

CLIMATE CHANGE LEGISLATION IN

RWANDA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study **A Review of Climate Change Legislation in 99 Countries**



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Rwanda

Legislative Process

Rwanda is a presidential republic with a legal system based on German and Belgian civil law systems and customary law. The president is head of the government and head of the state. The parliament is bicameral and comprises the Senate and the Chamber of Deputies. The Senate has 26 members, some of whom are appointed and some elected for an eight-year term. The Chamber of Deputies has 80 members, who are elected for five years. The current legislature periods of the Chamber of Deputies and the Senate are 2013–2018 and 2011–2019 respectively.

The constitution of 2003 is the supreme law. International treaties ratified by Rwanda come second in the legislative hierarchy, followed by organic laws (which require a special majority), ordinary laws (requiring a regular majority) and Orders by the President, Prime Minister, and Ministers.

The main legislative organ is the Parliament, although the President has legislative powers as well. Laws can be initiated by the Chamber of Deputies or by the cabinet. The president of the Chamber of Deputies then passes the proposals to a permanent commission. Proposals are debated in detail in the plenary session and then voted on. The President has the authority to request a second examination by parliament of organic laws and ordinary laws after they have been voted on. If no re-examination is requested (or after it has been re-examined), the President promulgates the law within 30 days.

Approach to Climate Change

The economy suffered heavily during the 1994 genocide, with widespread loss of life, failure to maintain infrastructure, looting, and neglect of important cash crops. This caused a large drop in GDP and destroyed the country's ability to attract private and external investments. Nevertheless, Rwanda ratified the UNFCCC in 1995 and the Kyoto Protocol in 2007. It submitted its initial report to the UNFCCC in 2005 and its second communication in June 2012, including a stand-alone mitigation strategy, the Carbon Policy and an updated emissions inventory. Rwanda's second communication was also approved by the Cabinet as a national report. In order to respond to international obligations, other international frameworks activities are being used, including Nationally Appropriate Mitigation Actions (NAMA) and the Clean Development Mechanism (CDM). In the past decade, Rwanda has been at the forefront of climate policymaking.

A Climate Change and International Obligations Unit was established in 2009. It operates within the Rwanda Environment Management Authority (REMA), a

non-sectoral institution under the Ministry of Natural Resources (MINIRENA). The Climate Change Unit oversees the Designated National Authority to co-ordinate carbon market activities. Climate change efforts are supported by donors including the Japanese government, the Least Developed Countries Fund, the Adaptation in Africa Programme and the Climate and Development Knowledge Network (CDKN).

In 2011 the government published the National Climate Change and Low Carbon Development Strategy. This Strategy was conducted by the Smith School of Enterprise and Environment at the University of Oxford and supported by UK-DFID and CDKN. As a result, nine sectoral working papers have been produced – including on the energy, forests and transportation. The National Climate Change and Low Carbon Development Strategy highlight the need to foster low carbon development by 2050, as well as the implementation mechanisms to meet those needs.

The second Economic Development and Poverty Reduction Strategy (EDPRS II 2013-2018) was launched by the President in 2013. The strategy forms the centrepiece of Rwanda's medium-term plan for development and the framework within which the government will focus efforts on transforming the economy and realising its Vision 2020. Pursuing a green economy approach to development is one of five economic priorities in the EDPRS II. Climate change and the environment have been integrated into EDPRS II as a 'cross-cutting issue' to mainstream environmental sustainability into productive and social sectors and reducing vulnerability to climate change.

A Fund for Environment and Climate Change (FONERWA) was launched in October 2014. The government expects that the fund will be the engine of green growth, mobilising and channelling domestic and international financing to public and private environment and climate change projects. The green fund will support projects that align with the country's commitment to a strong and prosperous green economy. FONERWA is expected to contribute approximately 20–30% to Rwanda's existing financing gap, which is estimated at approximately USD 100m per year.

EDPRS II identifies both the Green Growth and Climate Resilience Strategy and FONERWA as strategic tools for guiding specific interventions within national sector strategic plans and their implementation.

