties in an organized way. It provides stakeholders with a chance to contribute to project design and implementation, which enhances harmony between the project and host communities. When people are informed about projects and empowered to invoke changes, their concerns reduce and are more receptive to proposed developments.

In project areas, communities often have better knowledge of the local environment. This information is important for improving project design. Using this knowledge, developers can often obtain foresight into potential consequences of a project, hence devise ways to minimise adverse impacts and enhance potential benefits. Through public participation, stakeholders help define environmental concerns of a project and suggest alternatives to be assessed.

Lastly, involving local communities will broaden their understanding of the project, enabling them to play an effective role in monitoring and ensuring compliance to mitigation measures proposed in the EIR. The public will also become increasingly aware of environmental sustainability issues and gain a sense of public responsibility for their environment.

c) Who to involve

The range of individuals, agencies and organizations to be involved in public hearings should include as a minimum: government ministries likely to have their areas of responsibilities affected by the proposal, local government bodies responsible for the area where a project is proposed, private sector organizations such as trade associations, general public, local communities and NGOs.

6.2 Public Involvement

There are three major stages at which public involvement occurs in the EIA process;

a) Public consultation before commencing an EIA study

After receiving the Project Brief from the developer, REMA, in consultation with the lead agency, shall determine whether a public hearing is necessary. At this time, REMA shall notify the developer about its intent of publishing the Project Brief (or its summary) together with relevant supporting documents in a public notice. Objections and comments from the public and other stakeholders shall then be submitted to REMA and to a relevant Lead Agency.

In certain circumstances, it may be necessary to meet stakeholders or local community expected to attend a public hearing so as to explain procedures and issues that will be brought up during the public hearing. Such pre-hearing meetings and consultations should be held at least three days before the date of a public hearing.

b) Public consultation during an environmental impact study

During an environmental impact study, EIA Experts shall seek views of persons who may be affected by the project. This will be done particularly during the scoping process and at any other crucial stages considered necessary by the Authority. Consulting the public during an impact study is important in identifying issues and impacts considered important by local communities. Identifying and addressing pertinent issues early will avoid difficulties during subsequent public review of the EIA report.

c) Public consultation after completion of the EIA report

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.

d) Notification of public hearing to the public

Prior to the public hearing, REMA shall notify the public about the proposed development, Environmental Impact Report (EIR) and impending public hearing.

Notice to the public shall be made through all of the following means:

i) Posting public posters in strategic places around the proposed site,
ii) Publishing a notice about the project for one week in a nationwide newspaper,
iii) Announcements of the notice in *Kinyarwanda*, English and French on national radio at least once a week for two consecutive weeks,
iv) Hold at least three public meetings with the affected parties and communities to explain the project and its effects in order to receive their comments,
v) Send appropriate notices at least once per week prior to the meetings concerning venue and time of the meeting in order to ensure that the specified time is acceptable to the affected stakeholders.

e) Ways for public participation

While methods of public participation will depend on circumstances of each EIA, the following are considered appropriate:

i) Public review of Environmental Impact Report,
ii) Informal group meetings with local community groups and leaders,
iii) Workshops,
iv) Public displays or bulletin boards posted in communities,
v) Public notification and calls for written comments on proposed project/activities,
vi) Participation in scoping processes,
vii) Survey of a groups or individuals who are representative of the various interests being affected by a proposal,
viii) Consultation with focus groups to identify issues specific to certain stakeholders,
ix) Comment and review of the EIA,
x) Distribution of relevant documents to the interested members of the public.

6.3 Public Hearing Process

6.3.1 Categories of Public Hearings

Public hearings may occur as a single meeting or as a series of meetings in various venues. Below are outlined two categories of public hearings depending on nature of development.

a) Projects by a private developer

These projects will be undertaken by non-governmental organisations and private sector entities and shall be subjected to complete public review during the EIA process. Public hearing for these projects will be facilitated by REMA and relevant Lead Agencies.

b) Projects by a Lead Agency

Where a Lead Agency is the developer, all public hearings shall be conducted by REMA. The Lead Agency shall have no role in conducting the public hearing.

6.3.2 Locations for Public Hearings

Depending on size and scope of the project, multiple public hearings may be held across a wide area (e.g. region of the country or at national level). Where a single public hearing will be held, it shall occur within the community nearest to the site of proposed development.

