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UGANDA

CHAPTER 25: UGANDA

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25.1 Constitutional requirements for environmental protection in Uganda

The Constitution of the Republic of Uganda, 1995, begins with a number of national objectives and ‘directive principles’ of state policy. These are wide-ranging and while they aim to safeguard the environment on the one hand, they give a high priority to development on the other. This will always create a conflict of interests, when developmental interests are promoted at the expense of the biophysical environment and human health and welfare. The specific principles are:

“XI. Role of the State in development.

- *The State shall give the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal opportunities in development.*
- *The State shall stimulate agricultural, industrial, technological and scientific development by adopting appropriate policies and the enactment of enabling legislation.*

XIII. Protection of natural resources.

The State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda.

XIV. General social and economic objectives.

The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that:

- *all developmental efforts are directed at ensuring the maximum social and cultural well-being of the people; and*
- *all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.*

XXVII. The environment.

- *The State shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations.*
- *The utilisation of the natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans;*

and, in particular, the State shall take all possible measures to prevent or minimise damage and destruction to land, air and water resources resulting from pollution or other causes.

- *The State shall promote and implement energy policies that will ensure that people’s basic needs and those of environmental preservation are met.*
- *The State, including local governments, shall:*
 - *create and develop parks, reserves and recreation areas and ensure the conservation of natural resources;*
 - *promote the rational use of natural resources so as to safeguard and protect the biodiversity of Uganda.”*

Principles XIV and XXVII above are encapsulated in Clause 39 of the Constitution which states: “Every Ugandan has a right to a clean and healthy environment.”

25.2 Institutional and administrative structure for ESIA in Uganda

25.2.1 Ministry of Water and Environment

The Ministry of Water and Environment (MWE) is responsible for setting national policies and standards, managing and regulating water resources and determining priorities for water development and management¹. The MWE consists of three directorates and oversees four parastatal institutions and authorities as shown in Figure 25.1. One of the Directorates is the Department of Environmental Affairs, which has the following responsibilities:

- Development of environmental policy and regulations;
- Coordination, inspection, supervision and monitoring of the environment and natural resources;
- Restoration of degraded ecosystems; and
- Mitigating and adapting to climate change.

As shown in Figure 25.1, the DEA comprises three departments: Environmental Support Services; Forestry Sector Support Department; and Wetlands Management. The DEA works in collaboration with the National Environment Management Authority (NEMA).

¹ <https://www.mwe.go.ug/mwe/mwe-structures>

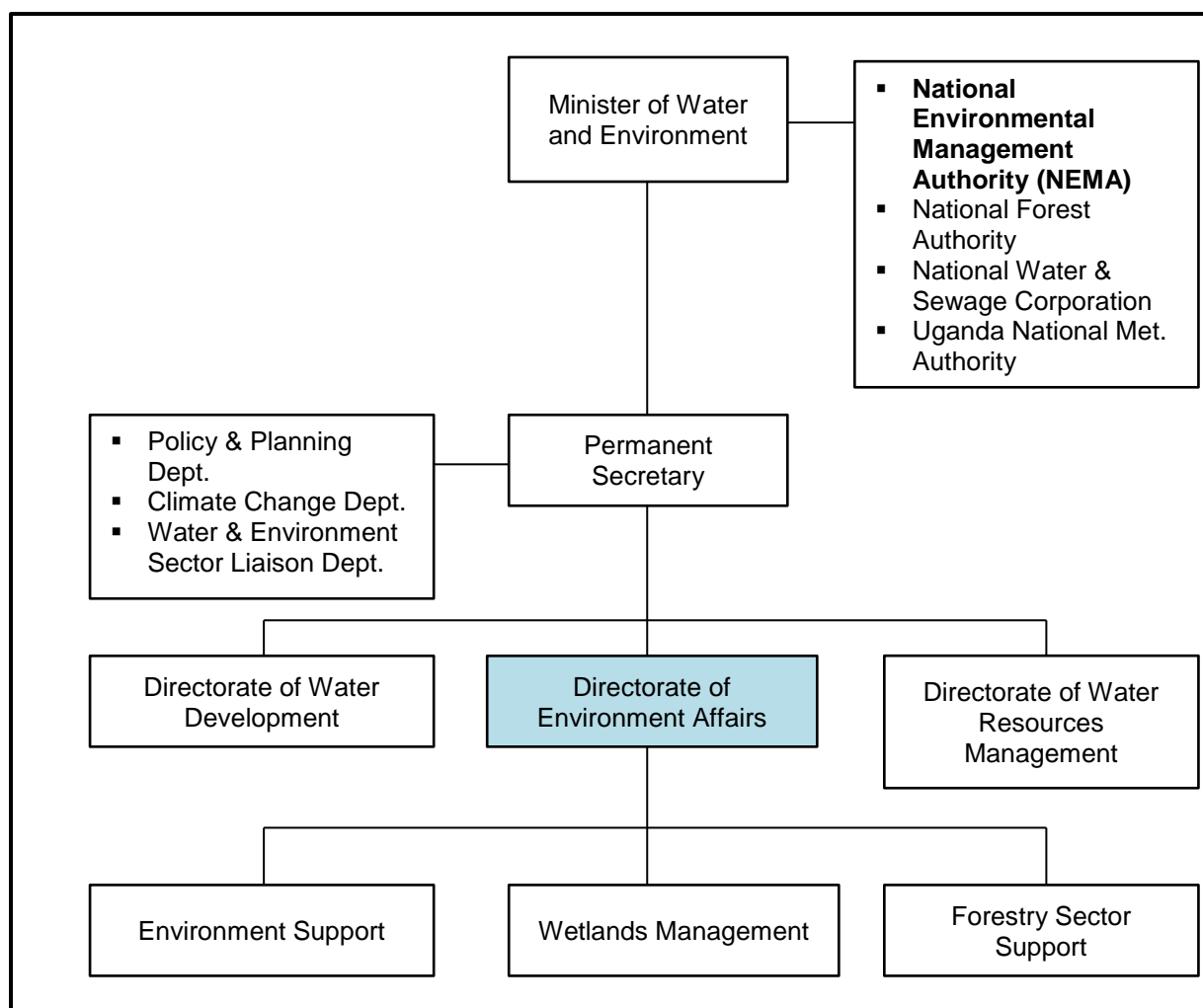


Figure 25.1: Organisational structure of the technical units of the Ministry of Water and Environment

25.2.2 National Environment Management Authority

The National Environment Management Authority (NEMA) is a semi-autonomous institution, established in 1995 under the National Environment Act (NEA) CAP 153 as the principal agency in Uganda charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country.² The 1995 NEA has been repealed and replaced by the National Environment Act No. 5 of 2019 (see s. 25.3.3). The 2019 NEA provides for the continuation of the NEMA.

The NEMA advises the Ugandan government and spearheads the development of environmental policies, laws, regulations, standards and guidelines; and guides government on sound environmental

² www.nemaug.org

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management in Uganda. As a regulatory agency, the NEMA draws authority that is embedded in the National Environment Act to:

- Coordinate the implementation of government policies and the decisions of the Policy Committee on Environment (PCE);
- Ensure the integration of environmental concerns in overall national planning through coordination with the relevant ministries, departments and agencies of government;
- Liaise with the private sector, inter-governmental organisations, non-governmental and Government agencies of other states on issues relating to the environment;
- Propose environmental policies and strategies to the PCE;
- Initiate legislative proposals, standards and guidelines on the environment in accordance with the law; and
- Review and approve environmental and social impact assessments (ESIAs) and environmental impact statements (EISs) submitted in accordance with the National Environment Act.

The NEMA has a hierarchical structure. At the top is the Policy Committee on the Environment (PCE), under which sits the NEMA Board of Directors, appointed in terms of the National Environment Act (Figure 25.2). The Board is advised by any number of specially appointed Technical Committees, appointed based on the needs of the Board. Four Technical Committees are specifically mentioned in the Act, which includes one on environmental impact assessment (EIA). Day to day operational decisions on EIA are made by the Executive Director of NEMA, supported by the Department of Environmental Monitoring and Compliance (**Error! Reference source not found.2**). Some of these structures, as they relate to EIA are described below:

The functions of the **Policy Committee on the Environment (PCE)** are:

- to formulate and coordinate environmental policies for the NEMA;
- to liaise with the Cabinet on issues affecting the environment;
- to identify obstacles to the implementation of environmental policies and programmes and ensure implementation of those policies and programmes;
- to perform any other function that may be assigned to it by the Government.

The prescribed composition of this Committee facilitates inter-sectoral governance.