Energy supply

Energy consumption is dominated by biomass consumption (wood-fuel and agricultural residues), which accounts for 86% of consumed energy, followed by petroleum products (11%) and electricity (3%), roughly half of which is generated from hydro sources and half from thermal power plants.

To increase energy generation to meet projected future demand and better develop indigenous sources of energy, the new EDPRS proposes two measures:

(i) the development of a clear roadmap for investment in electricity generation, involving a balanced mix of energy sources, eliminating electricity subsidies and cutting the cost of energy; and (ii) private investment in the sector. The EDPRS also mentions an electrification programme to promote universal access to electricity, through on-grid and off-grid solutions. The electrification programme aims to connect to the grid 45% of households by 2017, as well as industrial, mining, agriculture and commercial users. Off-grid options such as solar and biogas are seen as the most economical and sustainable options for poor households.

The government is planning significant increases in generating capacity over the next five years, using a mix of fossil fuels, renewable energy and peat. A recent report by Bloomberg New Energy Finance suggests that Rwanda could achieve 100% access to clean electricity by 2020, providing significant environmental and climate benefits, while reducing the country's import dependence and creating export opportunities for electricity and natural gas. The government recently signed a Memorandum of Understanding with Ignite Power, establishing the framework for large scale deployment of solar electric systems across rural communities.

Energy demand

The launching of the CDM resulted in the development of programmes to promote efficient cook stoves. Programmes of Activity (PoAs) and private initiatives are promoting efficient cook stoves in the country.

In 2005, the Rwanda Environment Management Authority, with the support of UNEP, introduced a programme to promote resource efficiency and cleaner production. This scheme applies integrated preventive environmental strategy to processes, products and services to increase efficiency and reduce risks to humans and the environment. In 2008 the Rwanda National Cleaner Production Centre (Rwanda-NCPC) was established, and carried out various projects to raise awareness and promote resource and energy efficiency in industry and domestic environments.

Vision 2020 acknowledges that wood is the source of energy for 99% of the population, which leads to deforestation and soil destruction. It projects that by 2020, at least 35% of the population will be connected to electricity (up from the current 6%) and the consumption of wood will decrease from 94% to 50% of national energy consumption.

REDD+ and LULUCF

Rwanda is a net sink for GHG emissions due to the large amounts of CO₂ absorbed by forests, which are estimated to sequester approximately 9,000Gt of CO₂/yr (2005). Yet, deforestation is increasing as a result of firewood collection, charcoal production in open kilns, and use of fossil fuels in generators and kerosene for lighting and cooking.

The second communication to the UNFCCC suggests the following measures to deal with emissions from land use change: afforestation, reforestation, forest management, reduced deforestation, management of timber products, use of forest products to replace oil (bio-energy), improvement of tree species to increase biomass productivity and carbon sequestration, and improved remote sensing technologies to study vegetation and soil, the potential for carbon sequestration and to map land use and land use change.

Rwanda has a National Forestry Policy (2010) which sets a target to increase national forest cover and for the forestry sector to play increasing role in national economy. The forestry policy aims to improve livelihoods through job employment creation, increased forest revenues, value addition, and further balanced ecological benefits and a sustained yield. Specifically, it aims at ensuring that the present forest cover is first over all maintained, well managed and increased to 30% of the country total area by 2020.

The first Economic Development and Poverty Reduction Strategy (EDPRS I 2008-2012) acknowledged forestry as a strategic area to alleviate the rate of natural resources degradation. Accordingly, EDPRS I put forward the need to run an inventory and mapping of national forest resources in providing the basis for a ten year national forestry plan; develop a strategy for the private sector involvement; and implement a reforestation strategy. It recognized furthermore the need to put in place a joint strategy with MINAGRI to promote agroforestry for non-wood uses, including medicinal uses, honey production, wild foods and handicraft production by intensifying agroforestry up to 85% of farmlands.