In rural settings, public hearings should occur in a location where attendance by stakeholders is relatively easy and the variety of views by stakeholders can be maximized. This location may be a local community centre, a central market area, government administrative building or a variety of possible outdoor venues suitable for supporting large numbers of people.

6.3.3 Speakers at a Public Hearing

Parties and stakeholders interested in presenting at a public hearing will be required to submit written requests to the presiding chair of the public hearing at least three days prior to the meeting. Requests should indicate the name, address and affiliation of the presenter. Executors of these requests will be considered "*registered presenters*". Persons wishing to present or speak at the public hearing who do not register three days prior to the hearing will be considered "*informal presenters*" and will be allotted time for presentations after the registered presenters.

Registered presenters shall be assigned to a time slot prior to the public hearing and will be notified of their time slot upon arrival to the public hearing. Registered presenters who do not appear in time at the public hearing shall be moved to the end of the presentation list. Informal presenters may register their time slots at any time during the first half of the public hearing. All speakers will be limited to a single time slot per interest group or per stakeholder, unless time allows for further discussion.

6.3.4 Format of a Public Hearing

Public hearings shall be presided over by a REMA-appointed presiding chair. Hearings shall not be judicial proceedings, but rather comprised of presentations, question and answer sessions and discussions based on cases presented.

6.3.5 Roles of Participants During Public Hearings

Table 2 shows people who shall comprise the public hearing panel and their roles:

Table 2: Public hearing participants and their roles.

Person	Agency	Role(s)
Presiding Chair	REMA	Presides over all decisions at public hearing sessions.
Secretary	REMA	Records minutes, registers presenter list, act as timekeeper responsible for monitoring presentation times allocated to speakers.
EIA Specialist	REMA	Outlines findings of the environmental impact study.
Developer or Representative	Developer	Give presentation on project, respond to presentations, answer questions.
Representative	Lead Agency	Respond to presentations and questions.
Translator	Developer	Translate from *Kinyarwanda*, French and English to facilitate communication during the hearing.

6.3.6 Summons

The presiding chair may issue a request to the Director General of REMA to formally summon a witness, relevant documents or items considered to be essential for public knowledge at a public hearing. Stakeholders may submit requests for summons to the presiding chair, who will at that time decide with consultation from the Director General the relevancy of said person/items to be summoned. Requests for summons by stakeholders must be submitted to the presiding chair at least three weeks before the public hearing.

6.3.7 Presentation by the Developer

A developer will be allocated time to deliver the first presentation to the public and stakeholders describing the project, potential impacts and planned mitigation measures. The presenter may also wish to discuss details of the EIR. This presentation shall be limited to 15 minutes.

6.3.8 Presentations by Stakeholders

After the developer's presentation, registered presenters will present their views, followed by informal presenters in their order of signing up. Stakeholders may wish to simply use their time for questions and answers or provide presentations in the form of a speech, expert testimonial or legal counsel address. Stakeholder presentations shall be limited to 10 minutes per person.

6.3.9 Response from the Hearing Panel

After each stakeholder presentation, the developer shall be permitted to respond. Where relevant, issues brought up by the stakeholder shall be noted down by the presiding chair and reiterated to the developer for systematic response during this time.

6.3.10 Final Question and Answer Session

After all registered and informal speakers have finished their presentations, a 30-minute session of questions and answers from the general audience shall be allowed. By show of hands, the presiding chair shall choose members in the audience to speak.

6.3.11 Alternative Forms of Input During Public Hearings

It is recognized that not all stakeholders might be able to attend a public hearing. Additionally, some stakeholders may not wish to attend a public hearing but still desire to have their views considered during the final EIR review and decision making process. Below are alternative forms through which stakeholders can communicate their views to the Authority.

a) Written statements

Stakeholders will be allowed time from the publication of the EIR to submit concerns or comments. Alternatively, after the public hearing process, stakeholders may submit written concerns and comments to REMA or the presiding chair.

b) Independent consultations

In circumstances where stakeholders are unable to correspond in writing with REMA, an independent consultation period will be facilitated at the site of the public hearing the following day by the presiding chair and secretary. Here, stakeholders will come to present their concerns and questions. This option gives stakeholders who are at risk of being marginalised because they are a minority voice, illiterate, unable to attend the public hearing, uncomfortable addressing authority in public or require privacy to voice their concerns, a chance to express their views. Information gathered from these sessions will be recorded by the secretary and considered by presiding chair in the final report.

