

Uganda

Country: [Uganda](#) [1]

EIA Law: National Environment Act, 2019

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

EIA Regulations: The National Environment (Environmental and Social Assessment) Regulations, 2020

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Various sectoral guidelines available from the National Environmental Management Authority

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: Certain projects qualify for preparation of a project brief. Procedures and content of the project brief are outlined in secs. 6-11 of the NEA 2020 Regulations.

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: NE Act, sec. 112.

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

Proposed project or activity may cause significant environmental impact

Other

Criteria for Screening Detail: See National Environment Act, Schedule 5 (listing projects that require EIA). The Executive Director of NEMA may also screen projects that are not listed in Schedule 5 and conclude that these are subject to EIA. NE Act, sec. 112(6). Projects proposed to be located near environmentally sensitive areas listed in Schedule 10 of the Act may be required to undertake an ESIA. NEA 2020 Reg., sec 12.

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

Who Prepares EIA Detail: "A developer of a project . . . shall undertake scoping and an environmental and social impact study in accordance with these Regulations" NEA 2020 Reg., sec. 12(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: Implied from the context of the NE Act and Regulations.

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Practitioners are licensed according to the category of the specialization following their academic qualifications and experience. They are categorized into team leaders, general consultants, and foreign consultants. See National Environment (Conduct and Certification of Environment Practitioners) Regulations, 2003 (available at <http://extwprlegs1.fao.org/docs/pdf/uga40873.pdf>). As part of the terms of reference, the project developer must include a proposed team with requisite qualifications and experience to undertake the ESIA. NEA 2020 Reg., sec. 13(4)(a).

Conflict of Interest: Yes

Conflict of Interest Detail: See National Environment (Conduct and Certification of Environment Practitioners) Regulations, 2003 (available at <http://extwprlegs1.fao.org/docs/pdf/uga40873.pdf>).

Terms of Reference: Yes

Terms of Reference Detail: The developer must prepare terms of reference for an ESIA. NE Act, sec 113(1). The terms of reference must include information included in NEA 2020 Reg. sec. 13(4).

Days for Decision Maker Review: 60

Automatic Approval: No

Automatic Approval Detail: The Authority must make a decision within 60 days from the date of receipt of the complete ESIA from the developer. NEA 2020 Reg., sec. 24(3)

Written Decision: Yes

Written Decision Detail: The Authority must send a written decision to the developer and a copy may be made available for public access. NEA 2020 Reg., sec. 24(6)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: A certificate of approval "may contain such terms and conditions as the Authority may deem necessary." NEA 2020 Reg., sec. 25(1)

Expiry of Decision: Variable (no more than 10 years)

Expiry of Decision Detail: Varies as per the Authority's discretion, but cannot exceed ten years. NEA 2020 Reg., sec. 25(3).

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: "The Authority may require a developer to take out financial security for a project or activity likely to have a deleterious effect on human health or the environment. NE Act, sec. 141; see also NEA 2020 Reg., Form 2.

Interdisciplinary Team: No

Interdisciplinary Team Detail: Although an interdisciplinary team is not required, the NEA Regulations state that the TOR must identify "a proposed composition of the team of environmental practitioners with relevant and requisite qualifications, experience, skills and expertise" to undertake the ESIA. NEA 2020 Reg., sec. 13(4)(a).

Range of Alternatives: Yes

Range of Alternatives Detail: Alternative sites, technologies, and processes must be presented during scoping and in the final EIA NEA 2020 Reg., sec. 13(2)(f) (scoping requirements), 15(1)(i) (content of ESIA). The TOR must provide "an indication of project alternatives, including project design, technology, location and no-action alternative and how they will be evaluated." NEA 2020 Reg, sec. 13(4)(h).

No Action Alternative: Yes

No Action Alternative Detail: The project developer must evaluate a no-action alternative. NEA 2020 Reg., sec. 13(4)(h).

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Gender equity

Mitigation: Yes

Mitigation Detail: The ESIA must "propose and assess measures for avoidance, minimisation, mitigation or offsetting of negative impacts[.]" NEA 2020 Reg., sec. 15(1)(g); see also NEA 2020 Reg, sec. 13(4)(j).

Monitoring Plans: Yes

Monitoring Plans Detail: The project developer "shall develop an environmental management and monitoring plan." NEA 2020 Reg., sec. 46(1)

Public Notice of Draft EIA: No**Draft EIA Available:** No

Draft EIA Available Detail: The EIA law and regulations do not discuss preparation of a draft EIA.

Draft EIA Locations: Not available**Public Notice of Final EIA:** Yes

Public Notice of Final EIA Detail: The Authority must publish an invitation for comments through at least one of four means: national newspaper; radio/television; relevant websites; or via local authorities. NEA 2020 Reg., sec. 20(2).