EDPRS II 2013-2018 retains forestry as a main concern in recognition of its prime contribution to the GDP. This will be achieved through increased job creation in forestry from 0.3% to 0.5% by 2018, and reduction in the use of biomass energy through the use of improved stoves and improved kilns to produce 75% of charcoal by year 2018. It supports the previous target of increasing forest cover to 23.5% by 2012 and reset a new indicator to reach 30% by 2018. In addition, EDPRS II recommends for sustainable management of forest biodiversity and critical ecosystems through protection and maintenance of 10.25% of the land area, and reduction of wood energy consumption to 50% by 2020 as reflected in the 2020 Forestry Policy and the 2020 Vision targets.

The Five Year Strategic Plan for the Environment and Natural Resources Sector establishes targets of forestry to increase forest cover, with districts measuring their success against new forest planted, targeting a minimum of 83 trees per household in rural area and 5 trees in urban areas, with a survival rate of 90%.

Adaptation

Rwanda completed its National Adaptation Programme of Action (NAPA) in 2006. The Programme addresses water shortage and the effects on agricultural productivity of flooding, landslides, heavy rain falls, extreme temperatures, heat waves and drought. Several districts have been selected to pilot adaptation

measures. The second national communication submitted to the UNFCCC in 2012 contains the latest climate risk and vulnerability assessment for the country.

In 2010, Rwanda, Japan, UNDP and UNEP launched two climate change adaptation programmes. The first programme (2010-2013), funded under the Global Environment Fund (GEF), focused on reducing vulnerability to climate change by establishing early warning and disaster preparedness systems and support for integrated watershed management in flood prone areas. The second programme (2010-2014), funded by Japan, focused on building an integrated comprehensive national adaptation approach in Rwanda.

Rwanda: Legislative portfolio

Name of law	Law No. 16 of 22 May 2012, determining the Organisation, Functioning and Mission of the National Fund for Environment (FONERWA)
Date	25 June 2012
Summary	<p>This Law determines the organisation, functioning and mission of the National Fund for Environment in Rwanda (FONERWA). The fund will be the primary instrument to channel, distribute and monitor international and national climate finance.</p> <p>FONERWA has four finance windows: conservation and sustainable management of natural resources; R&D and technology transfer; streamlining of climate change issues into policies and programmes; and Environmental Impact Assessment (EIA) monitoring & enforcement.</p>

Name of law	Organic Law 4/2005, determining the modalities of protection, conservation and promotion of environment in Rwanda
Date	1 May 2005
Summary	<p>This law gives effect to The National Policy on Environment, which sets out how to protect, conserve and promote the environment. It defines the responsibilities of citizen and state and defines principles for using natural resources, such as air and water, protecting biodiversity etc. It orders an environmental impact assessment.</p> <p>Article 27 states that “the use of substances that pollute the atmosphere..., that deplete the ozone layer or that may cause climatic changes is governed by an order of the Minister having environment in his or her attributions.”</p> <p>The National Policy includes suggested policy statements on several areas, which can be used as an entry point for more elaborated policies. The Policy Statement on Atmosphere, Climate and Disasters declares two objectives: to help establish a framework for early warning and management of natural and/or human-made disasters; and to help establish a policy and legislation to monitor regularly climatic change and reduce to a strict minimum substances that pollute the atmosphere.</p> <p>The law provides for the establishment of a National Fund for Environment (FONERWA).</p>