The main function of the **Technical Committee on Environmental Impact Assessment** is to advise the Board and the Executive Director on technical issues relating to the carrying out of environmental impact assessments as required under the Act, and other relevant laws, with specific tasks, as outlined in the EIA Regulations S. I. No. 13/1998, including:

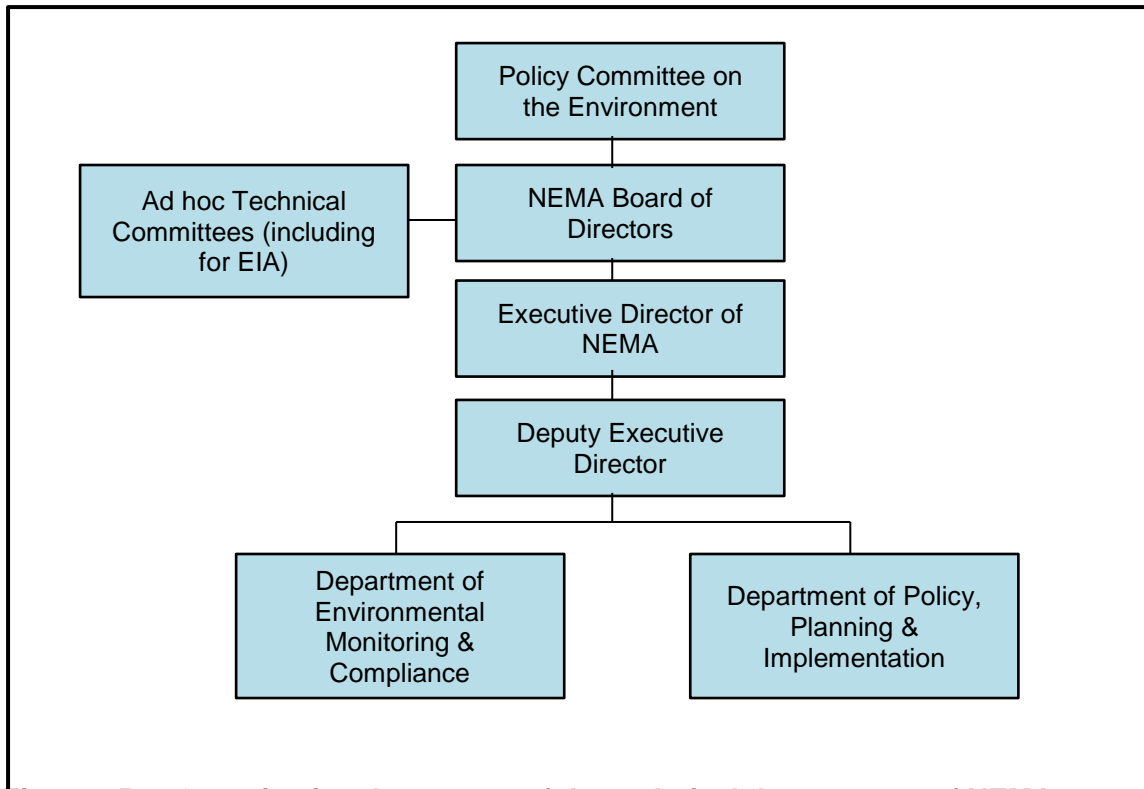


Figure 25.2: Organisational structure of the technical departments of NEMA

- Reviewing and advising on the implementation procedures for EIA and making recommendations to the Board and the Executive Director;
- Reviewing and recommending guidelines to be issued by the Authority to developers;
- Reviewing and advising on environmental impact statements, and audit reports;
- Considering potential conflicts that might arise through competing requirements for environmental resources;
- Recommending priority environmental controls, and management measures to be put in place during implementation of proposed projects;
- Advising on harmonisation of EIA policy with sectoral policies on natural resources and environment;
- Advising and recommending mechanisms for ensuring effective communication of environmental concerns associated with development projects in order to promote multi-sectoral and public participation in implementation of environmental policy;
- Participating in public hearings related to adoption or modification of Uganda's EIA process; and
- Advising NEMA on any other issues related to EIAs.

25.2.3 Inspectors

Section 127 of the National Environment Act, No. 5 of 2019, provides for the appointment of Environmental Inspectors, (referred to as 'Inspectors' in the EIA Regulations (SI No. 13/1998)). In accordance with section 128, an Inspector may at any time enter any premises for the purpose of

ensuring compliance with the Act or any other act pertaining to the environment and management of natural resources.

An Inspector may at any reasonable time conduct an audit of a given project to ensure compliance with the impact predictions and/or mitigation measures contained in a project brief or EIS. The developer is required to conduct self-monitoring, self-record keeping and self-reporting, and the information gathered through monitoring has to be stored and made available during inspection by an Inspector.

25.3 Policy and legal framework for ESIA in Uganda

25.3.1 Environmental policies and plans

Between 1991 and 1994, the Government of Uganda developed a National Environment Action Plan (NEAP). The NEAP provided a framework for addressing gaps in environment management as well as a strategy for integrating environmental considerations into national socio-economic development. One of the outcomes of the NEAP was the formulation of the National Environment Management Policy (NEMP) of 1994.

The overall goal of the NEMP is sustainable social and economic development that maintains or enhances environmental quality and resource productivity on a long-term basis in order to meet the needs of the present generations without compromising the ability of future generations to meet their own needs.

The Policy provides strategies to guide and assist decision makers and resource users in determining priorities at all governance levels (national to local) for both the public and private sector. It provides for integration of environmental concerns in the national socio-economic development planning process, avenues for inter-sectoral cooperation, and comprehensive and coordinated environmental management.

In order to harmonise all the environmental policies (including those of donor agencies) and legislation compiled up until 2018, the MWE, in the same year, developed an Environmental and Social Safeguards Policy Framework. The Policy Framework is based on 15 environmental and social safeguards principles:

- Compliance with the law;
- Labour laws and working conditions;
- Access and equity;
- Marginalised and vulnerable groups;
- Human rights;
- Gender equality and women's empowerment;

- Indigenous peoples;
- Involuntary resettlement;
- Protection of natural habitats and conservation of biological diversity;
- Climate change;
- Pollution prevention and resource efficiency;
- Public health;
- Physical and cultural heritage; and
- Lands and soil conservation.

25.3.2 Uganda National Climate Change Policy

The National Climate Change Policy was approved by Uganda’s Cabinet in 2015. The Policy asserts that several local and global studies on climate change confirm that it affects and will continue to affect Uganda’s social and economic environment with adverse consequences over time on different sectors such as agriculture, health, and infrastructure among others.

The overall goal of the Policy is “*to ensure a harmonised approach towards a climate-resilient and low-carbon development path for sustainable development in Uganda*”. The Policy proposes the following objectives to achieve the overall goal:

- Identify and promote collective policy priorities to address climate change;
- Identify and promote actions to enable stakeholders to adapt to climate change;
- Identify and promote control measures to climate change;
- Identify and promote monitoring, detection, attribution and prediction policy responses;
- Support integration of climate change concerns into planning, decision making and investments in all sectors and at all levels; and
- Enable the mobilisation of financial resources to address climate change.

The Uganda National Adaptation Plan has not been developed yet, although the road map for its development was submitted to the United Nations Framework Convention on Climate Change Secretariat in 2015³.

25.3.3 National Environment Act, No. 5 of 2019

ESIA is a legal requirement as provided for by the National Environmental Act (NEA), No 5 of 2019, which commenced on 27 June 2019. This new Act repeals the National Environment Act, CAP 153 of 1995. Section 3 of the Act repeats some of the principles enshrined in the Constitution, namely:

- To assure all people living in the country the fundamental right to an environment adequate for their health and well-being;
- To encourage the maximum participation by the people of Uganda in the development of policies, plans and processes for the management of the environment;

³ Irish Aid, 2017. Uganda Climate Action Report for 2016.

- To require prior environmental assessments of proposed projects which may significantly affect the environment or use of natural resources.

Section 112 of the NEA requires a Project Brief to be submitted to the NEMA for any project listed in Schedule 4 (Appendix 25-1 of this Chapter), while section 113 states that an EIA is required for projects listed in Schedule 5 (Appendix 25-2).

The 2019 NEA defines the term ‘environment’ as being *“the physical factors of the surroundings of human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factors of aesthetics and includes both the natural and the built environment.”* This definition tends to favour the idea that the environment is limited to merely biophysical aspects and only then as it affects *“the surroundings of human beings”*, rather than for the environment’s own sake. The only reference to social factors is to aesthetics. Two concerns regarding this aspect are that aesthetics is a perceptual issue, and secondly aesthetics does not relate to the wider socio-economic environment⁴.