Final EIA Available: No

Final EIA Available Detail: It is not clear whether the EIA is made easily accessible to the public. The National Environment Act states that the EIA is a public document that can be viewed at any reasonable hour by a member of the public. NE Act, sec. 146. According to the EIA regulations, the developer shall "ensure that appropriate project information on environmental and social impacts or risks is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format, well in advance of the proposed consultations." NEA 2020 Reg., sec 16(2)(d).

Final EIA Locations: Agency or ministry office

Other

Fee to View EIA Documents: Yes**Fee to Obtain EIA Documents:** Yes**Availability of Reference Studies:** Yes

Availability of Reference Studies Detail: "Every person shall have a right of access to environmental information relating to the implementation of this Act, subject to the Constitution and the Access to Information Act, 2005." NE Act, sec. 146

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The Authority may make a copy of the decision available to the public at the office of the Authority. NEA 2020 Reg., sec. 24(6).

Public Scoping: Yes

Public Scoping Detail: A developer required to undertake an ESIA shall initiate the study by undertaking a scoping exercise. NEA 2020 Reg., sec. 13(1). Scoping procedures are outlined in NEA 2020 Reg., sec. 13 (2)(a-h).

Public Review of TOR: Yes

Public Review of TOR Detail: Public review of the TOR is discretionary. When the Authority receives a TOR from the developer it may consult with "persons likely to be affected by the project." NEA 2020 Reg., sec. 14(1)

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail: A public hearing may be required if the project is controversial (including impacts on social or cultural values), if there is public interest in the project, if there are potential transboundary impacts, or other factors lead the Authority or Technical committee to determine a public hearing is necessary. NEA 2020 Reg., sec. 21(4-5) & 22(1)

Public Input at Meeting: Yes

Public Input at Meeting Detail: If there is a public hearing, the presiding officer must ensure the proceeding is structured "in a non-judicial, informal and non-adversarial manner that permits a fair and comprehensive discussion of the information presented." NE 2020 Reg., sec. 22(6))

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

Days for Public to Review Final EIA: The NEA 2020 regulations do not specify a time period for public comment. Instead, the Authority will designate the time period on a project-specific basis in the invitation for comments. NEA 2020 Reg. sec. 20(1), (3)

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: The NEA 2020 regulations do not specify a time period for public comment. Instead, the Authority will designate the time period on a project-specific basis in the invitation for comments. NEA 2020 Reg. sec. 20(1), (3)

Response to Public Comments: Yes

Response to Public Comments Detail: The Authority must consider "comments from the public and communities likely to be affected by the project." NEA 2020 Reg., sec. 21(1)(d). If a public hearing takes place, the Authority shall take the presiding officer's report of the hearing under consideration when deciding to approve, reject, or defer the ESIA. NEA 2020 Reg., sec. 24(2)(b).

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: The Authority must invite comments from particular groups affected by the project through any combination of locally circulated national newspapers, multimedia coverage, websites, or local authorities. NEA 2020 Reg., sec. 20(3). Additionally, the scoping process must include conversations with affected people. NEA 2020 Reg., sec. 13(d). The venue for the public hearings must be accessible for affected people as well. NEA 2020 Reg., sec. 22(5).

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: "A person aggrieved by the decision of a lead agency, a technical committee or a public officer in the exercise of delegated functions under this section may appeal to the Authority." NE Act, sec. 9(4).

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: See Judicature (Judicial Review) Rules, 2009

Project Monitoring: Yes

Project Monitoring Detail: An environmental inspector designated under NEA 2019, sec. 128 may, "enter on any land, including water, facilities, premises, vehicles or vessels, to conduct a search and to determine whether the provisions of this Act are being complied with." In addition to the monitoring mechanism developed during the ESIA process, the Authority may also "arrange for on-site inspections and monitoring... to ensure compliance" within 12 months of approval. NEA 2020 Reg., sec. 53. The developer is also subject to the National Environment (Audit) Regulations, 2020. Id., sec. 54.

Enforceability of EIA: No

Enforceability of Permit: No

Days for Public to Review Draft EIA: N/A

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Links

[1] <https://elaw.org/countries-and-regions/uganda>

[2] <https://elaw.org/national-environment-act-2019>

- [3] [https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20\(Environmental%20and%20Social%20Assessment\)%20Regulations%20S.I.%20No.%20143%20of%202020.pdf](https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20(Environmental%20and%20Social%20Assessment)%20Regulations%20S.I.%20No.%20143%20of%202020.pdf)
- [4] <https://www.nema.go.ug/projects/regulations>