

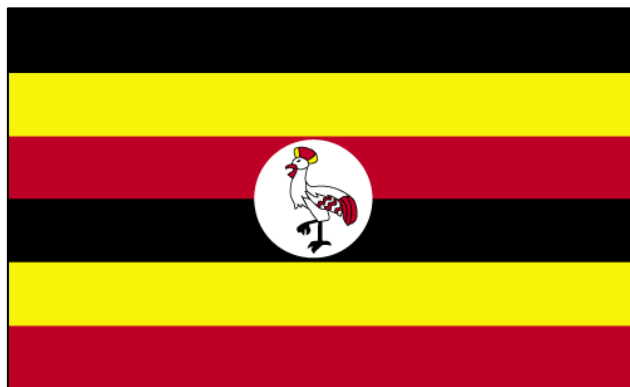
CLIMATE CHANGE LEGISLATION IN

UGANDA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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Uganda

Legislative Process

Uganda is a Presidential Republic. The President is head of state and head of government. The Ugandan Constitution, the supreme law, was adopted in 1995. The legislative system is based on a democratic parliamentary model and vests legislative power solely in the unicameral Parliament.

The Parliament has 327 seats, broken down as follows: 215 are Constitutional Representatives directly elected by universal suffrage, 79 positions are reserved for District Women Representatives, whilst 25 members are designated to legally established special interest groups. Of these seats, 10 are Representatives of the Uganda People's Defence Forces, 5 are Representatives of the Youth, 5 are Representatives of Persons with Disabilities and 5 are Representatives of Workers. Additionally, eight members are designated ex-officio. All members serve five-year terms with the last election held in 2011. The next elections are scheduled for February 28th 2016.

Proposed laws are known as Bills, subsequently known as Acts when assented to by the President. Two types of Bills exist: Government Bills and Private Members' Bills. Government Bills are initiated by Government Departments or Ministries and are sponsored by the Government. A Private Members' Bill is a proposed law moved or introduced to the Parliament by backbench Members of Parliament (MPs) or Committees. However, both kinds of Bill move through the following stages.

A bill is first introduced to Parliament through a First Reading, following which the Speaker refers the Bill to a Committee for examination. During this stage other stakeholders, advocacy groups and members of the general public may present their views on the bill to the Committee for consideration. The Committee's report of the bill is submitted to a plenary session of Parliament and, following a Second Reading, the members debate the legislation. If the bill is adopted, a Committee of the Whole House then considers and scrutinises the bill clause-by-clause along with suggested amendments from the original Committee to which the bill was referred. When the Committee of the Whole House reports back to Parliament, the bill undergoes a Third (and final) Reading in which a vote is taken without further debate. Following the passage of a bill, it is forwarded to the President, whose assent is a Constitutional requirement for a law to come into force. The President has thirty days to sign a Bill or return it to Parliament. After the passage of the 30-day window, assent is assumed and the bill enters into force as an Act. The President may only return the Bill to Parliament twice. If Parliament passes a bill three times, the assent of the President is not required so long as at least two thirds of Members approve the bill.

Approach to Climate Change

Uganda's approach to climate change is highly linked to its international engagement with climate change politics. Having ratified the UNFCCC and the Kyoto Protocol, the country is also party to important multilateral agreements such as the United Nations Convention to Combat Desertification (UNCCD), the Ramsar Convention, the Convention on Biological Diversity (UNCBD) and the Montreal Protocol. Uganda submitted its First National Communication to UNFCCC in 2002 and its Second National Communication in 2014. As a Least Developed Country, it submitted its National Adaptation Programme of Action (NAPA) to the UNFCCC in 2007 and is eligible for funds granted specifically for countries that share its economic status, including the Least Developed Country Fund (LDCF).

International co-operation on climate change and environment issues is at the core of Uganda's approach to tackle climate change. Yet, despite being rather active at the international level, domestic legislation and policy are still underdeveloped; Uganda lacks a comprehensive and overarching legislation that provides the basis for domestic action on climate change, but rather has a number of relevant official plans, policies and institutional bodies relating to climate change.