Paradoxically, the EIA Regulations (see section 25.3.4 below) explicitly require the consideration of the social, economic and cultural environments in an EIA.

A significant difference between the 1995 NEA and its successor, is the inclusion of a clause on the rights of nature (section 4), which provides that:

- Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.
- A person has the right to bring an action before a competent court for any infringement of rights of nature under this Act.
- Government shall apply precaution and restriction measures in all activities that can lead to the extinction of species, the destruction of ecosystems or the permanent alteration of the natural cycle.

25.3.4 EIA regulations

The National Environmental Impact Assessment Regulations, Statutory Instrument (S.I.) No. 13/1998, deal with the EIA process, including project briefs and environmental impact studies. The Regulations provide for EIA review processes, public consultation (including public hearings), and the decision of the Executive Director of the NEMA in respect of granting, rejecting or cancelling a **Certificate of Approval**.

⁴ UNDP, 2011, Integrating Health and Social Issues and Impact Assessment into the Planning and Execution of Capital Development Projects in Eastern and Southern Africa

New EIA regulations have been drafted but have yet to be finalised.⁵⁶ Other relevant regulations include:

- The Water Resources Regulations, 1998
- The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000
- The National Environmental (Standards for Discharge of Effluent into Water or on Land) Regulations, 1999
- The Water (Waste Discharge) Regulations, 1998
- The National Environment (Waste Management) Regulations, 1999
- The National Environment (Noise Standards and Control) Regulations, 2003
- The National Environment (Mountainous and Hill Areas Management) Regulations, 2000
- The National Environment (Management of Ozone Depleting Substances and Products) Regulations, 2001
- The National Environment (Draft Air Quality Standards) Regulations, 2006
- The National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003
- The National Environment (Audit) Regulations, 2006.

25.3.5 Permits and licences

No person shall undertake a project specified in Schedule 4 or Schedule 5 of the NEA unless a **Certificate of Approval** has been issued according to the EIA Regulations. A Certificate of Approval shall be valid for a period determined by the Director of NEMA.

According to s. 175 of the NEA, the Authority may cancel or suspended a Certificate of Approval granted under the Act for contravention of any provision of the Act. Furthermore, Reg. 28 of the EIA Regulations, provides for the revocation of the Certificate of Approval in cases where:

- There is non-compliance with the conditions set out in the certificate;
- Where there is a substantial modification of the project implementation or operation which may lead to adverse environmental impacts; and/or
- Where there is a substantive undesirable effect not contemplated in the approval.

Some activities will need other permits in addition to a Certificate of Approval, such as

- Construction Permit;
- Groundwater Abstraction Permit/Surface water Abstraction Permit;
- Waste Water Discharge Permit;
- Licence to Emit Noise in Excess of permissible Noise Levels;

⁵ As of August 2019.

⁶ The 1998 Regulations refer throughout to EIA, while the forthcoming Regulations refer to ESIA

- Permit to carry out a regulated Activity in a Wetland/River Bank/Lake Shore;
- Registration of a work place;
- Development Permission;
- Licence for the Storage of Hazardous/Non-hazardous Waste;
- Licence for the Transportation of Hazardous/Non-hazardous Waste;
- Licence to Establish an Explosives Magazine or to Store and use Explosives;
- Licence to the Extraction of Stone/Aggregate and marram materials;
- Storage of Petroleum Products;
- Land Agreement.

25.3.6 Penalties

The 2019 NEA defines offences and significantly enhances the penalties both in monetary fines and prison sentences (summarised in Table 25.1 below) compared to the 1995 NEA. The 2019 NEA also makes provision for the introduction of an express penalty scheme for offences.

Table 25.1: Offences and penalties in terms of the 2019 NEA

Offence	Penalty
Section 97: A person who litters.	A fine not exceeding five thousand currency points ⁷ or imprisonment not exceeding ten years, or both.
Section 169(1): A person convicted of an offence under the NEA and continues to contravene any of the provisions of the NEA.	(a) in the case of an individual, a fine not exceeding ten thousand currency points or imprisonment not exceeding seven years, or both; or (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.
Section 170: A person who contravenes any provision of the NEA for which no penalty is specifically provided.	(a) in the case of an individual, a fine not exceeding five thousand currency points or imprisonment not exceeding seven years, or both; or (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.
Sections 171(4): a person who fails to make a payment under the NEA on or before the time when the amount is payable,	The person shall pay, as a penalty, a surcharge of five percent of the amount in default for each day of default.

25.3.7 Fees

The EIA Regulations require fees to be paid for the submission of project briefs and EIAs as prescribed in Schedule 3 of the Regulations. The fees payable are laid out in

⁷ According to Schedule 1 to the NEA, one currency point is equivalent to twenty thousand Ugandan Shillings

Table 25.2.

Table 25.2: Fees associated with issuing a Certificate of Approval

Fee payable for	Fees
Where the total value of the project does not exceed Shs. 50,000,000	Shs. 250,000
Where the total value of the project exceeds Shs. 50,000,000 but does not exceed Shs. 100,000,000	Shs. 500,000
Where the total value of the project exceeds Shs. 100,000,000 but does not exceed Shs. 250,000,000	Shs. 750,000
Where the total value of the project exceeds Shs. 250,000,000 but does not exceed Shs. 500,000,000	Shs. 1,000,000
Where the total value of the project exceeds Shs. 500,000,000 but does not exceed Shs. 1,000,000,000	Shs. 1,250,000
Where the total value of the project exceeds Shs. 1,000,000,000 but does not exceed Shs. 5,000,000,000	Shs. 2,000,000
Where the total value of the project is more than Shs. 5,000,000,000	0.1% of the total value of the project

25.3.8 Guidelines

A few EIA guidelines have been published by various organs of state. These include among others:

- Guidelines for Environmental Impact Assessment in Uganda (NEMA, 1997)⁸;
- Environmental Impact Assessment Guidelines for Road Projects (Ministry of Works, Housing and Communications, 2004)⁹;
- Environmental Impact Assessment guidelines for water resources related projects in Uganda (MWE, 2011);¹⁰
- Draft EIA guidelines for the fisheries sector, 2013;
- Draft EIA guidelines for the mining sector, 2013.

25.3.9 Environmental standards

Standards for wastewater discharge are stipulated in the National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations, S.I. No 5/1999, these are presented in Table 25.3 below.

Table 25.3: Standards for discharge of effluent or wastewater

Parameter	Maximum Permissible Limits
1,1,1,-trichloroethane	3.0 mg/l
1,1,2,-dichloroethylene	0.2 mg/l
1,1, 2,-trichloroethane	1.06 mg/l
1,2-dichloroethane	0.04 mg/l

⁸ www.nzdl.org

⁹ <https://www.works.go.ug/wp-content/uploads/2016/05/EIA-Guidelines-for-Road-Sector-Latest-latest.pdf>

¹⁰ www.mwe.go.ug

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Parameter	Maximum Permissible Limits
1,3-dichloropropene	0.2 mg/l
Aluminum	0.5 mg/l
Ammonia Nitrogen	10 mg/l
Arsenic	0.2 mg/l
Barium	10 mg/l
Benzene	0.2 mg/l
Biological oxygen demand (BOD)	50 mg/l
Boron	5 mg/l
Cadmium	0.1 mg/l
Calcium	100 mg/l
Chloride	500 mg/l
Chlorine	1 mg/l
Chromium (total)	1 mg/l
Chromium (VI)	0.05 mg/l
1,2-dichloroethylene	mg/l
Cobalt	mg/l
Chemical oxygen demand (COD)	100 mg/l
Coliform Bacterial Organisms	10,000 counts/100 ml
Colour	300 TCU
Copper	1.0 mg/l
Cyanide	0.1 mg/l
Detergents	10 mg/l
Dichloromethane	0.2 mg/l
Iron	10 mg/l
Lead	0.1 mg/l
Magnesium	100 mg/l
Manganese	1.0 mg/l
Mercury	0.01 mg/l
Nickel	1 mg/l
Nitrite	20 mg/l
Nitrogen (total)	10 mg/l
Oil and Grease	10 mg/l
pH	6.0-8.0
Phenols	0.2 mg/l
Phosphate (total)	10 mg/l
Phosphate (soluble)	5.0 mg/l
Selenium	1.0 mg/l

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Parameter	Maximum Permissible Limits
Silver	0.5 mg/l
Sulphate	500 mg/l
Sulphide	1.0 mg/l
Total dissolved solids (TDS)	1200 mg/l
Temperature	20 – 35 °C
Tetrachloroethylene	0.1 mg/L
Tetrachloromethane	0.02 mg/L
Tin	5.0 mg/L
Total Suspended Solids	100 mg/L
Trichloroethylene	0.3 mg/L
Turbidity	100 NTU
Zinc	5.0 mg/L

The NEMA has promulgated standards on noise in the National Environment (Noise Standards and Control) Regulations, 2003. These are presented in Table 25.4 below.

