

Uganda

Country: [Uganda](#) [1]

EIA Law: National Environment Act, 2019

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

EIA Regulations: Environmental Impact Assessment Regulations, S.I. No. 13/1998

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: The project developer must submit a project brief to the Executive Director of NEMA, who may transmit the project brief to the lead agency. Based on the project brief and agency comments, the Executive Director may approve the project if no significant impacts are expected or sufficient mitigation measures are proposed. If there is likely to be significant negative impacts for which no adequate mitigation measures are prescribed, the Executive Director shall require the developer to undertake an environmental impact study. NE Act sec. 112; EIA Regulations, secs. 5-9 (describing required content of project brief and procedure).

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

Criteria for Screening Detail: See National Environmental 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).

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

Who Prepares EIA Detail: "Where the Executive Director has . . . determined that an environmental impact study be made under these regulations, the developer shall make an environmental impact statement on completing the study." EIA Regulations, sec. 13(1).

Who Pays for EIA: Project Proponent

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

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: The project developer must submit the names and qualifications of the persons who will undertake the EIA study to NEMA for approval. EIA Regulations, sec. 11. 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>)

Conflict of Interest: Yes

Conflict of Interest Detail: EIA contractors are subject to the approval of the Executive Director and "shall conduct themselves in accordance with the guidelines, an established code of practice or the written directions issued by the Executive Director[.]" EIA Regulations, sec. 11(3). In general, any person who fails to prepare or submit a project brief, environmental impact statement, or EIA; is in breach of any condition of approval by the Executive Director; or who fraudulently makes a false statement or alters a project brief, environmental impact statement, or EIA; is liable to a specified term of imprisonment or fine. See EIA Regulations, sec. 36.

Terms of Reference: Yes

Terms of Reference Detail: "A developer of a project set out in Schedule 5 shall . . . prepare terms of reference for an environmental and social impact study." NE Act, sec 113(1), EIA Regulations, s. 10(1).

Days for Decision Maker Review: 180

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: The Executive Director shall communicate the decision to the project proponent within fourteen days of the decision and, if approved, issue a written certificate of approval. EIA Regulations, s. 25(2), 26(c). A decision to reject a project must be communicated in writing. EIA Regulations, sec. 27

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: In making a decision to approve a project, the NEMA Executive Director shall "give approval subject to such conditions as it [sic] deems necessary." EIA Regulations, sec. 26(a)

Expiry of Decision: Variable

Expiry of Decision Detail: The period of time for which the approval shall remain valid is determined by the NEMA Executive Director and will be communicated in the decision. EIA Regulations, sec. 26(c)

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.

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA must contain a description of "the proposed site and reasons for rejecting alternative sites;" "alternative technologies and processes, and the reasons for not selecting them;" alternative environmental effects; and alternative mitigating measures. EIA Regulations, secs. 14(1)(b),(f),(h),(k).

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts
Cumulative environmental impacts
Social impacts
Cultural impacts
Health impacts
Economic impacts

Mitigation: Yes

Mitigation Detail: The EIA must contain "the measures proposed for eliminating, minimising, or mitigating adverse impacts." EIA Regulations, sec. 14(1)(i). In addition, if a post-EIA environmental self-or NEMA-authorized audit is pursued, the Executive Director may "require that the developer takes specific mitigation measures to ensure compliance with the predictions made in the project brief, or environmental impact statement[.]" EIA Regulations, sec. 33(1).

Monitoring Plans: No

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: NEMA must invite the public to comment on the final EIA through an invitation published in a newspaper having national or local circulation. The length of time that the invitation will be published is up to the discretion of the Executive Director. EIA Regulations, sec. 19. In addition, the Executive Director shall invite comments from persons specifically affected by the project. EIA Regulations, sec. 20.

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. However, the EIA Regulations state that the EIA is to be made available to the public "on such terms as [NEMA] considers necessary." EIA Regulations, sec 29(2). One practitioner notes that EIAs are written in English, which a majority of people may not understand.

