



TERMS OF REFERENCE FOR SHORT-TERM CONSULTANCY

UPDATING GUIDELINES FOR CONDUCTING ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS (ESIA) IN UGANDA

Background

Environmental and Social Impact Assessment (ESIA) plays a core role as a planning and decision-making tool, to guide and shape a proposed development so that it can satisfy the requirements for sustainable development. ESIA is essentially a tool to 'look before you leap', to identify likely impacts and risks as early on as possible in the planning process, and to consider reasonable alternatives to the proposed development that would satisfy the need for that development and, simultaneously, to mitigate any harm.

Checks on the implementation of measures that are critical to the sustainable outcomes of development are essential to the effectiveness of ESIA. ESIA on the whole aims to avoid and minimise negative impacts on the environment and people, to ensure that damage caused by development is repaired, and that remaining harm is compensated or offset. With the world facing the triple crises of biodiversity loss, climate change and social inequity, ESIA has a critical role to play in evaluating proposed projects' contribution to sustainable development, by addressing these three major challenges.

Rationale for the update

Uganda last updated and published Guidelines for Environmental Impact Assessment in 1997. Since then, however, several legal and institutional reforms have occurred not only nationally but also globally. Further, the science and art of environmental management, including impact prediction, assessment and management has evolved considerably, and stakeholders' awareness of environmental and social issues has increased.

In Uganda, the National Environmental Act (NEA), CAP 181 (Until 1st July 2024 called National Environment Act, No.5 of 2019) was promulgated thereby repealing and replacing the National Environment Act, CAP 153 of 1995. The Act provides for the need for responsible management of the environment for sustainable development. The Act also speaks to emerging environmental issues including, but not limited to, climate change, the management of hazardous chemicals and biodiversity offsets. It

also addresses strategic environmental assessment; redress mechanisms for project-affected persons, as well as performance and compliance audits, and penalties and levies to enforce sound environmental management. Consequently, several strategies, regulations and protocols/ guidelines have been developed to inform environmental management activities in response to the NEA 2019, CAP 181.

To improve the execution of ESIA in Uganda, with financial support from the AFD-funded COMBO+ project, the Wildlife Conservation Society (WCS) in collaboration with the Government of Uganda through the National Environment Management Authority (NEMA) invites proposals from suitable individuals (consultants) or groups (consultancy firms) to review and update the Guidelines for conducting Environmental and Social Impact Assessments (ESIA) in Uganda.

Objectives of the consultancy

- a) To update the current Guidelines for Environmental Impact Assessment in Uganda ('the Guidelines') to ensure that they comprehensively and accurately reflect policy, legal and institutional changes effected after 1997, particularly the 2019 National Environmental Act (NEA), CAP 181;
- b) To ensure that the updated Guidelines account for the complementary relationship between the ESIA and aspects such as Strategic Environmental Assessment (SEA), Cumulative Impact Assessment and broadly the mitigation hierarchy; and
- c) To incorporate international best practices in the ESIA to reinforce the 2019 National Environment Act

Scope of work

- a) Review both the structure and content of the 1997 Guidelines against the NEA, and to identify key aspects that require updating. [Here](#) are some of the key aspects already identified.
- b) Identify and give due consideration to other policies, laws and guidelines of relevance to ESIA practice in Uganda that were produced post 1997, such as the Sector Specific Guidelines on undertaking ESIA in Uganda; the National Forestry and Tree Planting Act (2003); the Uganda Wildlife Act (2019); Climate Change Act (2021); the Mining Act (2022); among others including regulations linked to the National Environment Act, CAP 181 such as the environmental and social assessment regulations, 2020 (No. 143); the audit regulations, 2020 (No. 47); Strategic Environment Assessment Regulations and guidelines (2020); Biodiversity and Social Offset guidelines (2022); etc.