Table 25.4: Maximum permissible noise levels for general environment

Facility	Noise Limits dB (A) (Leq)	
	Day	Night
A. Any building used as a hospital, convalescence home, home for the aged, sanatorium and institutes of higher learning, conference rooms, public library, environmental or recreational sites.	45	35
B. Residential buildings	50	35
C. Mixed residential (with some commercial and entertainment)	55	45
D. Residential + industry or small-scale production + commerce	60	50
E. Industrial	70	60

Air quality standards and regulations were proposed in 2005 under the old National Environmental Act,¹¹ but these have not yet been promulgated. Developers are recommended to use the World Health Organisation air quality standards until such time as national air quality standards are promulgated.

¹¹ UNEP, 2015. Uganda Air Quality Policies. Available: <https://wedocs.unep.org/bitstream/handle/20.500.11822/17133/Uganda.pdf?sequence=1&isAllowed=y>

25.3.10 Certification of environmental consultants

Following concern about the quality of ESIA's undertaken by environmental assessment practitioners, and in order to provide for a uniform system of certification and registration of these practitioners, the National Environment (Conduct and Certification of Environment Practitioners) Regulations, 2003 were gazetted to set minimum standards and criteria for qualification as an EA Practitioner. The Regulations also establish an independent Committee of Environmental Practitioners whose roles include, among others, to regulate the certification, registration, practice and conduct of all environmental impact assessors and environmental auditors. The Committee also has powers to take disciplinary action at its discretion in order to maintain standards for EA professional practice in Uganda.

25.4 ESIA procedural framework in Uganda

The steps required to conduct an EIA are outlined in the following subsections and shown schematically in **Error! Reference source not found.** The 1998 EIA Regulations have been used because the new/draft Regulations had not commenced at the time of writing.¹²

25.4.1 Preparation of project brief (screening and scoping)

A developer who intends to implement a project listed in Schedule 4 of the NEA has to start the EIA process with the submission of a Project Brief. A Project Brief is roughly equivalent to a scoping report and must include some basic project and environmental information, as well as (Reg. 5):

- The number of people that the project will employ and the economic and social benefits to the local community and the nation in general; and
- The environmental effects of the materials, methods, products and by-products of the project, and how they will be eliminated or mitigated.

There is no explicit requirement to undertake an alternatives assessment or public consultation during the Project Brief stage, but the Executive Director can request “*any other matter that may be required by the Authority*” (NEMA).

Once completed, the Project Brief is submitted to the Executive Director of the NEMA who then, within **seven days** of receipt of the Project Brief, may transmit a copy to the Lead Agency (an agency to which the NEMA legally delegates its authority under the NEA) for comments. The Lead Agency is required to submit its comments to the NEMA within **14 days** of receipt of the Project Brief from the NEMA. After 14 days the Director may consider the Project Brief, approve it and issue a Certificate of Approval for the project, if it is found to have no significant impact on the environment; or s/he may,

¹² As of August 2019

within **21 days** of receipt of the Project Brief, request the developer in writing to conduct an ESIA study.

25.4.2 Environmental Impact Study

Prior to commencing with an environmental impact (EI) study, the developer must develop Terms of Reference (ToR) for the study in consultation with the NEMA (Figure 25.3). The EI studies then need to be carried out in accordance with the ToR and the requirements of the EIA Regulations (especially Schedule 1) and any guidelines. Some of the notable considerations listed in Schedule 1 include: biodiversity conservation; sustainable natural resources management; effects on human health; and effects on culture and objects of cultural value.

However, some key cross-cutting issues are not explicitly stated, such as: labour and working conditions; gender; climate change; resettlement; and pollution prevention and management.

The EI study has to include a detailed assessment of the direct, indirect, cumulative, short- and long-term effects of the development on the environment, together with mitigation measures to avoid, minimise and control such impacts.

The regulations are clear on the requirement for public consultation during the EI study, noting that: *“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 under these regulations.”* This has to be done through advertisements in the mass media for 14 days, followed by public meetings held at venues and times convenient for the affected public.

Once the EI study has been completed, the developer is expected to compile the findings into an Environmental Impact Statement (EIS) and submit 20 hard copies of this EIS to the Director of NEMA.

25.4.3 EIS Review and decision making

Upon receipt of the EIS from the developer, the Director will transmit a copy of the EIS to the Lead Agency for comments. The Lead Agency should submit their comments to the Director within **30 days** of receipt of the EIS (Figure 25.3).

Within **10 days** of receiving the comments from the Lead Agency, the Director is required to invite the general public, but also the people most likely to be affected by the project, to submit comments on the EIS. The invitation should be published in a newspaper (with local or national circulation) for a period determined by the Director. The public should submit their comments within **28 days** of the publication of the invitation.

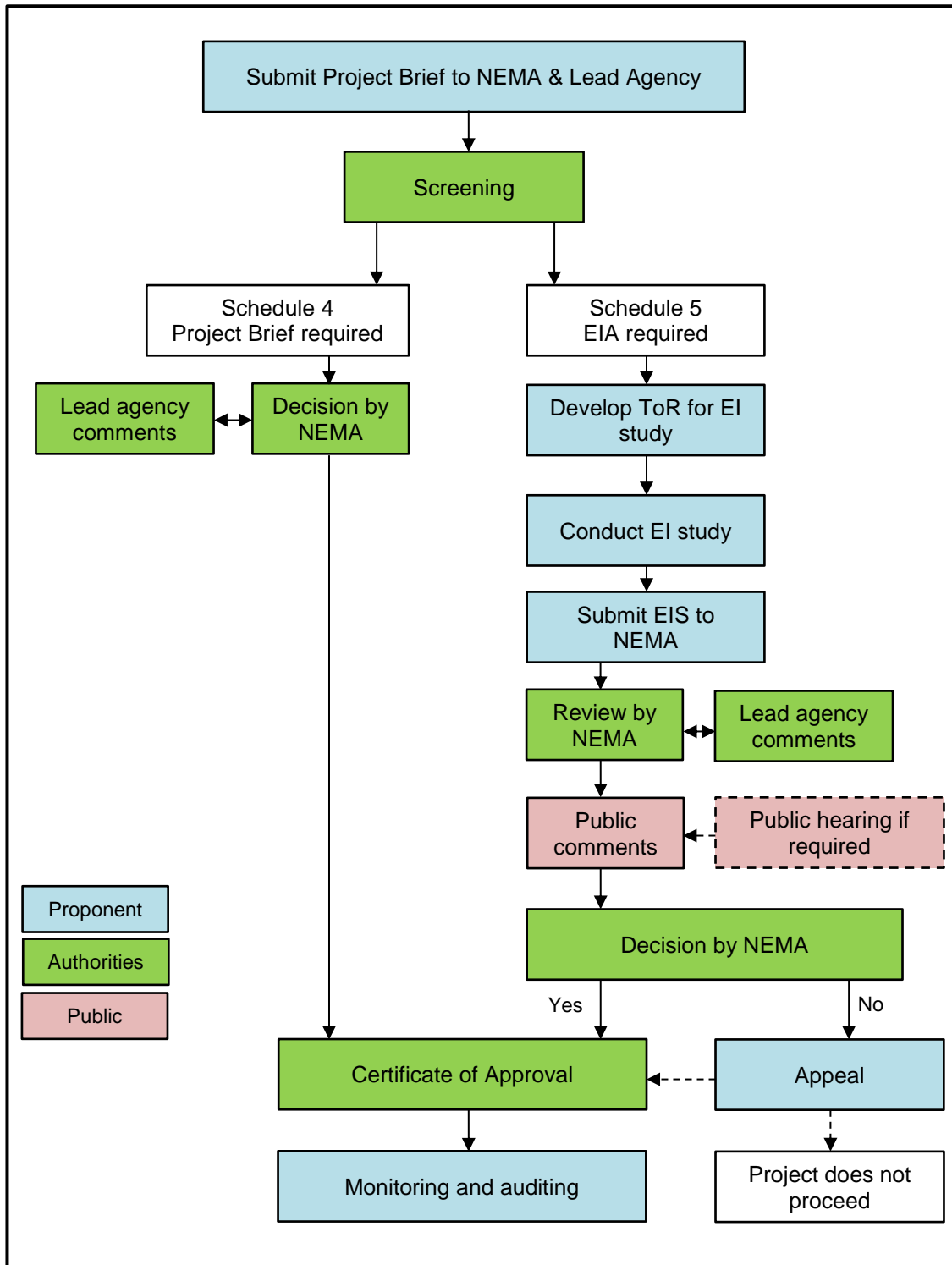


Figure 25.3: EIA procedure

If, after consideration of the comments submitted by the general public and/or persons most likely affected, the Director may decide to hold a public hearing if the project is controversial or has trans-boundary effects. The public hearing should be held between **30 and 45 days** after the aforementioned comments period by the Lead Agency, and be presided over by a suitably qualified, appointed Presiding Officer. The Presiding Officer should present his/her findings to the Lead Agency

within **30 days** of the conclusion of the public hearing. The Lead Agency is required to submit its findings and recommendations to the Director within **21 days** of the conclusion of the public hearing.