6.4 Transcripts and Summary of Proceedings

The secretary in attendance at a public hearing will be responsible for recording and subsequent transcribing of the proceedings. This transcript will be kept on record and approved by the Ministry charged with oaths and authentication. The transcript will accompany the presiding chair's final report. A copy of the transcript will immediately be made available for review by the Director General of REMA, head of the relevant Lead Agency and the developer.

6.5 Public Hearing Report

After completion of independent consultations and a transcribed account of the public hearing has been finalised, the presiding chair shall produce a final report to REMA, lead agency/ies and the developer. The Public Hearing Report (PHR) will be passed to the Technical Committee of REMA. The report shall contain a summary of proceedings of the public hearing including all facts, concerns and views presented. The report shall also include recommendations made by the presiding chair to the Technical Committee basing on outcome of the public hearing. The report will include a list of persons in attendance on the hearing panel, a list of names and affiliations of all stakeholders including ones who gave both registered and informal presentations. This document will remain confidential until after the Technical Committee has produced their record of decision (RoD).

6.6 EIR Decision Making and Pursuant Requirements

When REMA publicises an EIA report for public review, the public shall forward written comments to the Authority and if it is satisfied with the written comments, REMA shall after consultation with the Lead Agencies, take them into consideration when reviewing the EIR.

Once REMA is satisfied with particular concerns of the public, it shall require the developer to carry out a more in-depth study of specific aspects of contention in order to take into account all the necessary measures to address the issues raised by the public. Where a Lead Agency or government ministry/department is the developer, the same process and requirements will hold. REMA will present the written requirements concerning necessary steps to address issues of mitigation and compliance to the ministry/department undertaking the development project.

6.7 Administrative Issues

6.7.1 Presence of Legal Counsel

During public hearings, any stakeholder who wishes to include a legal counsel or EIA expert as either the principal or secondary speaker of a presentation may do so. This privilege will also be extended to members of REMA, Lead Agencies and the developer.

6.7.2 Adjournments and Extensions

The presiding chair reserves the right to adjourn or extend a public hearing. Once a public hearing is adjourned it may, by decision of the presiding chair or REMA, be reopened at anytime before the final submission of the Public Hearing Report to REMA. After submission of the Public Hearing Report to REMA by the presiding chair, no other public hearing will be held.

Although the presiding chair reserves the authority for adjournment, no public hearing shall conclude in less than three hours.

6.7.3 Media Coverage

Unless objected to by the presiding chair through a written statement to REMA, full media coverage of public hearings by print media, radio and television shall be permitted. In cases where the presiding chair feels that television or radio coverage may inhibit presence or presentation by stakeholders, these media devices will be prohibited. However reporters shall not leave the public hearings. Newspaper reporters will be allowed unfettered access to public hearings unless their presence causes undue distraction to the proceedings. All media interviews with stakeholders or members of the hearing panel (REMA, Lead Agency and the developer) will be limited to break periods and after the hearing has adjourned.

6.7.4 Constraints to Public Participation

Although the principal goal of public participation in EIA process is to ensure that views of stakeholders are addressed, certain constraints may inhibit full public participation.

Situations may occur where special provisions need to be made in order to get input from disadvantaged or minority groups. Where minority groups are identified but provisions cannot be made for their involvement, this lack of input should be considered during review of the EIR and when taking decisions regarding the project.

Factors[1] that may lead to an unbalanced or constrained public participation are:

- **Poverty** – Involvement means time spent away from income-producing tasks. This favours the wealthy.
- **Remote and Rural Settings** – In dispersed settlement, distance makes communication more difficult and expensive.
- **Illiteracy** – Involvement will not occur if print media is used.
- **Local Values/Culture** – Behavioural norms or cultural traditions can inhibit public involvement or exclude those who do not want to disagree publicly with dominant groups.
- **Languages** – In Rwanda, stakeholders in rural areas may not have a working knowledge of French or English, potentially making communication difficult.
- **Interest Groups** – Can bring conflicting and divergent views and vested interests.
- **Confidentiality** – May be important for the developer, and may weigh against early involvement and consideration of alternatives.