Uganda created a Climate Change Unit (CCU) in 2008, which was elevated to the Department of Climate Change (DCC) in 2014. The DCC is directly under the office of the Permanent Secretary within the Ministry of Water and Environment (MWE). The main objective in establishing the CCU and later the DCC was to strengthen implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. The DCC functions as the national focal point for climate change under the UNFCCC. Current efforts of the DCC are focused on expanding its own technical capacity by increasing the number of skilled personnel it employs, developing a National Climate Change Policy that identifies priority activities, developing climate change awareness materials and implementing the National Climate Change Policy. Also within the Ministry of Water and Environment, the Climate Change Policy Committee works as a Steering Committee for all climate change projects, providing the Minister with advice on climate change.

Attempts to increase institutional capacity to deal with climate change have been promoted by the Legislature. In 2008, the National Parliament created the Parliamentary Forum on Climate Change (PFCC) addressing the "need to enhance the legislative, oversight, budgeting and representation roles of parliamentarians as a mechanism for mainstreaming climate change concerns into the national and global development frameworks". The Forum is sponsored by local and international agencies, in particular by DFID/UKaid and GIZ.

The Comprehensive National Development Planning Framework (CNDPF) policy, approved in 2007, provided for the development of a 30-year Vision to be implemented through six five-year National Development Plans (NDPs). The resulting Uganda Vision 2040 is the long-term development blue print for the country that aims to transform Uganda from a predominantly low-income country to a competitive upper middle income country in thirty years. The First National Development Plan (NDP I), for the period 2010/2011 - 2014/2015, came into effect in 2010/11, but the Uganda Vision 2040 was officially launched in April 2013. The Vision 2040 recognises that climate change affects all sectors of the economy, making preparedness through adaptation and mitigation strategies across all sectors necessary to ensure resilience to the adverse impacts of climate change.

Uganda is in the process of developing a Second National Development Plan (NDP II) for the period 2015/2016 - 2019/2020. Both the NDP I and draft NDP II recognise that continued development through the use of natural resources will be constrained and impacted by climate change, and thus emphasise the need to integrate climate change into the development agenda. The NDP aims to develop the national capacity for co-ordinating and implementing climate change adaptation policies, particularly the United Nations Framework Convention on Climate Change, as well as ensuring development planning is "climate proof". This is to be done by developing and reinforcing the legal and institutional frameworks surrounding climate policy as well as redefining climate change as a development issue. Other key sectors such as agriculture, fisheries and water resources promoted the need to integrate climate targets in their on-going development plans. The NDP also aims to promote energy efficiency by strengthening the institutional and regulatory framework for energy as well as promoting the use of renewable and atomic energies. This includes plans to develop four large hydropower projects as well as a smaller hydropower plant.

Prior to Vision 2040, in 1998, the government adopted the Vision 2025, a policy guideline of objectives and visions for a long-term national development strategy. Covering various policy areas,

the document emphasises the need to address sustainability, conservation and regeneration of both man-made and natural capital, dedicating a full section to forest resources, identifying deforestation as one of the key problems contributing to land degradation. With regards to energy policies, the document call for the further development of clean energy sources and technologies as a means to reduce the emission of GHG and other pollutant gases.

Energy Supply

About 93% of energy needs are met by bio-mass, which, according to the First and Second National Communications, is the dominant energy supply for households, agro-based industries and other small scale industries such as lime, brick and tile making. Electricity consumption only accounts for about 1% of energy use, as only 12% of Uganda's 36m people are connected to the electricity grid. Subsequently, the remaining 6% of the energy supply is oil. Approximately 32% of total installed electricity generating capacity comes from fossil fuels, 65% is from hydroelectric facilities, and 3% is from other renewable sources.

Between 2007 and 2009, Uganda implemented the first phase of a Renewable Energy Feed-in Tariff (REFIT). The goal of the REFIT is to offer cost-based compensation to private sector renewable energy producers, providing price certainty and long-term contracts that help finance small-scale renewable energy investments. The first phase resulted in a lack of private investment and revisions to the REFIT were implemented in 2012.

