



Cairo Air Pollution Management and Climate Change Project

DRAFT FOR CONSULTATION

**Resettlement Framework (RF) including Results of the Land
Due Diligence for the Integrated Waste Management Facility at
the 10th of Ramadan**

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Environmental Alliance

April, 2020

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ACRONYMS

Abbreviation	Abbreviation Full wording
AQM	Air Quality Management
ARPs	Abbreviated Resettlement Plan
CSOs	Civil Society Organizations
CTA	Cairo Transport Authority
EEAA	Egyptian Environmental Affairs Agency
ESF	Environmental and Social Framework
EC	Estimation Committee
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standards
FGDs	Focus Group Discussions
FS	Feasibility Study
GCA	Greater Cairo Agglomeration
GRM	Grievance and Redress Mechanism
LAL	Land Acquisition Law
MoA	Ministry of Agriculture
MoE	Ministry of Environment
MoLD	Ministry of the Local Development
MoT	Ministry of Transportation
NGOs	Non-Governmental Organization
PAPs	Project Affected Persons
PMEH	Pollution Management and Environmental Health
PMU	Project Management Unit
RP	Resettlement Plan
RF	Resettlement Framework
SDO	Social Development Officer
SDP	Strategic Development Plan
SEP	Stakeholders Engagement Plan
TIUs	Technical Implementation Units
ToRs	Terms of Reference
WB	World Bank
WMRA	Waste Management Regulatory Authority

EXECUTIVE SUMMARY

i. Introduction

The overall aim of the Resettlement Framework (RF) is to provide a process for identifying individuals likely to be impacted by the Greater Cairo Air Pollution Management and Climate Change Project activities, assessing the magnitude/severity of the impact, and outlining the process for preparing Resettlement Plans. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. A Resettlement Plan (RP) or abbreviated RP- depending on the scale and severity of impacts - will be prepared to address any adverse impacts that may arise as per ESS5 under the WB Environmental and Social Framework (ESF). The various steps in preparing a RP have been outlined in this document. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank; the application of the ESSs including ESS5 is the responsibility of the project owner.

Further, the RF aims at ensuring that project affected people (PP) are fairly/appropriately and transparently compensated for their loss of land (whether permanently or temporarily), and assets and loss of access to natural resources, which affect their livelihood. The specific objectives of the Resettlement Framework are to describe:

- The standards and legal framework for land acquisition and resettlement.
- The eligibility criteria for compensation to various categories of PAPs.
- Methods of valuing affected assets for purpose of compensations.
- Methods to estimate the categories and number of potentially affected persons, including type of property and structures such as land, houses, business premises.
- The implementation process of resettlement related activities and organization measures for delivery of compensation and mitigation of negative impacts.
- Consultation and grievance mechanisms to be created and used during the preparation and implementation of RPs
- Measures for monitoring and evaluation with specific monitoring indicators.

This RF applies to all components of the Greater Cairo Air Pollution Management and Climate Change Project that could affect land, assets, and livelihoods. It applies to all eligible persons regardless the severity of impact and whether they have legal title to land or not.

ii. Project Description

The project comprises five components with the objective of reducing air pollutants and GHGs from open burning of solid waste and vehicle emissions, which are two major contributors to air pollution in GC. The project will be implemented in the geographical zone of GC, which covers Cairo Governorate, the urban areas of Giza Governorate and Qalyoubia Governorate.

Project Components

- Component 1: Enhancing the Air Quality Decision Support System
- Component 2: Support the Operationalization of SWM Master Plans in Greater Cairo
- Component 3: Vehicle Emissions Reduction
- Component 4: Stakeholders Engagement, Awareness Raising and Communication
- Component 5: Project Management and Monitoring & Evaluation

iii. Legislative Framework for Resettlement in Egypt

- Law 24/2018 On the amendment of some provisions of Law No. 10 of 1990 on the land acquisition
- Law 1/2015 On the amendment of some provisions of Law No. 10 of 1990 on the land acquisition
- Law 10/1990 On Property Expropriation for Public Benefit identifies
 - Law 577 of year 1954 and Law 27 of year 1956 for land acquisition
 - Law 27 of year 1956
 - The new Egyptian Constitution
 - Civil code 131 of year 1948

iv. World Bank Requirements

World Bank Environmental and Social Framework ESF - ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. Involuntary Resettlement and Economic Displacement is an Environmental and Social Standard (ESS) documents developed with the main objectives of avoiding, minimizing, and mitigating negative social impacts resulting from land taking or affecting the sources of livelihoods as a result of a development project.

v. Gaps Analysis between Egyptian Legislation and the World Bank ESF - ESS5

There are a number of specific areas where provisions required under ESS5 extend beyond those required under Egyptian legislation. These are as follows:

Property Valuation/compensation: with full replacement cost, in accordance to the market value at the time of compensation. In cases of loss of land for households with

land-based livelihoods, affected people must first be offered alternative land of better or equal quality. In cases of loss of housing, compensation for houses and other structures should be equivalent to replacement cost plus relocation costs. Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost.