Rwanda: Executive portfolio

Name of policy	Five Year Strategic Plan for the Environment and Natural Resources Sector (2014-2018)
Date	September 2013
Summary	<p>This strategy covers a five year period (2013 – 2018) and it was developed to implement the second phase of the Economic Development and Poverty Reduction Strategy with the aim of achieving the revised targets of Vision 2020. The Environment and Natural Resources (ENR) Sector and District strategies will contribute to the achievement of the four thematic areas and will mainstream key cross-cutting issues which the EDPRS II identified as Environment and Climate change, Gender and Family promotion, HIV/AIDS, Capacity building, Regional integration, Social inclusion and disability and Disaster management.</p> <p>The Objective of this strategy is to ensure that environment and natural resources are utilised and managed productively in support of equitable and sustained national development and poverty reduction. This will be realized in 5 specific objectives : (1) To increase and sustainably manage ecosystems and forest resources to optimize their economic as well as ecological functions; (2) To put in place and operationalise an efficient system of land administration and land management that secure land ownership, promote investment in land for socio-economic development and poverty reduction; (3) To ensure that development in Rwanda is undertaken in a manner that inflicts minimal damage to the environment, and building resilience to threats posed by climate change for the sustained support to economic, social and cultural development of Rwanda. (4) To secure and provide water of adequate quantity and quality for all social and economic needs of the present and future generations with the full participation of all stakeholders in decisions affecting its management; (5) To improve the Geology and Mines sub-sector to contribute optimally and sustainably to the national income and to the social economic welfare of the community.</p> <p>Environment and Climate Change will contribute to the achievement of EDPRS II through the following innovations: ecosystem rehabilitation based on job creation and income generation for rural poverty reduction and social protection; integrating innovative approaches and knowledge on technology transfer on irrigation, renewable energy and agro-forestry; developing and implementing an incentive structure to award performance in environmental management; and operationalize FONERWA fund.</p> <p>The Five Year Strategic Plan for the Environment and Natural Resources Sector establishes targets of forestry to increase forest cover, with districts measuring their success against new forest planted, targeting a minimum of 83 trees per household in rural area and 5 trees in urban areas, with a survival rate of 90%. It also targets the number of climate change adaptation and mitigation projects to be developed and implemented between 2013 and 2018.</p> <p>Environment and Climate Change priorities will be implemented by Rwanda Environment Management Authority (REMA) whereas Land, Forestry, Water resources and Mining will be executed under the mandate of the Rwanda Natural Resources Authority (RNRA).</p>

Name of policy	Second Economic Development and Poverty Reduction Strategy (EDPRS II) for 2013-2018
Date	8 May 2013
Summary	<p>EDPRS II aims to implement Rwanda's Vision 2020, ensuring that the country achieves middle-income status by 2020 by accelerating economic growth to (11.5% average), reducing poverty to below 30%, and restructuring the economy towards services and industry. Its main targets relate to: strategic infrastructure investment for exports; more private sector financing to increase exports; urbanisation; and a green economy approach</p>

to sustainability. Five priority areas will spearhead this thematic strategy.

Priority 1 is to increase the domestic interconnectivity of the economy by investing in infrastructure to meet private sector energy demand; increasing access to public goods and resources in priority sectors; and deepening the integration of key value chains.

Priority 5 is the pursuit of a 'green economy' approach to economic transformation, favouring the development of sustainable cities and villages. Key innovations include: piloting a green city; piloting a model mine; and attracting investors in green construction. There will be a focus on green urbanisation and promoting green innovation in industry and the private sector. A Green Urbanisation Centre of Excellence and an Environment and Climate Change Innovation Centre will be created. The Environment and Climate Change Centre will promote transformational green innovation in the industrial and private sectors through (i) support to research and development through links to industry and academia in Rwanda and internationally; (ii) promoting technology transfer in priority sectors through business advice and training; (iii) linking innovation with finance through identifying international funding sources (e.g. FONERWA); (iv) providing analyses and information on market and sector trends.

Environment and climate change are considered 'cross cutting issues'. They involve (i) mainstreaming environmental sustainability into productive and social sectors; (ii) reducing vulnerability to climate change and (iii) preventing and controlling pollution. Key sectors include agriculture, energy, environment and natural resources, infrastructure, health, private sector and financial sector.

EDPRS II supports the previous target of increasing forest cover to 23.5% by 2012 and reset a new indicator to reach 30% by 2018. In addition, it recommends for sustainable management of forest biodiversity and critical ecosystems through protection and maintenance of 10.25% of the land area, and reduction of wood energy consumption from 86.3 % to 50% by 2020 as reflected in the 2020 Vision targets.