In 2013, the REFIT scheme was complemented by the development of a new renewable energy development-financing programme: Global Energy Transfer Feed-in Tariff (GET FiT). GET FiT's purpose is to address the key barriers to private investment in the sector, namely: low FiTs for renewable energy, the perception of high risk for new starts, and the lack of long-term commercial financing with acceptable terms and conditions. The programme hopes to direct more than EUR300m (USD376.5m) of private capital into renewable energy development and to fast-track up to 15 small-scale projects promoted under the REFIT scheme. The government expects the programme to add around 125MW to the electricity grid over the next three to five years.

Uganda also created a Biofuel programme and a Modern Energy Service Programme, in 2011. The Biofuel programme aims to support investments in the production and use of ethanol, biodiesel, methanol and biogas. Specifically, the programme obligates all dealers in petroleum products to blend fossil fuels with biofuels, up to 20%. The Modern Energy Service Programme will promote renewable-energy-based technology for households, institutions, commercial buildings and small-scale industries. In particular, these services will be for cooking, lighting, machinery and ICT.

Energy Demand

In 2002, Uganda set out an Energy Policy with the aim of meeting energy needs for social and economic development in an environmentally sustainable manner. The Energy Policy gives a detailed analysis of both supply and demand side sectors and develops policy objectives accordingly. Moreover, it outlines short- and medium-term action plans in order to realise these goals. The broad objectives of the policy centre on increasing the growth of the energy sector and, coincidentally, increasing economic growth and development more generally; increasing access to energy resources in order to alleviate poverty; and to manage energy-related environmental impacts. The Government hopes to achieve this final objective by promoting environmental considerations amongst both energy suppliers and consumers as well as by establishing a monitoring mechanism to evaluate the compliance of producers with broad targets for the reduction of emissions.

As part of its strategy to enhance the consumption of renewables along the guidelines of the 2002 Energy Policy, the Promotion of Renewable Energy and Energy Efficiency Programme (PREEEP) was created in 2008. It aims to improve access to modern energy services through renewable energies and to promote energy efficiency in various sub-sectors through the establishment of energy-efficiency standards and the promotion of more efficient firewood stoves. Uganda also has an Energy Advisory Project, which aims to provide information about energy efficiency to energy users and promote the use of efficient equipment in manufacturing and in the home. It furthermore seeks to assess the efficiency gains that could be made in transport and agricultural sectors and sets efficiency standards for various stakeholders.

REDD+ and LULUCF

Between 1890 and 2005, forest cover experienced an estimated annual loss of 88,000ha/year, declining from 35% to 15% of total land area. Some significant causes of forest degradation and deforestation include: institutional weaknesses, shortcomings in forestry governance, the increasing agrarian population that pressures forestlands and resources, charcoal and timber production, livestock grazing, and firewood harvesting.

In 2011, Uganda submitted a Readiness Preparation Proposal (R-PP) to the Forest Carbon Partnership Fund with the aim of developing strategies to address the drivers of deforestation and forest degradation, guiding it to become ready for REDD+ by 2014. Formulated in co-ordination with the Ministry of Water and Environment and the National Forestry Authority, the proposal seeks to realise this goal through a number of key objectives. These include promoting sustainable forest management and conservation, piloting test processes for stakeholder engagement in implementing REDD+ initiatives, as well as developing the various logistical, procedural and institutional mechanisms that will facilitate the implementation of the REDD+ Strategy.

Forests and forestry are central in the economic and social development of Uganda; as a result, outside of climate change motivated REDD+ strategy, several policies and actions plans relating to forestry have been developed. The Ugandan Forestry Policy (UFP) of 2001 and the National Forest Plan (NFP) of 2002 are two examples of such instrument. The UFP is guided by general principles built to coincide with the Government's priorities of poverty eradication and good governance. The overall objective of the policy is to manage the use of forests to meet present needs without jeopardising the rights of future generations. The policy aims to achieve sustainable increases in economic, social and environmental benefits to improve livelihoods while safeguarding biodiversity through conservation and improved governance. To achieve this, the government is tasked with protecting, maintaining and managing the state owned Permanent Forest Estate while also improving public education and advisory services to the private sector and civil society to ensure privately owned forests are well maintained.