Other than review by the various technical committees on the environment, there are no provisions in the legislation for the appointment of independent, external reviewers.

The Director's decision on the EIS should take into account the findings of the EIS and comments submitted by the public among other considerations. The decision on an EIS should be delivered in writing to the developer within **180 days** of submission of the EIS. If approved, a Certificate of Approval should be issued and should state the validity period/duration of the approval. If rejected, the Director is required to give reasons for the rejection.

25.4.4 Appeals

The 2019 NEA makes provision for a person aggrieved by the decision of a lead agency, a technical committee or a public officer in the exercise of their functions under the NEA to appeal to the NEMA. However, the 1998 EIA regulations (which are yet to be repealed), provide for appeal to the high court, within **30 days** of a decision taken by the Director of NEMA.

25.4.5 Monitoring and Auditing

Follow-up compliance auditing is required in terms of s. 122 of the NEA and Regs. 31 and 32. All developers whose projects have been subjected to EIA are required to ensure that the mitigation measures and actions to protect the environment set out in the approved EIS, are adopted and implemented. The developer is required to carry out an initial environmental audit not less than 12 months and not more than 36 months after completion of the project, or commencement of its operations, whichever is earlier. The developer is required to conduct self-monitoring, self-record keeping and self-reporting, and the information gathered through monitoring has to be stored and made available during inspection by an Inspector (see section 25.2.3 above).

25.4.6 Strategic Environmental Assessment

Section 47 of the NEA provides for Strategic Environmental Assessment (SEA), however the manner in which SEAs should be carried out has yet to be prescribed in regulations.

25.4.7 Trans-boundary impacts

Uganda is a land-locked country in East Africa, surrounded by Kenya to the east, Tanzania and Rwanda to the south, the Democratic Republic of Congo to the west and South Sudan to the north. While trans-boundary impacts are defined in the 1998 EIA Regulations, there is no elaboration as to how these should be considered in an EIS. However, the proposed new Regulations set out procedures and notification protocols to be adopted for projects which may have trans-boundary impacts, including the need for public hearings if a project crosses district or national boundaries.

25.5 Other relevant environmental legislation

A number of sector laws in Uganda are relevant to ESIA. Table 25.5 provides a summary of the relevant sector legislation.

Table 25.5: Other potentially applicable sectoral requirements

Sector	Primary agency	Title and date of document	Purpose
Water resources	Ministry of Water and Environment Water Resources Commission	The Water Act, CAP 152, 1997	Provides for the use, protection and management of water resources and supply. Provides for the constitution of water and sewerage authorities and facilitates the devolution of water supply and sewerage undertakings.
		National Water and Sewerage Corporation Act, CAP 317, 1995	Revises the objectives, powers and structure of the National Water and Sewerage Corporation
Waste	Ministry of Water and Environment NEMA	The National Environment (Waste Management) Regulations, S.I. No. 52/1999	Applies to: (a) all categories of hazardous and non-hazardous waste; (b) to the storage and disposal of hazardous waste and their movement into and out of Uganda; and (c) to all waste disposal facilities, landfills, sanitary fills and incinerators. The Regulations provide rules for the handling and disposal of such waste and provide the NEMA with the necessary powers for the management of such waste.
Forestry	Ministry of Water and Environment National Forestry Authority	The Forests Act, CAP 146, 1947	This Act consolidates laws relating to forests and forest reserves.

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Sector	Primary agency	Title and date of document	Purpose
		The National Forestry and Tree Planting Act, No. 8 of 2003	The Act provides for: the conservation, sustainable management and development of forests for the benefit of the people of Uganda; the declaration of forest reserves for purposes of protection and production of forests and forest produce; the sustainable use of forest resources and the enhancement of the productive capacity of forests; and the promotion of tree planting. This Act consolidates law relating to the forest sector and trade in forest produce and establishes the National Forestry Authority.
Conservation and wildlife	Ministry of Tourism, Wildlife and Antiquities Uganda Wildlife Authority	The Uganda Wildlife Statute, 1996 Statute No. 14 Uganda Wildlife Act, CAP 200 of 2000	Provides for the sustainable management of wildlife; consolidates the law relating to wildlife management; and establishes a coordinating, monitoring and supervisory body for these purposes
Fisheries	The Ministry of Agriculture, Animal Industry and Fisheries	The Fish Act, 1951 (CAP 197) as amended	Provides for the control of fishing, the conservation of fish, the purchase, sale, marketing and processing of fish.
		Fish (Aquaculture) Rules, 2003 (S.I. No. 81 of 2003) 2003	Provides for control of activities relating to aquaculture.
		Fish (Beach Management) Rules, 2003 (S.I. No. 35 of 2003). 2003	Provides for the management of beaches. Establishes a Beach Management Unit at all gazetted fish landing sites and provides for the election of Beach Management Committees, which shall manage their respective Beach Management Units.
		Fish (Quality Assurance) Rules, 2008 (S.I. No. 12 of 2008). 2008	Provides for control of quality and hygiene of fish and fish products (<i>“any product where fish is the primary component, not including the use of fish products as minor ingredients in other processed foods or feeds”</i>).
Tourism	Ministry of Tourism, Wildlife and Antiquities Uganda Tourist Board	The Uganda Tourism Act, No. 2 of 2008	Provides for the reform, consolidation and streamlining of law relating to tourism; licensing, regulating and controlling of the tourism sector; gives effect to the implementation of the tourism policy of Government; reconstitutes the Uganda Tourist Board to make it private sector driven; establishes a tourism development levy; for the establishment and management of a tourism development fund and repeals the Hotels Act, the Tourist Agents (Licensing) Act, and the Uganda

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Sector	Primary agency	Title and date of document	Purpose
			Tourist Board Act.
Health	Ministry of Health	The Public Health Act, 1935 (CAP 281) as amended.	Consolidates the law regarding the preservation of public health.
Planning and zoning	The Ministry of Lands, Housing and Urban Development National Planning Authority	Physical Planning Act, No. 8 of 2010	Revises and consolidates the laws to provide for the establishment of a National Physical Planning Board; to provide for the composition, functions and procedure of the Board; to establish district and urban physical planning committees; to provide for the making and approval of physical development plans and for the applications for development permission
		National Planning Authority Act No. 15 of 2002	Provides for the composition and functions of the National Planning Authority in accordance with article 125 of the Constitution.
Mining and mineral resources	The Ministry of Energy and Mineral Development	The Mining Act, 2003	Repeals and replaces the Mining Act, CAP. 248, with new legislation on mining and mineral development, which conforms, and otherwise gives effect, to the relevant provisions of the Constitution; vests the ownership and control of all minerals in Uganda in the Government; provides for the acquisition of mineral rights.
		Minerals Commission Act 1993, (Act 450)	Establishes a Minerals Commission, provides for its composition and functions relating to the regulation and management of the utilisation of minerals.
Energy	The Ministry of Energy and Mineral Development Electricity Regulatory Authority	Electricity Act, 1999, (CAP 145)	Provides for the establishment of the Electricity Regulatory Authority and its functions, powers and administration; provides for the generation, transmission, distribution, sale and use of electricity; provides for the licensing and control of activities in the electricity sector; provide for plant and equipment and for matters relating to safety; liberalises and introduces competition in the electricity sector.
		The Atomic Energy Act, 2008	Regulates the peaceful applications of ionising radiation; establishes the Atomic Energy Council; provides for the protection and safety of individuals, society and the environment from the dangers resulting from ionising radiation; provides for the production and use of radiation sources and the management of radioactive waste;