It is important that persons or entities organizing and conducting public hearings are aware of such constraints and their impact on the level of stakeholder input.

[1] EIA Training Resource Manual; UNEP, 1996.

Part 4: EIA Procedure

7. PROCEDURE FOR CONDUCTING EIA

EIA process in Rwanda consists of the following phases;

i) **Project Brief Submission and Registration**

As a first step in the EIA process, a developer proposing to start a project shall notify REMA in writing by submission of a Project Brief. The purpose of a Project Brief, which should be prepared as prescribed in Section 3.1, is to provide information on the proposed activity so as to enable REMA and Lead Agencies establish whether or not the activity is likely to have significant impact on the environment, and thus determine the level of EIA necessary. The project brief submitted to REMA by a developer will be registered as the formal application for an EIA.

ii) **Screening**

Screening refers to the process by which REMA makes a decision as to whether an EIA is required or not, based on information in the Project Brief. It is through screening that REMA is able to classify proposed projects as either of impact level (IL) 1, 2 or 3.

iii) **Scoping and consideration of alternatives**

The responsibility for scoping shall be that of the developers (or their EIA experts) in consultation with Lead Agencies and all relevant stakeholders. Scoping is intended to establish important issues to be addressed in the environmental impact and eliminate the irrelevant ones. After scoping, REMA approves the terms of reference that would be used for carrying out the environmental impact study.

iv) **Baseline data collection and Analysis of Initial State**

Baseline data describes status of existing environment at a location before intervention of the proposed project. Site-specific primary data on and around a proposed site should be collected by experts conducting the environmental impact study to form a basis for future environmental monitoring.

v) **Impact prediction and analysis of alternatives**

Impact prediction is a way of forecasting the environmental consequences of a project and its alternatives. This action is principally a responsibility of an EIA expert. For every project, possible alternatives should be identified and environmental attributes compared. Alternatives should cover both project location and process technologies. Alternatives should then be ranked for selection of the most optimum environmental and socio-economic benefits to the community. Once alternatives have been analysed, a mitigation plan should be drawn up for the selected

option and is supplemented with an Environmental Management Plan (EMP) to guide the developer in environmental conservation.

vi) **EIA Report**

An environmental impact study culminates into preparation of a report by the EIA expert(s). An EIA report should provide clear information to the decision-maker on the different environmental scenarios without the project, with the project and with project alternatives (see also, Section 5.2.3). The developer is also required to produce an environment management plan (EMP). Any modifications made by a developer to the EIA report should be presented in form of an Environmental Impact Report Addendum. All these three documents should then be submitted to REMA by the developer.

vii) **Public hearing**

After completion of EIA report the Organic Law requires that the public must be informed and consulted on a proposed development. REMA may, if it deems necessary, conduct a public hearing before EIA reports are appraised by its Technical Committee. Any stakeholders likely to be affected by the proposed project are entitled to have access to unclassified sections of the EIA report and make oral or written comments to REMA. REMA shall consider public views when deciding whether or not to approve a proposed project.

viii) **Decision-making**

During the decision-making and authorization phase, EIA documents submitted to the Authority shall be reviewed by two decision-making committees: a Technical Committee and an Executive Committee constituted by REMA. If the project is approved, the developer will be issued with an EIA Certificate of Authorization, which permits implementation of the project in accordance with the mitigation measures in the EIA Report and any additional approval conditions.

ix) **Environmental Monitoring**

Monitoring should be done during both construction and operation phases of a project. It is done not just to ensure that approval conditions are complied with but also to observe whether the predictions made in the EIA reports are correct or not. Where impacts exceed levels predicted in the environmental impact study, corrective action should be taken. Monitoring also enables REMA to review validity of predictions and conditions of implementation of the Environmental Management Plan (EMP). During implementation and operation of a project, monitoring is a responsibility of the developer and REMA.

Figure below summarises the EIA procedure in Rwanda and duration (working days) corresponding to each stage.