The NFP, meanwhile, provides a framework to implement the UFP. The overarching aim of the NFP is to develop an integrated forest sector that is able to achieve sustainable increases in economic, social and environmental benefits from forests and trees. The objectives of the NFP, more specifically, focus on poverty eradication, economic development and sustainable forest resource management. The NFP also identifies seven programmes of action to achieve these objectives. These programmes cover issues such as proper regulation and conservation of forests, increased awareness of good forestry practice, development of commercial forestry and promoting forestry research.

Covering the 2010 to 2015 period, the Agricultural Sector Development Strategy and Investment Plan recognises that agricultural activities can have a major impact on environmental issues such as land use and degradation, soil and water pollution, deforestation and loss of biodiversity. As such, it

endeavours to integrate environmental management in the plan and so takes on the National Environment Act and other key sets of regulations resulting from it as guides for future agricultural conduct.

The National Land Policy, released in 2013, notes that Uganda has never had a clearly defined Land Policy, exacerbating pressure on scarce natural resources and the sustainability of land use. The policy has the aim of promoting the sustainable and optimal use of land and land-based resources to further poverty reduction, wealth creation and socio-economic development. It hopes to articulate a more sophisticated set of mechanisms for land management and regulation in order to promote sustainable and productive use and to mitigate anthropogenic climate activities such as deforestation, forest fires and destructive agricultural practices.

Adaptation

In 2010 a National Policy for Disaster Preparedness and Management was made. This policy notes that the effects of disasters such as droughts, epidemics and earthquakes have increased over time. It recognises that policies on sustainable development and climate change mitigation and adaptation are mutually supportive alongside efforts to reduce the frequency and effects of disasters. The policy therefore urges the reduction of the causes and negative impacts of climate change.

Moreover, the 2007 National Adaptation Programme of Action (NAPA) presented to the UNFCCC identifies the following priority areas: Community Tree Growing Project, Land Degradation Management Project, Strengthening Meteorological Services, Community Water and Sanitation Project, Water for Production Project, Drought Adaptation Project, Vectors, Pests and Disease Control Project, Indigenous Knowledge and Natural Resources Management, Climate Change and Development Planning Project.

Uganda: Executive Portfolio

Name of Policy	National Climate Change Policy
Date	19 December 2013
Summary	<p>As the document outlines, “the goal of the policy is to ensure a harmonised and co-ordinated approach towards a climate- resilient and low-carbon development path for sustainable development in Uganda”. The policy notes that the level of knowledge on climate change and its impacts remains low in Uganda. Therefore, it seeks to raise awareness of climate change, targeting sectorial weaknesses (to be determined by different governmental agencies and ministries) in the short term but providing information for a wide variety of stakeholders in the long term.</p> <p>To this end, the Policy adopts a comprehensive approach to address climate change, identifying as priority concerns: adaptation, mitigation, monitoring, and research. To address these concerns, the Policy promotes the implementation of activities relating to: education and increased awareness; gender issues; promoting and diffusing research; monitoring and transferring knowledge; and institutional capacity building.</p> <p>The policy calls for the adoption and implementation of a Transport Policy with emphasis on reducing GHG emissions from this sector, especially through the promotion of the use of less carbon intensive fuels. It also stresses the importance of the implementation of the 2007 Renewable Energy Policy and other measures that promote the use and the production of renewables.</p> <p>The adoption of climate change strategies that address the impact of climate change and promote sustainable activities in the sectors of agriculture and livestock, fishery production, water management, forestry, wetland, biodiversity and ecosystem services and tourism are identified as important needs to develop Uganda’s approach to adaption to climate change.</p> <p>Moreover, the Policy also seeks to implement the basic institutional structure required to finance this</p>

awareness raising campaign and to develop a performance measurement framework for each ministry and agency involved. The policy also strengthens the Climate Change Unit, upgrading it to a National Climate Change Commission with a more advanced legal and institutional framework that can co-ordinate climate change policy across sectors and regions. The Policy Committee on Environment is also strengthened to help guide climate change policy implementation.