The cut-off date: The cut-off date will be differing according to the project and the components. It will be determined separately for each component. The cut-off date will be the day when the census starts for the preparation of the site-specific RPs or ARPs.

Compensation eligibility: The categories of people who must be compensated under Egyptian legislation are narrower than those defined under ESS5. Under this project all the categories (a,b,c) will be considered for compensation in accordance to ESS5. Resettlement assistance should be provided in order to improve the PAPs livelihoods or at least to restore to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Resettlement planning and procedural requirements: MoE and/or other ministries concerned with the project components in compliance with the WB procedures should prepare site-specific Resettlement plans or ARPs when needed. In addition, the consultation activities will be implemented during the project lifetime and as part of the preparation of the RPs or ARPs.

Livelihood/income restoration and assistance: Egyptian law does not discuss compensation for loss of income, only land and assets. The well operators and tenants of lands will be unable to restore their income due to having no mechanism for income restoration. Hence, ESS5 principle regarding income restoration will be considered. Therefore, those whose income is going to be affected will be compensated for the loss of profit and income.

Vulnerable groups: Particular attention will be paid to the needs of vulnerable Groups among those displaced, especially those below the poverty line, the landless, the elderly, single-headed households, women, persons with disability, or informal workers and informal land users (e.g. squatters, individuals, and groups who might be losing their source of livelihoods as a result of land acquisition). ESS5 sets clear provision for the requirements of consultation and engagement with vulnerable groups.

Access to timely and relevant information Disclosure: The project should launch comprehensive Stakeholder engagement activities that would continue during the project lifetime. Integration of community based organization will be the key to provide satisfactory level of information.

Grievances & Redress Mechanisms (GRM): It is essential for the project to establish a GRM that is acceptable and accessible to community members. It would serve as the first stop for people who have a grievance and will have several channels for them to complain. All petitions will be considered and responded to and a due procedure of handling and managing grievances will be set. Moreover, their social development officers will gain information about how to document the grievances, and how to transfer them to the interested entity.

Consultation: Affected groups should have access to full information about the resettlement process and options for compensation. Participatory planning and decision making should be applied in resettlement options and compensation.

Monitoring and Evaluation: Monitoring of the resettlement activities during the project implementation as detailed in this RF should be performed. As such, the project is to develop an M&E and reporting system compliant with WB standards.

Ultimately, the compensation and resettlement plans will be binding under the Egyptian laws and WB ESS.

vi. RP Preparation and Approval Process

A RP is to be carried out as soon as the actual footprint of the Project (or one of its components) is known on the basis of the guidelines provided in this RF. The RP process involves the following and should be done early at the design stage of the project component:

- Categorize project activities with respect to land needs
- Conduct socio-economic survey/census to determine assets and households affected
- Organize and conduct stakeholders consultation
- A grievance mechanism should be devised
- The arrangements for the resettlement plan extend throughout the Project Cycle

vii. Eligibility Criteria for Affected Persons

All PAPs who suffer a complete or partial loss of assets or access to assets shall be eligible for some kind of assistance, according to their legal rights to the land, if it can be proven that they occupied the land before the claim cut-off date. The Bank ESF - ESS5 specifically proposes three general categories for eligibility as illustrated in the following Table.

Criteria for Eligibility (WB ESF - ESS5)

Displacement Category	Entitlement
<u>The first criterion for eligibility will be those with legal title</u> Individuals	<ul style="list-style-type: none">▪ Compensation for loss in land and assets at full replacement cost.

who have formal legal rights to land (including customary and traditional rights recognized under the Egyptian laws	<ul style="list-style-type: none"> ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and location advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
<u>The second criterion for eligibility will be the legal status.</u> Individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Egyptian laws or become recognized through a process identified in the resettlement plan)	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and locational advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
<u>The Third criterion for eligibility will be,</u> Individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership).	<ul style="list-style-type: none"> ▪ Resettlement assistance as appropriate (i.e. land, assets, cash, employment, etc.).

viii. Methods of Valuation of Affected Assets and Compensation

WB ESF - ESS5 requires that resettlement and compensation plans provide prompt and effective compensation at full replacement cost for losses of assets attributable directly to a Bank-financed project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account in determining their value.

For losses that cannot easily be valued or compensated for in monetary terms such as access to public services, customers, and grazing, or forest areas, the Bank-financed project shall provide access to equivalent and culturally acceptable resources and earning opportunities.