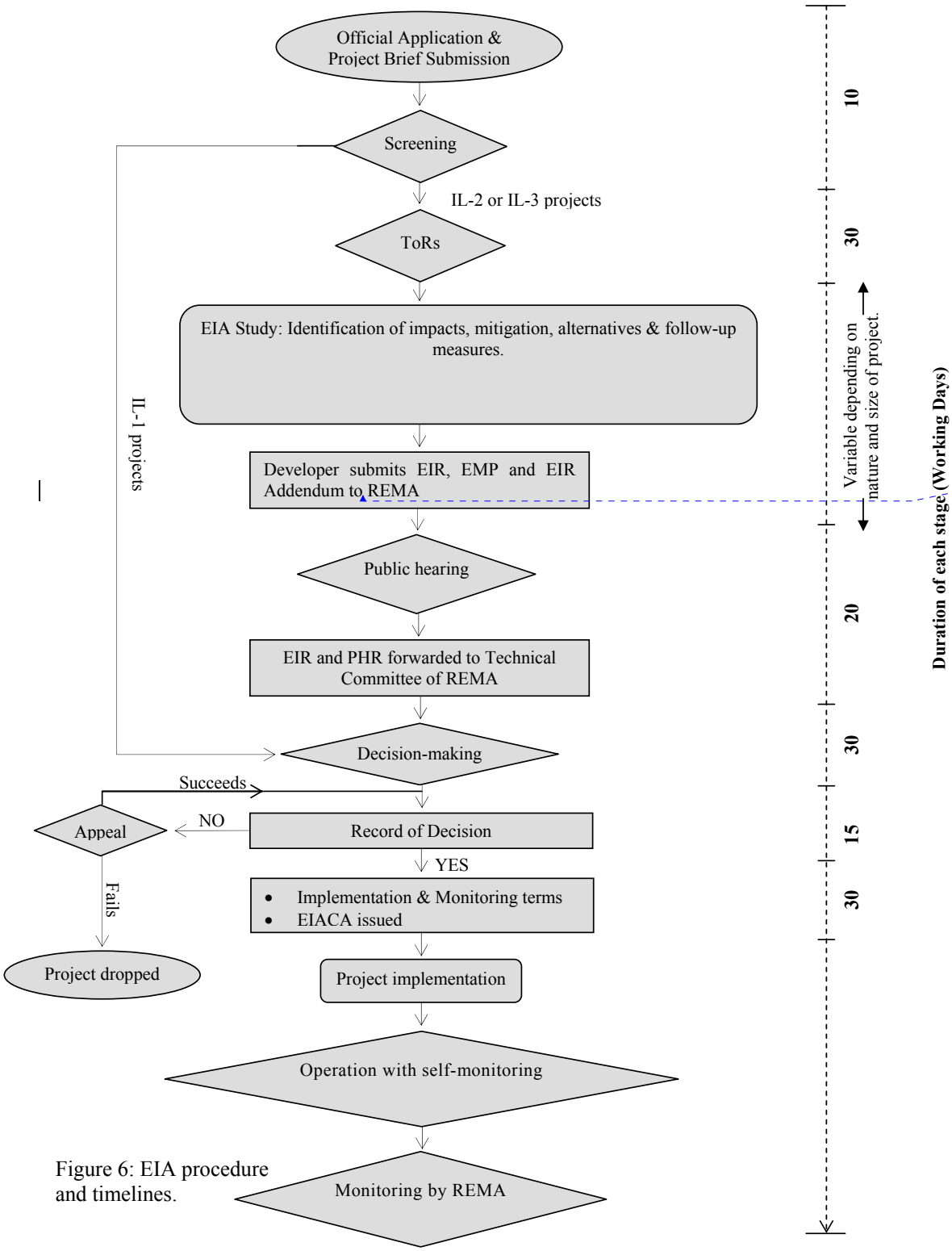
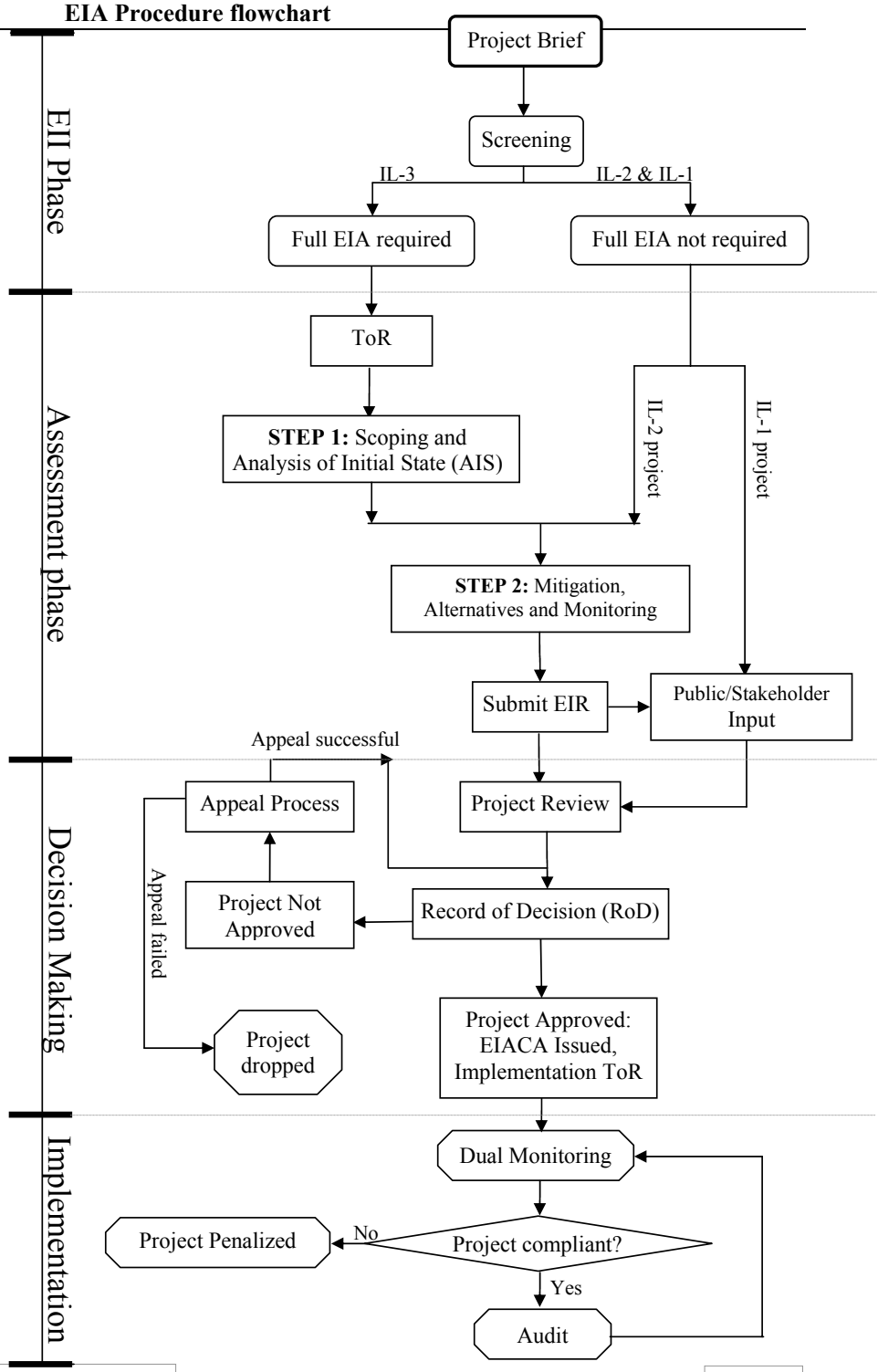