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Sector	Primary agency	Title and date of document	Purpose
			provides for a framework for the promotion and development of nuclear energy for use in power generation and other peaceful purposes; provides for compliance with international safety requirements for the use of ionising radiation, radiation protection and security of radioactive sources; repeals the Atomic Energy Act, Cap. 143
Land	The Ministry of Lands, Housing and Urban Development	The Land Act No. 16 of 1998, as amended 2010.	Provides for the tenure, ownership and management of land; amends and consolidates the law relating to tenure, ownership and management of land.
	Uganda Land Commission	Land Acquisition Act, 1965	Provides for the acquisition of land according to approved procedures with adequate, fair and timely compensation paid to landowners.
Agriculture	Ministry of Agriculture, Animal Industry and Fisheries	Agricultural Chemicals (Control) Act, 2007	Controls and regulates the manufacture, storage, distribution and trade in, use, importation and exportation of agricultural chemicals.
		The Plant Protection and Health Act, 2015	Consolidates and reforms the law relating to protection of plants against destructive diseases, pests and weeds. Prevents the introduction and spread of harmful organisms that may adversely affect Uganda's agriculture, the natural environment and livelihood of the people. Ensures sustainable plant and environmental protection. Regulates the export and import of plants and plant products and introduction of new plants in accordance with international commitments on plant protection. Entrust all plant protection regulatory functions to the Government.
Archaeology, history and culture	Ministry of Tourism, Wildlife and Antiquities	Historical Monuments Act 1968 (CAP 46)	Provides for the preservation and protection of historical monuments and objects of archaeological, palaeontological, ethnographical and traditional interest.
Labour employment and occupational health	Ministry of Gender Labour and Social Development	Employment Act, 2006	Revises and consolidates the laws governing individual employment relationships.
		Workers' Compensation Act, 2000	Provides for the compensation to workers for injuries suffered, and scheduled diseases incurred in the course of their employment

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Sector	Primary agency	Title and date of document	Purpose
		Occupational Health and Safety Act, 2006	Makes provision for the health, safety, welfare and appropriate training for persons employed in work places. Any employer with more than 20 workers must have a Health and Safety Policy and provide adequate PPE to all workers.

Appendix 25-1: Projects for which a Project Brief is required (Schedule 4)

PART 1—PROJECT BRIEFS TO BE SUBMITTED TO THE NEMA

1. Transport, transportation equipment and related infrastructure.

- (a) Rehabilitation of public roads and airstrips not passing through fragile ecosystems.
- (b) Construction of community access roads.
- (c) Construction of private roads of more than 6 meters in width, including private roads joining national roads, except those passing through fragile ecosystems.
- (d) Temporary roads for access to infrastructure facilities, being roads of more than 10 km.
- (e) Construction of parking lots for public use with capacity to hold at least 50 vehicles.
- (f) Construction of tourism tracks in protected areas.
- (g) Water transport facilities using small vessels such as barges.
- (h) Creation of access waterways of less than 10 kilometres.
- (i) Rehabilitation of existing structures within ports or harbours; excluding development and construction of new structures.
- (j) Support facilities for activities under paragraphs (a) to (i).

2. Communications facilities.

Repair and upgrade of communications installations, equipment and related facilities.

3. Exploration and power generation, transmission and distribution infrastructure.

- (a) Generation of power from solar photo-voltaic (PV) power plants of at least 2 megawatts for commercial purposes.
- (b) Hydropower generation plants up to 1 megawatt where:
 - (i) impacts are low and can readily be mitigated;
 - (ii) footprint of construction works has limited area;
 - (iii) limited amounts of water are to be abstracted;
 - (iv) labour requirements are low;
 - (v) duration of construction works is less than 2 years;
 - (vi) the site is not in an environmentally sensitive area or fragile ecosystem;
 - (vii) the requirement for associated infrastructure such as camps, access roads and dump sites is limited.
- (c) Electricity distribution lines of a voltage above 11 kV up to a maximum of 33 kV.
- (d) Power transmission lines and other means of electrification of between 10 kilometres to 15 kilometres in length where:
 - (i) the lines do not pass through an environmentally sensitive area;
 - (ii) the labour requirement is low (up to 20 persons per tower);
 - (iii) the duration of construction works is less than 1 year;

- (iv) the line is not in an environmentally sensitive area.
- (e) Support facilities to paragraph (a) to (d).

4. Utilisation of water resources and water supply.

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 400 m³/day but less than 1,000 m³/day.
- (b) Abstraction or utilisation of ground water of less than 1000 m³/ day.
- (c) Construction of gravitational water scheme of between 400 m³/day and 1,000 m³/day, except where the water source is too small to sustain the gravity water scheme or the ecosystem is fragile and sensitive.
- (d) Diversion of water from a river or stream, where the water discharged is less than 400m³/day.
- (e) Support facilities to (a) to (d).

5. Housing and urban development.

- (a) Construction of planned settlements or housing estates covering at least 2.5 acres but not more than 5 acres.
- (b) Construction and expansion of public health centres III¹³ and IV¹⁴, private health centres and clinics or their equivalent.
- (c) Establishment of cemeteries of 2,500 m²/more or up to 2 acres.
- (d) Places of worship.
- (e) Recreation centres; including playgrounds, tennis courts and football pitches to be located near wetlands or sensitive ecosystems.
- (f) Washing bays outside environmentally sensitive areas.
- (g) Support facilities to paragraphs (a) to (f).

6. Agriculture, livestock, range management and fisheries.

- (a) Irrigation of between 5 to 20 hectares.
- (b) Small scale livestock rearing of between 10 to 50 heads of livestock when situated in an urban area.
- (c) Construction of feedlots in densities of between 500 and 999 cattle livestock units and 1000 units for other livestock.
- (d) Installations for the intensive rearing of birds or pigs with:
 - (i) 1,000 or more birds per facility situated within an urban area and 5,000 poultry per facility situation outside an urban area or in a peri – urban area; or
 - (ii) 100 or more pigs per facility situated within an urban area and 200 pigs per facility situated outside an urban area or in a peri – urban area.

¹³ These centres should comprise approximately 18 staff members, a general outpatient clinic, maternity ward and functioning laboratory ([The Guardian, 2009](#)).

¹⁴ This centre is a mini hospital. It should have all the facilities of a Health Centre III as well as space for 34 beds and capacity for up to 100 outpatients/day to admit patients and a theatre for performing operations ([The Guardian, 2009](#)).

- (e) Installations for the intensive rearing of dogs with:
 - (i) 50 or more dogs per facility situated within an urban area; or
 - (ii) 100 or more dogs per facility situated outside an urban area.
- (f) Support facilities to (a) to (e).

7. Food and beverage industry.

- (a) Brewing, distilling or malting of beer, wine, waragi and other spirits for commercial purposes of a capacity of between 500 litres and 1000 litres per day.
- (b) Production of non-alcoholic drinks of 500 litres and 1000 litres per day.
- (c) Confectionery or bakeries for commercial purposes.
- (d) Manufacture of herbal and food supplements, employing more than 50 people.
- (e) Any other small-sized food and beverage processing facilities.

8. Nature conservation areas.

- (a) Creation of wildlife protected area buffer zones and corridors.
- (b) Creation of buffer zones for environmentally sensitive areas.
- (c) Creation of community wildlife conservation areas in situ.
- (d) Creation of wildlife sanctuaries.
- (e) Creation of community conservation areas outside protected areas.
- (f) Support facilities to (a) to (e).

9. Hotel, tourism and recreational development.

- (a) Establishment of community tourism areas.
- (b) Development of tourism or recreational facilities in an area of less than one hectare.
- (c) Permanent racing and test tracks for motorized vehicles in an area of less than half an hectare.
- (d) Bandas, tents and campsites for touristic purposes.
- (e) Access gates and entrances to protected areas.
- (f) Construction of administration, educational and research infrastructure in protected areas of a capacity of less than 50 persons.
- (g) Support facilities to (a) to (f).

10. Metallurgy.

Foundry and forging.

11. Mining industry and mineral processing.

- (a) Reconnaissance and geophysical surveys.
- (b) Geochemical sampling, pitting and trenching.
- (c) Support facilities to (a) to (b).

12. Extraction of non-mineral products.

- (a) Extraction of sand, murram and clay of between 2m³ and 5m³ per day.
- (b) Stone extraction and quarrying of less than 5m³per day.

13. Petroleum activities and operations.

- (a) Upstream:
 - (i) Reconnaissance.
 - (ii) Well appraisal.
 - (iii) Geophysical and geo-technical surveys except for seismic surveys.
 - (iv) Well testing, if not covered under the Environmental Impact Statement.
 - (v) Plug and abandonment activities.
- (b) Midstream:
 - Rehabilitation of facilities.
- (c) Downstream:
 - Construction of not more than 2 fuel pumps and ancillary facilities.

14. General.

- (a) An activity out of character with its surroundings.
- (b) A structure of a scale not in keeping with its surroundings.
- (c) Minor land use changes in areas with slopes of more than 20%; including housing construction.
- (d) Other activities as advised by the Authority in liaison with the lead agency.