- c) Review current literature and guidance on 'best practice ESIA', both in the published literature and advocated by international bodies for example IAIA, the World Bank Group and others to support and strengthen the approach to updating the Guidelines.
- d) Drawing on a) to c), prepare a draft list of the key Guideline updates deemed necessary, as the basis for discussion with key stakeholders.
- e) Undertake in-depth engagement with NEMA officers (at all levels) on the draft list of updates and identify any additional issues needing to be incorporated in the updates.
- f) Undertake in-depth engagement with lead agency institutions such as MWE, MEMD, UWA, NFA, UNRA, PAU, UIA, DLGs, among others on the draft list of updates, and identify any additional issues needing to be incorporated in the updates.
- g) Engage with key professional bodies in Uganda involved in ESIA practice particularly the Uganda Association of Impact Assessment (UAIA), Committee of Environment Practitioners, and academics, to obtain their input on the revisions and comments on the proposed updates.
- h) Prepare a synthesis of all comments and inputs received on the proposed updating of the Guidelines.
- i) Prepare a draft revision of the Guidelines for review by a pre-selected working group that will be co-chaired by WCS and NEMA. Please expect the team to also include subject experts from UAIA, CEP, UWA (national contact to IAIA) and academia.
- j) Revise the draft updated Guidelines, to address comments from stakeholders.
- k) Develop draft materials to use in a workshop for stakeholders including NEMA, UAIA and other lead agency staff, to build capacity on the use of the updated Guidelines, for review.
- l) Conduct one (1) targeted capacity building workshop to 'Train the Trainers' on the updated Guidelines, and record proceedings.

Deliverables

S/N	Deliverable	Timeline
1	Presenting approach to assignment and work plan at an inception meeting	1 week from the signing of the contract
2	Submitting an inception report and	2 weeks from the signing of the

S/N	Deliverable	Timeline
	revised/ final approach to the assignment, considering recommendations from the inception meeting	contract
3	Meeting briefs for meetings with relevant NEMA officials, lead agencies, ESIA professional bodies, etc.	For each engagement held
4	Submission of 1 st updated draft of guidelines	1.5 months from the signing of the contract
5	Submission of the 2 nd updated draft of guidelines	2 months from the signing of the contract
6	Presentation of the 2 nd updated draft to the core technical working group	2.5 months from signing the contract
7	Submission of the final updated version of the guidelines to NEMA and a prepared presentation	3 months from signing the contract
8	Final updates to incorporate insights from top management	TBD
9	Targeted capacity building to 'Train the Trainers'	Right after approval of guidelines by NEMA management

Qualifications and experience

- i) At least a master's degree in environmental and natural resource management, environmental law, conservation planning, or related fields;
- ii) At least 10 years of demonstrated professional experience, preferably in planning and environmental management; policy development; designing protocols for environmental assessments;
- iii) Knowledge of legislation on environmental management, biodiversity conservation, environmental and social impact assessment, follow-up (including monitoring and evaluation, adaptive management, performance and compliance audits); environmental health; infrastructure development as relevant to the assignment; and
- iv) Familiarity with international good practice publications and guidance in ESIA, and its relationship with SEA.

Competencies and special skills requirement

- Familiarity with government and institutional roles in environmental planning;
- Previous involvement in designing protocols or guidelines for environmental management;

- Ability to interact with stakeholders;
- Strong motivation and ability to work and deliver under short deadlines;
- Self-motivated and able to work under pressure and time constraints; and
- Very good communication skills in both written and spoken English.

Special Conditions

- i) The bidder must be tax compliant
- ii) Bid submissions are restricted to Ugandan consultants or consultancy firms
- iii) During the expression of interest, a technical and financial (in Uganda Shillings) proposal for conducting this work, including the names and CVs of key personnel should be submitted in one (1) PDF document
- iv) Bidders must demonstrate professional experience in conducting similar work by listing a minimum of three such services with current reference contacts

Expression of interest

Interested consultants or consulting teams should submit a letter expressing interest in the assignment, a technical and financial (in Uganda Shillings) proposal for conducting this work, including the names and CVs of key personnel in one (1) PDF document by the deadline.

Commencement of Work

The successful consultant (consulting team) shall commence the work upon signing a contract.

Duration of the Work

This assignment will take about 30 days spread over 3 months starting from the signing of the contract. All expected outputs will be submitted to NEMA and WCS according to an agreed plan/schedule of activities.

Send in your expression of interest and proposals (technical and financial) in PDF format to: tonny.kiwanuka@nema.go.ug and wcsuganda@wcs.org copying deo.ekosile@nema.go.ug, tgeme@wcs.org and gnangendo@wcs.org by **12.00am on Sunday 19th January 2025.**