Figure 6: EIA procedure and timelines.

Mis en forme : Anglais (États-Unis)

APPENDIX 1: EIA Procedure flowchart



APPENDIX 2: Project Screening Criteria

Once a Project Brief has been received and reviewed by the Authority, a proposed project is exempted from further compliance with EIA requirements if all of the following conditions are satisfied:

1. The project will not substantially use natural resources in a way that pre-empts use, or potential use of that resource for any other purpose.

2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.

3. The type of project, its environmental impacts and mitigation measures are evident and well understood.

4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.

5. The project will not displace significant number of people, families or communities.

6. The project is not located in, and will not affect, environmentally-sensitive areas such as:

   (a) National parks
   (b) Wetlands
   (c) Productive agricultural land
   (d) Important archaeological, historical and cultural sites
   (e) Areas protected under legislation
   (f) Areas containing rare or endangered flora or fauna
   (g) Areas containing unique or outstanding scenery
   (h) Mountains or developments on or near steep hillslopes
   (i) Forests
   (j) Lakes or their shores
   (k) Areas important for vulnerable groups such as fishing communities
   (l) Areas near high population concentrations or industrial activities where further development could create significant cumulative environmental problems
   (m) Groundwater recharge areas or drainage basins

7. The project will not result in and/or:

   (a) Policy initiatives which may affect the environment
   (b) Major changes in land tenure
   (c) Changes in water use through irrigation, drainage promotion or dams, changes in fishing practices.