PART 2—PROJECTS BRIEFS TO BE SUBMITTED TO THE LEAD AGENCY.

Screening checklist for projects to be handled by lead agencies in consultation with the NEMA.

1. Transport, transportation equipment and related infrastructure.

- (a) Opening up of community access and feeder roads.
- (b) Construction of drainage channels.
- (c) Upgrading of community access and feeder roads to bitumen standards.
- (d) Temporary roads for access to infrastructure facilities, being roads of less than 10km.
- (e) Construction of walkways and cycle-ways if done separately from road construction plans.
- (g) Swamp road improvement which involves installation of culverts.
- (h) Construction of parking lots for public use with capacity to hold between 30 to 50 vehicles.
- (i) Support facilities to (a) to (h).

2. Exploration and power generation, transmission and distribution infrastructure.

- (a) Electricity distribution lines of a voltage of less than 11kV.
- (b) Infrastructure at anchoring sites for electricity distribution lines.
- (c) Support facilities to (a) to (b).

3. Utilisation of water resources and water supply.

- (a) Construction of community water points.
- (b) Construction of small-scale gravitational flow schemes.
- (c) Extension of piped water in town councils.
- (d) Support facilities to (a) to (c).

4. Housing and urban development.

- (a) Construction of planned settlements or housing estates that cover at least 1 acre but not more than 2.5 acres.
- (b) Land allocation for change of land use.
- (c) Construction of district, urban council and sub-county administrative blocks.
- (d) Construction of public facilities, including schools and functional adult learning centres.
- (e) Construction of Health Centre II¹⁵.
- (f) Establishment of recreational facilities; including green spaces and tree planting.
- (g) Construction and expansion of day-care facilities and nurseries located near sensitive ecosystems.
- (h) Support facilities to (a) to (g).

5. Agricultural investments, livestock, range management and fisheries.

- (a) Construction of agro-processing facilities.
- (b) Construction of watering points and treatment facilities.
- (c) Establishment of farming demonstration sites.
- (e) Establishment of community markets.
- (f) Construction of biomass energy conservation projects.
- (g) Support facilities to (a) to (f).

6. Forestry.

- (a) Selective removal of single tree species over an area of 4 acres.
- (b) Firewood extraction and harvest of non-wood forest products.
- (c) Establishment of plantations of between 250 ha and 500 ha.
- (d) Support facilities to (a) to (c).

7. Metallurgy.

- (a) Artisanal mechanical workshops and mechanical works.
- (b) Blacksmith and fabrication works.

8. Extraction of non-mineral products.

Extraction of sand, murrum and clay of less than 2m³ per day.

¹⁵ This centre should be able to run an out-patient clinic, treating common diseases like malaria and offering antenatal care ([The Guardian, 2009](#)).

9. Waste management facilities.

- (a) Construction of sanitary and waste collection facilities at administrative headquarters, academic institutions and health centres.
- (b) Construction of waste bunkers and collection sites.
- (c) Temporary waste storage facilities for garbage.
- (d) Construction of public sanitary facilities.
- (e) Support facilities to (a) to (d).

Note: Any reference to screening reports or project proposals under any law for projects covered by this Part shall be construed to mean a Project Brief.

Appendix 25-2: Projects for which an EIA is mandatory (Schedule 5)

1. Transport, transportation equipment and related infrastructure.

- (a) Construction of public roads not being community access roads, including—
 - (i) Enlargement or upgrade of existing public roads.
 - (ii) Construction of flyovers.
 - (iii) Construction of terminals.
 - (iv) Construction of parking facilities, including bus and taxi parks.
- (b) Construction of roads to aid specific projects, including petroleum in-field roads.
- (c) Construction of private roads of more than 6 meters in width, including private roads joining national roads that pass through fragile ecosystems or involve re-settlement.
- (d) Construction of inland container ports.
- (e) Construction of large mechanical workshops and vehicle inspection centres, with a capacity of 50 or more vehicles.
- (f) Construction of commercial public roadside resting facilities.
- (g) Construction of new railway lines and related facilities or improvement works to existing railway lines and related facilities.
- (h) Construction of underground and other tunnels for transportation purposes.
- (i) Construction of tramways and cable cars.
- (j) Air transport facilities including:
 - (i) Construction, expansion or upgrade of aerodromes, airports or airfields.
 - (ii) Construction, expansion or upgrade of heliports or helipads.
- (k) Water transport facilities including:
 - (i) Construction of new, or expansion of existing shipyards, ports and harbour facilities, jetty and pier development for loading and unloading connected to land.
 - (ii) Creation of access waterways of more than 10 kilometres.
 - (iii) Facilities used in building and repairing all types of ships above 4,000 tonnes displacement.
 - (iv) Marinas.
- (l) Support facilities to (a) to (j).

2. Communications facilities.

- (a) Construction of communications installations, equipment and related facilities.
- (b) Construction and expansion of communications towers; including satellite stations.
- (c) Construction of light houses and watch towers.
- (d) Support facilities to (a) to (c).

3. Exploration and power generation, transmission and distribution infrastructure.

- (a) Generation of power from solar PV power plants of more than 2 megawatts.
- (b) Exploration and generation of geothermal resources.
- (c) Thermal power generation and other combustion installations.
- (d) Wind power generation farms of a capacity of at least 10 megawatts.
- (e) Generation of power from peat.
- (f) Generation, storage or distribution of electricity from gas and steam energy.
- (g) Hydro-power generation facilities; including dams with an installed capacity of more than 1 megawatt, or where conditions in Schedule 6 Part 1 paragraph 3(b) have not been met.
- (h) High voltage electricity transmission lines.
- (i) Power transmission lines and other means of electrification of more than 15 kilometers in length.
- (j) Electricity distribution lines of a voltage of more than 33kV or where conditions in Schedule 5 Part 1 paragraph 3(c) have not been met.
- (k) Electrical substations.
- (l) Construction of facilities or infrastructure for nuclear reaction, including:
 - (i) energy generation.
 - (ii) production, enrichment, processing and re-processing.
 - (iii) storage or disposal of nuclear fuels or radioactive products.
- (m) Support facilities to (a) to (l).

4. Utilisation of water resources and water supply.

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m³/day.
- (b) Abstraction or utilisation of ground water of more than 1,000 m³/ day.
- (c) Diversion of water from a river or stream, where the water discharged is more than 400 m³/day or 30% of Internal Renewable Water Resources over the river catchment.
- (d) Dredging of a river or lake.
- (e) Underground storage of water of 10,000 m³ or more.
- (f) Bulk water transfer from one catchment or water body to another.
- (g) Flood control schemes.
- (h) Construction of valley dams and valley tanks where the threshold is 1,000,000 m³ or more.
- (i) Construction of water pipelines of more than 20 kilometers in length or with a capacity of more than 500,000 m³ per day of water.
- (j) Construction of large scale gravitational water schemes of more than 1000 m³/day or where the ecosystem is fragile and sensitive.
- (k) Support facilities to (a) to (j).

5. Housing and urban development.

- (a) Construction of planned settlements or housing estates covering at least 5 acres.

- (b) Establishment or expansion of development zones, industrial estates and industrial parks.
- (c) Construction and expansion of public and private hospitals.
- (d) Construction and expansion of educational and research institutions.
- (e) Shopping centres and other commercial complexes covering a floor area of 10,000 m² or more.
- (f) Construction of warehouses.
- (g) Support facilities to (a) to (f).

6. Agricultural investments, livestock, range management and fisheries.

- (a) Large scale cultivation of 20 hectares and more.
- (b) New biological pest and disease control measures.
- (c) Large scale application of agro-chemicals for disease and pest control.
- (d) Large scale irrigation of more than 20 hectares.
- (e) Construction of feedlots in densities that exceed 1,000 cattle livestock units and 2,000 units for other livestock.
- (f) Construction of facilities for commercial aquaculture of 200,000 kilograms per year or of an area of one hectare.
- (g) Establishment of industrial or commercial fish processing plants.
- (h) Establishment of fish cages for commercial production.
- (i) Establishment of aquaculture parks.
- (j) Support facilities to (a) to (i).

7. Food and beverage industry.

- (a) Brewing, distilling or malting of beer, wines, waragi and other spirits for commercial purposes of a capacity of at least 1,000 litres per day.
- (b) Production of non-alcoholic drinks of at least 1,000 litres per day.
- (c) Milling facilities with a capacity of at least 1,000 kilograms per day, including for grains, cereals, pulse feeds and other agro-products.
- (d) Manufacture and refining of vegetable and animal oils and fats.
- (e) Processing of dairy products.
- (f) Abattoirs /slaughter – houses and meat processing plants.
- (g) Production of canned foods.
- (h) Sugar factories and jaggeries.
- (i) Support facilities to (a) to (h).