Name of policy	Green Growth and Climate Resilience – National Strategy on Climate Change and Low Carbon Development
Date	Published November 2011
Summary	<p>The Strategy seeks to meet development goals while reducing the country's vulnerability through mitigation and adaptation. The key mitigation strategies are: promoting geothermal power generation, with an estimated potential of 700 MW, enough to meet all of Rwanda's demand if implemented by 2020; integrated soil fertility management, which would cut use of inorganic fertilisers, improve soil structure and the water retention capacity of soil; and high density walkable cities, fighting anticipated trends of energy-intensive urban sprawl on hilly terrain.</p> <p>Key adaptation elements are irrigation infrastructure, which will reduce uncertainty regarding rainfall variation; a robust road network to mitigate loss of food during transportation to markets and to ensure access during extreme weather events; the establishment of a centre for climate knowledge for development; and development of agroforestry.</p> <p>The strategy calls for existing programmes to be used to make quick advances – the Integrated Development Programme (IDP) to facilitate implementation of climate-resilient low-carbon development in rural areas; the National Fund for Climate and Environment (FONERWA) to facilitate access to international climate finance, especially Fast Start Finance for adaptation; implementing measuring and reporting of cross-sectoral energy use for planning and international reporting purposes; setting up an online Climate Portal to communicate the National Strategy to the public and the international community.</p>

Nine working papers have been produced: Cities and the Built Environment Sector; Water Sector; Agriculture Sector; Energy Sector; Finance Sector; Forests and Tree-based Systems Sector; Land Sector; Mining Sector; Transportation Sector.

Name of policy	Ministerial Order No. 003/16.01 of 15 July 2010 Preventing Activities that Pollute the Atmosphere
Date	30 August 2010
Summary	<p>This Ministerial Order regulates activities that give rise to chemical pollutants. Annex A specifies emission standards for CO₂, along with other pollutants (such as NO_x, SO_x, PM₁₀, Lead and Ozone).</p> <p>It prohibits open burning of any substance, except for fires used for recreational purposes and ceremonial; fires purposely set for agricultural control of disease and pests; and open air, kitchen fires for cooking meals.</p>

Name of policy	Rwanda Vision 2020
Date	July 2000
Summary	<p>Vision 2020 is a framework for Rwanda's development, presenting the key priorities and providing Rwandans with a guiding tool for the future. It seeks to transform Rwanda into a middle-income country by the year 2020. This will require achieving annual per capita income of USD900 (USD290 today), a poverty rate of 30% (64% today) and an average life expectancy of 55 years (49 years today).</p>

The framework includes the rehabilitation and development of infrastructure as a crucial aspect in lowering the costs of doing business. It calls for: (i) a modern land law providing security of tenure and freedom of exchange; (ii) the development of alternative lower costs of transport to the sea; and (iii) increase of energy production and diversification into alternative energy sources. Rwanda has considerable hydroelectric potential, in addition to large deposits of renewable methane gas in Lake Kivu, estimated at 60bn m³. In rural areas direct solar energy or photovoltaic energy can be used, whilst up to 1/3 of 155m tons of peat deposit is currently exploitable. Rwanda projects that by 2020, at least 35% of the population will be connected to electricity (up from the current 6%).

Vision 2020 recognises sustainable environmental and climate change management as a cross-cutting pivotal area to the realisation of national aspirations. It recognises that the major problem in environmental protection is the imbalance between the population and the natural resources. This leads to alarming degradation observed through massive deforestation, the depletion of biodiversity, erosion and landslides, pollution of waterways and the degradation of fragile ecosystems.

To protect the environment against massive deforestation and soil destruction, Vision 2020 sets the target for the protection rate against erosion to rise from 20% in 2000 to 90% by year 2020. To ease the pressure on wood biomass seeing that 86.3% of the Rwandan population uses wood as the source of energy, Vision 2020 targets to drop the use of wood energy in national energy balance, to 50% by 2020 through diversification of energy sources availed to the population.

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