8. The project will not cause:

    (a) Adverse socioeconomic impact
    (b) Land degradation
    (c) Water pollution
    (d) Air pollution
    (e) Damage to wildlife and habitats
    (f) Adverse impact on climate and hydrological cycle
    (g) Creation of by-products, residual or waste materials which require handling and disposal in a manner that is not regulated by existing authorities.

9. The project will not cause significant public concern because of potential environmental changes. The following are guiding principles:

    (a) Is the impact positive, or harmful?
    (b) What is the scale of the impact in terms of area, numbers of people or wildlife affected?
    (c) What is the intensity of the impact?
    (d) What will be the duration of the impact?
    (e) Will there be cumulative effects from the impact?
    (f) Are the effects politically controversial?
    (g) Have the main economic, ecological and social costs been quantified?
    (h) Will the impact vary by social group or gender?
    (i) Is there any international impact due to the proposed projects?

10. The project will not necessitate further development activity, which is likely to have a significant impact on the environment.

APPENDIX 3: Content of an EIA Report

An EIA report has the following objectives:

a) To enable the developer to plan, design and implement mitigation measures for significant adverse environmental impacts and to maximise social benefits from a proposed project.
b) For the decision-makers to objectively evaluate the proposed project.
c) To provide information on environmental impacts and mitigation measures for local communities and any other stakeholders to be able to contribute their opinions.

The EIA report should entail;

i) **Executive summary** of the EIA report which should be brief and focus on following matters:

- Name and location of the project;
- Name of the developer
- Name of the agency preparing EIA report;
- Main impacts identified;
- Mitigation recommendations;
- Environmental monitoring plan.

ii) **Objectives of the project**, including ideas, intentions and particular objectives.

iii) **Description of the proposal and its alternatives**. In this part, it is necessary to describe in detail the proposed project and its alternatives including those not subjected to pre-feasibility study or feasibility study. Attention should be concentrated to the comparison of different alternatives. Following are the required contents of the section "*Description of the proposal and its alternatives*":

- The stage of the project cycle where the project is being implemented (pre-feasibility study, feasibility study or design);
- Outlines of the plan for impact prediction and mitigation measures;
- Raw materials, supplies, energy, water and equipment to be used for implementing the project and its alternatives;
- Operational parameters such as capacity and product output;
- Tables, photographs, diagrams and maps;
- Comparison of characteristics of alternatives (extent, location, technology, products, energy and raw materials demands) in the present socio-economic, technical and environmental situation;
- A summary of project technical, economic and environmental characteristics.

iv) **Discussion on the proposal and its relation to relevant policies, laws and programmes** (sectoral and regional). In this section, the proposal must be shown to be in line with policies, laws, institutional framework and development strategy of Rwanda.

v) **Description of present (baseline) environmental state (analysis of initial state)**. In this section, the environment in the project area should be appropriately described. The following aspects should be presented:

- Environmental baseline conditions (natural and socio-economic);
- Sensitivity and values (cultural, aesthetic) of environment in the project area.

v) **Impact assessment**. In this section, the spatial and temporal scope of the impacts and characteristics of different impacts (whether positive or negative, direct or indirect, their intensity, extent and significance) should be presented for the project and also for all alternatives considered. The following aspects should be presented:

- Assessment of all impacts to the local population;
- Environmental data base, study methods and assumptions;
- Limitations and reliability of the data and study results;
- Compliance with the environmental standards and license issuing procedures;
- Significance of impacts, criteria and standards used for assessment of impact significance;
- Measures to avoid and mitigate impacts.