8. Nature conservation areas.

- (a) Creation of wildlife protected areas.
- (b) Upgrades to protected areas of community wildlife conservation areas or community conservation areas outside protected areas.

- (c) Introduction of new or alien wildlife species, including micro-organisms to local ecosystems.
- (d) De-gazetting of wildlife protected and management areas.
- (e) Commercial exploitation of wild fauna and flora within and outside protected areas, including setting of extractive off take quotas for trade and sport hunting.
- (f) Establishment of hunting blocks and areas for sport hunting.
- (g) Re-introduction, introduction and translocation of wildlife.
- (h) Wildlife farming, including ranching and breeding.
- (i) Creation of zoos and other captive wildlife management facilities.
- (j) Habituating wild animals for tourism and other purposes.
- (k) Support facilities to (a) to (j).

9. Forestry.

- (a) Gazetting or de-gazetting of forest reserves.
- (b) Conversion of forested land to other land uses within catchments and watersheds.
- (c) Introduction of new tree species.
- (d) Commercial charcoal production.
- (e) Extraction of rubber and resins.
- (f) Establishment of plantations of more than 500 ha.
- (g) Support facilities to (a) to (f).

10. Hotel, tourism and recreational development.

- (a) Construction of luxury tented camps, lodges, hotels, resort and beach front facilities, subject to buffer zones protected by law.
- (b) Development of tourism or recreational facilities in areas of more than one hectare.
- (c) Construction of accommodation similar to paragraph (a) other than bandas, tents and campsites and construction of other tourism or recreation facilities in wildlife or forest protected areas or near wetlands or other ecologically sensitive areas.
- (d) Development of golf courses and associated facilities, provided that golf courses will not be constructed in protected areas.
- (e) Establishment of zip lines, canopy walks, cable cars, hot air balloons, paragliding, bungee jumping or related infrastructure.
- (f) Demolition or significant change of historic buildings, archaeological sites, national monuments and related tourism sites.
- (g) Establishment of water-based tourism or recreational facilities, including houseboats, cruises or related facilities.
- (h) Permanent racing and test tracks for motorised vehicles in an area of more than half an hectare.
- (i) Construction of administration, educational and research infrastructure in protected areas of a capacity of more than 50 persons.

- (j) Support facilities to (a) to (i).

11. Wood industries.

- (a) Manufacture of veneer and plywood.
- (b) Manufacture of furniture and medium density fibre products.
- (c) Stationary sawmill and shingle mill products industries.
- (d) Wood preservation facilities.
- (e) Manufacture of pulp, paper and sand-board mills.

12. Textile industry.

- (a) Pre-treatment or dyeing of fibres and textiles.
- (b) Filature fabric, ginning or carpet mills using dyes (by utilising chemical or vegetable dyes and bleaching agents).
- (c) Denim or garment industry products and washing facilities.
- (d) Industrial type facilities where wool or angora is wrapped, de-oiled and bleached.
- (e) Manufacture of all fibre garments.

13. Tanning and leather industry.

- (a) Establishment and expansion of hides and skins processing facilities (tanneries).
- (b) Manufacture of leather and leather products.

14. Chemical industry.

- (a) Manufacture, formulation or re-packaging of industrial chemicals.
- (b) Manufacture, formulation or re-packaging of agro-chemicals.
- (c) Manufacture, formulation or re-packaging of public health chemicals and products.
- (d) Manufacture, formulation or re-packaging of pharmaceutical products.
- (e) Battery manufacture and re-cycling.

15. Metallurgy.

- (a) Manufacture and assembly of motorised and non-motorised transport products.
- (b) Boiler-making and manufacture of reservoirs, tanks and other sheet containers.
- (c) Manufacture of non-ferrous products.
- (d) Manufacture of aluminium, iron, steel and related products.
- (e) Electroplating.

16. Electrical and electronics industry.

Manufacture and assembly of electrical and electro-mechanical products.

17. Mining industry and mineral processing.

- (a) Mineral exploration.

- (b) Mining of metal and non-metal minerals.
- (c) Processing of minerals, including smelting and refining of ores.

18. Manufacturing of non-metallic products.

- (a) Manufacture of rubber products.
- (b) Manufacture of glass, glass-fibre and glass-wool.
- (c) Manufacture of plastic materials.
- (d) Manufacture of tiles and ceramics.
- (e) Production of kaolin and vermiculite.
- (f) Manufacture of bricks and brick products for commercial purposes.

19. Assembling plants.

- (a) Assembling of motor vehicles, motorcycles and bicycles.
- (b) Assembling of other equipment for commercial purposes.

20. Extraction of non-mineral products.

- (a) Extraction of sand, murram and clay of at least 5 m³ per day.
- (b) Stone extraction and quarrying of more than 5 m³ per day.

21. Petroleum operations.

- (a) Upstream—
 - (i) Geophysical and geo-technical surveys for seismic activities.
 - (ii) Exploration, including drilling, construction, installation and operation of drilling rigs and related facilities.
 - (iii) Field development and production activities, including:
 - (aa) Construction of onshore drilling pads.
 - (bb) Construction, installation and operation of onshore drilling rigs and their facilities.
 - (cc) Construction, installation and operation of central processing facilities.
 - (dd) Construction, installation and operation of in-field pipelines and flow-lines.
 - (ee) Construction, installation and operation of fixed platforms and mobile platforms.
 - (iv) Construction of facilities, including storage facilities, central processing facilities and, pipelines.
 - (v) Construction, installation and operation of accommodation and materials bases, including extension of camps.
 - (vi) Offshore platforms for petroleum and natural gas.
 - (vii) Construction and installation of water abstraction facilities.
 - (viii) Decommissioning of petroleum facilities and activities.

(ix) Any other facility or activity for exploration, development, production, transportation, storage and cessation of activities or decommissioning of facilities.

(b) Midstream:

(i) Construction of petroleum refinery, conversion plants and other petroleum processing plants.

(ii) Storage facilities for petroleum and petroleum products.

(iii) Construction and installation of facilities, including pipelines, storage facilities and camps.

(iv) Transmission of chemicals, petrochemicals and petroleum in bulk.

(v) Decommissioning of midstream facilities and operations.

(c) Downstream:

(i) Construction or major modification of installations or facilities of the petroleum supply chain including—

(aa) Petroleum product depots.

(bb) Fuel filling stations and fuel service stations.

(cc) Facilities for refilling and storage of liquefied petroleum and natural gas.

(ii) Petrochemical plants, including asphalt plants.

(iii) Transmission of petrochemicals and petroleum products.

(iv) Construction of other facilities for the transportation, processing, supply, storage, distribution, wholesale, retail sale and sale to industrial consumers of petroleum products and related activities.

(v) Decommissioning of installations and facilities used in the petroleum supply chain.

22. Waste management facilities.

(a) Transportation of hazardous waste.

(b) Hazardous waste storage and treatment facilities.

(c) Construction of waste management facilities, including:

(i) Landfills.

(ii) incineration plants.

(iii) recovery/re-cycling plants.

(iv) composting plants.

(v) wastewater/effluent treatment plant.

(vi) sewage treatment plants.

(d) Facilities for the disposal of asbestos.

(e) Storage or disposal of nuclear and radioactive waste.

(f) Sewage treatment plants.

23. General.

- (a) Installations for the capture of carbon dioxide streams for the purposes of geological storage from installations covered by this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.
- (b) Tobacco processing and storage.
- (c) Facilities for manufacture of medical and veterinary equipment.
- (d) Aerial spraying using chemicals.

Acronyms

CAP	Chapter
dB(A)	average decibel
DEA	Directorate of Environmental Affairs
EA	Environmental Assessment
EI	Environmental Impact
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
EIS	Environmental Impact Statement
dBA Leq	Equivalent Continuous Sound Level
kV	kilo volt
MWE	Ministry of Water and Environment
NEA	National Environmental Act
NEAP	National Environmental Action Plan
NEMA	National Environment Management Authority
NEMP	National Environmental Management Policy
PCE	Policy Committee on the Environment
PV	photo-voltaic
SEA	Strategic Environmental Assessment
Shs	Ugandan Shillings
S.I.	Statutory Instrument
ToR	Terms of Reference

List of useful contacts in ESIA Ministry/ Agency/ Department

Department	Ministry	Telephone	Email	Website
National Environment Management Authority	Ministry of Water and Environment	+256-414-251064	info@nemaug.org	https://www.nema.go.ug/