Final EIA Locations: Library
Agency or ministry office
Local government office

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, see also EIA Regulations, sec. 29. Proprietary information may be withheld if the project developer requests and the Executive Director agrees that the information qualifies as proprietary. EIA Regulations, sec. 30

Public Notice of Final Decision: No

Public Notice of Final Decision Detail: The Executive Director of NEMA is only required to communicate the decision to the project proponent. EIA Regulations, sec. 25(2).

Public Scoping: Yes

Public Scoping Detail: The developer "shall take all measures necessary to seek the views of the people in the communities which may be affected by the project during the process of conducting the study," including publicizing the project and its anticipated effects and benefit

Public Review of TOR: No**Public Participation Opportunities:** Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: The project proponent must hold a public meeting prior to finalizing the EIA study. (See: Scoping) In addition, after the EIA is submitted to NEMA, the Executive Director must call a hearing if the project is controversial, may have transboundary impact, or if the Executive Director believes a hearing is necessary for the protection of the environment and the promotion of good governance. EIA Regulations, secs. 21 & 22

Public Input at Meeting: Yes

Public Input at Meeting Detail: "Any person may attend either in person or through a representative and make presentations at a public hearing provided that the presiding officer shall have the right to disallow frivolous and vexatious presentations which lead to the abuse of the hearing." EIA Regulations, sec. 23(1)

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

The proposed project is controversial

Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Other

Days for Public to Review Final EIA: 21 (affected individuals) or 28 (general public)**Public Comments on Draft EIA:** No**Public Comments on Final EIA:** Yes

Public Comments on Final EIA Detail: The public is provided 28 days to comment on the EIA. EIA Regulations, sec. 19(4)

Response to Public Comments: Yes

Response to Public Comments Detail: The NEMA Executive Director shall consider all comments received in determining whether a public hearing will be held. EIA Regulations, sec. 21(1). The Executive Director shall also consider any comments when making a decision regarding an EIA. EIA Regulations, sec. 24(1)(b)

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: The EIA Regulations require NEMA to solicit comments from persons who are most likely to be affected by the proposed project. The invitation to comment on the project and EIA must be accomplished through mass media and through local governments, and "shall be in languages understood by the majority of the affected persons." Interesting, the regulations state that comments must be received within 21 days of the invitation whereas the general public is permitted 28 days to comment. Compare EIA Regulations, sec. 19(4) with sec. 20(4). Also, although the invitation to comment may be written in a local language, EIAs are written in English and may not be understood by a majority of people who could be affected by a project.

Citizen Administrative Review: No

Citizen Administrative Review Detail: See judicial review.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: "[A]ny person who is aggrieved by any decision by any decision of the Executive Director may, within thirty days of the decision, appeal to the High Court." EIA Regulations, sec. 38(1)

Project Monitoring: Yes

Project Monitoring Detail: The developer "shall take all practicable measures to ensure that the predictions made in the project brief [sic] or environmental impact assessment are complied with" through an initial environmental audit between 12 and 36 months after completion of the project or commencement of operations. EIA Regulations, s. 31. 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." See also EIA Regulations, sec. 32(1). A member of the public, after showing reasonable cause, may petition the Executive Director for an audit. EIA Regulations, s. 32(3). See also NE Act, sec. 126 (describing audit process).

Enforceability of EIA: No

Enforceability of EIA Detail: Only the Executive Director may require the developer to take specific mitigation measures to ensure compliance. EIA Regulations, sec. 33(1). Also, an environmental inspector may issue an improvement notice and commence appropriate criminal or civil proceedings. EIA Regulations, sec. 33(3).

Enforceability of Permit: No

Enforceability of Permit Detail: Only the Executive Director may require the developer to take specific mitigation measures to ensure compliance. EIA Regulations, sec. 33(1). Also, an environmental inspector may issue an improvement notice and commence appropriate criminal or civil proceedings. EIA Regulations, sec. 33(3).

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/eia_regulations.pdf

[4] <https://www.nema.go.ug/projects/regulations>