In this section, methods of data collection, methods and criteria used for assessing degree of danger and significance of impacts must be indicated. Cumulative impacts must be emphasised. A summary table of impacts for each alternative should be provided.

vi) **Evaluation and comparison of alternatives** and selection of one that is environmentally suitable. The main content of this section is the comparison of the main positive and negative impacts, impact mitigation and monitoring measures of alternatives. The environmentally suitable alternative is determined based on the following aspects:

- Impacts with largest effects, measures for avoiding, mitigating and managing them;
- Impacts for which the developer has committed to take prevention measures and unavoidable impacts;
- Allocation of cost and benefit between the levels, partners and population of the project area;
- Information on protection measures or resettlement, acquiring opinions of the public;
- Environmental improvement opportunities.

vii) **Impact management and environmental monitoring plan (EMP)**. In this section, tasks to ensure the implementation of mitigation measures and monitoring of impacts should be presented. This is a plan for monitoring and management of impacts during the implementation and operation of the project, where the responsibilities between the state and investor are differentiated. This plan includes the following contents:

- Description of mitigation measures;
- Implementation schedule including indicators, costs, etc;

- Assignment of responsibility for implementation;
- Monitoring of implementation;
- Report on evaluation of implementing such the plan.

viii) **Annex** where tables, drawings, maps, documents and information used as reference should be presented.

APPENDIX 4: Sample Terms-of-Reference for EIA Studies

Following is a guide for REMA to develop ToRs for an EIA study.

1. INTRODUCTION

(Name of developer) has applied to Rwanda Environment Management Authority (REMA) to carry out an environment impact assessment (EIA) for the proposed *(name of project)* in accordance with requirements of EIA Regulations of the Republic of Rwanda. *(Name of developer)* intends that the proposed project will incorporate all practical and cost-effective measures for avoiding or minimizing negative environmental impacts, for capturing environmental benefits and for ensuring sound environmental management. Thus, the purpose of the EIA study is two fold:

- To provide *(developer's name)* with advice on how project design can avoid or mitigate negative impacts and to enhance anticipated environmental benefits,
- To prepare for review by REMA, an EIA report and Environment Environmental Management Plan (EMP) according to national EIA Guidelines and Regulations, 2006.

The following are specific issues to address in the EIA study;

2. PROJECT DESCRIPTION

The EIA Expert should provide a description of proposed project and any alternatives being considered in sufficient detail to benefit stakeholders and decision-makers. Policies, legislation, regulations directly relevant to the proposed project should be discussed in the EIA report.

3. ENVIRONMENTAL CONCERNS TO BE ADDRESSED IN THE EIA

The following are the key biophysical, resource use and socioeconomic issues to be addressed by the EIA study;

(List the issues here.)

While the impact study is to be focused on the above issues, the EIA Experts may, in the course of the impact study, identify further concerns which should be investigated. Any such other issues should be brought to the attention of REMA and *(developer's name)*.

4. ENVIRONMENTAL MANAGEMENT

The expert should pay particular attention to identifying and recommending measures or practices for avoiding, mitigating or managing negative impacts of the project and for enhancing potential environmental and socio-economic benefits. Any potential measures or practices identified by the EIA Expert should be brought to the attention of *(developer's name)* for possible inclusion in project design and planning.

In particular, the expert should prepare an Environmental Management Plan (EMP) for *construction*, *operation* and *decommissioning* of the project. The EIA Expert should estimate the costs of implementing this plan, including all capital, operating and training costs.

5. RELATIONSHIP OF EIA TO PROJECT PLANNING AND DESIGN

To maximize opportunity for good environmental planning and design of the project, EIA Experts should work closely with *(developer's name)* to offer feasible options to enhance the project's environmental performance.

6. PUBLIC CONSULTATION

(Developer's name) is obliged to ensure that all concerned public and private stakeholders in the project have adequate input during the EIA study. The EIA Expert should therefore undertake comprehensive consultation with the local community, relevant lead agencies such as (*provide examples of agencies REMA identified or that took part in formulating ToR)* in addition to any relevant stakeholders identified when conducting the impact study.

7. CONTENT OF THE EIA REPORT

At minimum, the EIA report produced by EIA Experts should contain information outlined in the Appendix 3 of Environmental Impact Assessment Guidelines (2006).

8. REPORTING REQUIREMENTS

The expert should submit a final EIA report including Environmental Management Plan (EMP) to *(developer's name)*. Who after reviewing appending an EIA Report Addendum to it, if necessary, will submit *(number)* copies of the final draft report to REMA.

The EIA Expert and developer should be available for discussions about the EIA report with REMA and participate in any public hearings organised by the Authority.

9. EIA TEAM MEMBERS

EIA experts recognised and authorised by REMA to undertake this study are listed below;

(List EIA Experts here).