As annex to the Climate Change Policy, the Cost Implementation Strategy provides a more detailed account on the implementation of the Policy, including an indicative costing for the programmes and activities to be developed. Thus, according to the document, the total cost for the implementation of the Climate Change Policy is estimated in approximately 3.9 billion dollars over a 15-year period.

Name of Policy	National Policy for Disaster Management and Preparedness
Date	2010
Summary	<p>Serves as the framework policy for disaster and risk management and preparedness in Uganda, including disasters caused by climate change.</p> <p>Details the mechanisms and structures aimed at effective management of disasters including: vulnerability assessments, mitigation, preparedness, and response and recovery. Explicitly sites climate variability, climate change, and environmental degradation among the increasing vulnerabilities Uganda faces and needs to prepare for.</p> <p>Outlines the Aims of the Policy:</p> <ol style="list-style-type: none"> 1. to set policy objectives for disaster risk management 2. provide a broad policy framework for cross-sectoral collaboration on objectives, principles, and strategies 3. establish an integrated approach to disaster management that streamlines response across sectors 4. promote behavioural change towards disaster management 5. establish an institutional framework 6. establish a monitoring and evaluation system 7. provide for effective information management to facilitate the collection, storage and analysis of disaster management information.

Name of Policy	The Renewable Energy Policy for Uganda
Date	29 March 2007
Summary	<p>The Renewable Energy Policy follows the commitment in the National Energy Policy 2002 to develop the use of renewable energy resources in Uganda. The Government's overarching policy vision for renewable energy is to make modern renewable energy a substantial part of national energy consumption, where modern renewable energy is understood to mean renewable energy resources that are transformed into modern energy services like electricity.</p> <p>To achieve its goal, a number of supporting objectives are identified. These include: maintaining and improving the responsiveness of the legal and institutional framework to promote renewable energy investments; establishing an financing and fiscal policy framework for investments in renewable energy; increasing public awareness in renewable energy and promoting investment in this area; promoting research and development as well as international co-operation in renewable energy technologies (RETs); utilizing biomass energy efficiently and sustainably; and promoting the conversion of municipal and industrial waste to energy.</p> <p>Various strategies and policy actions are elaborated in order to achieve these objectives. A power generation programme will support public and private sector investments in renewable energy, focussing on large hydropower schemes (hydropower being the most well developed RET) as well as small and more diverse schemes. A rural and urban-poor electricity access programme will support the development of RETs in dispersed and remote settlements. A modern energy services programme will support RETs such as solar PV and solar water heaters, a biofuels programme will support improvements in biofuel technology, and a waste for energy programmes will support the conversion of waste to energy. An energy efficiency programmes will implement the Uganda Energy Efficiency Strategy.</p>

The responsibility for the policy lies with the Ministry of Energy and Mineral Development and a Renewable Energy Department is to be developed within the Ministry. Moreover, a special financial mechanism, a credit support facility known as the Uganda Energy Capitalisation Trust, is instituted to help realise the policy. The ultimate goal of the Renewable Energy Policy is to increase the use of modern renewable energy, from the current 4% to 61% of the total energy consumption by the year 2017.

Name of Policy	National Environment Management Policy (NEMP)
Date	1995
Summary	<p>The NEMP recognises that Uganda faces a number of environmental issues including: soil degradation, deforestation, loss of biodiversity, increasing pollution and environmentally related diseases. These problems are compounded by poverty, low amounts of environmental awareness and low levels of technology. The NEMP aims to address these issues by establishing a more comprehensive and integrated approach to environmental issues.</p> <p>The NEMP, therefore, creates a National Environment Management Authority, a legal framework for climate issues, an effective monitoring and evaluation system to track the effects of different policies on the environment, population and economy, attempts to promote a new sustainable conservation culture and, finally, to harmonise local and national policy efforts on environmental issues.</p> <p>Specifically, the NEMP recognizes climate as a “vital natural resource” that needs to be monitored in order to better direct land use, encourage sustainable economic development, and manage air pollution, and GHG emissions.</p>

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