Where Egyptian law does not meet the standard of compensation at full replacement cost, compensation under Egyptian law is supplemented by additional measures necessary to meet the replacement cost standard defined in ESS5.

Land and assets will be valued and compensated according to the World Bank ESS5, Egyptian regulations and practical operations.

Compensation will be provided to all individuals whose assets or access to assets is affected or damaged, as a consequence of land acquisition or any other activities undertaken by the projects. The compensation for the loss of physical and nonphysical assets will vary depending on the type of loss, and eligibility of the PAPs. Compensation may come in the form of cash compensation, in-kind compensation, and/or assistance.

All PAPs will be entitled to monetary compensation at replacement cost, at market value (at the entitlement cut-off date) for affected tangible assets. Another option may be in-kind compensation where the affected assets would be replaced with an asset of similar size, value, and quality. The decision on which type of compensation is used should be jointly agreed upon between the project staff and the PAPs and shall be subject to the availability of replaceable assets. Moreover, development and resettlement transitional assistance needed to restore the livelihood and standard of living of PAPs under the subproject to pre-project levels (i.e. short-term jobs, subsistence support, moving allowance, salary maintenance, food assistance, etc.).

ix. Consultation Activities

During project implementation, when resettlement impacts are involved and a RP needs to be prepared, consultations with affected persons will be carried out by MoE/ PMU / The concerned authorities in implementing the project through the independent consultant that is contracted for the RP preparation process.

MoE/ PMU will take steps to ensure that affected persons and communities can obtain relevant information relating to the project in general and the land acquisition and resettlement arrangements in particular. As a first step, the RP documents will be available to the public, in English and Arabic. Additionally, summary contents of the RF and RP, including compensation rates for all categories of land and assets, eligibility criteria for all modes of assistance, and information regarding the project grievance procedures, will be posted in an accessible and prominent place accessible to project affected persons.

Consultation and community engagement activities should take place according to World Bank Environmental and Social Standards ESS10.

x. Grievance Redress Mechanisms (GRM)

Grievances and redress represent one of the important processes that should be tackled carefully during the project implementation. Expression of grievances should be expected and planned for especially in light of increased desire of individuals to express their views.

The grievance procedure should be simple, accessible by PAPs and administered at the local level. To ensure expression of dissatisfaction and adequate redress in due time, the

consultation with PAP should be concurrent to the process of resettlement approval and individual compensation contracts sign-off.

The entity responsible for implementation of the grievance system should be clearly identified to avoid fragmented responsibilities across several authorities. The project affected persons usually target the nearest government entities that are related to the project, the MoLD and the MoE. Consequently, grievances are typically scattered among various entities, which makes monitoring of grievance and redress mechanisms difficult.

In this project, MoE will be the supervising entity and on the local level, the governorates will serve one of the channels for receiving complaints. The multiplication of complaints channels makes it easier for the affected people to submit a complaint, but it can lead to the loss of complaints and the lack of documentation. Emphasis is made on the importance of monitoring of adequate documentation of complaints and record keeping.

Supervision by MoE will ensure that complaints are properly handled without delay that may negatively affect the project, information is shared transparently, and accountability of the MoE to the hosting communities is clearly communicated. Grievances activities to be applied under the project should handle all types of grievances including but not limited to the grievances related to involuntary resettlement.

xi. Funding Arrangements

At this stage, where the final locations of all project components have not yet been determined, and when the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for resettlement plan will be funded like any other project. Funding will be processed and effected through the project's financial processing arrangements.

Funds for implementing inventory assessments and resettlement plans will be provided by the implementing agency.

xii. Monitoring and Evaluation Arrangements

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. The monitoring plan includes indicators to be monitored, introduces milestones, and provides resources including responsible persons or institutions to carry out the monitoring activities. The arrangements for monitoring resettlement and compensation activities will be part of the monitoring and reporting process of the project, which will fall under the overall responsibility of the implementing agency.

xiii. Record Keeping

The records will permit the verification of the final cost of resettlement and compensation per individual or household. Each person receiving compensation will have a dossier containing:

- Individual bio-data information,
- Number of people s/he claims as household dependents,
- Amount of land available to the individual or household when the dossier is opened.
- Level of income and of production through an inventory of material assets and improvements in land, and debts.

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1 INTRODUCTION

The purpose of the Resettlement Framework (RF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to project components to be prepared during project implementation. Once the activities under project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts., a Resettlement Plan (RP) or abbreviated RP- depending on the scale and severity of impacts - will be prepared to address any adverse impacts that may arise as per ESS5 under the WB Environmental and Social Framework (ESF). The various steps in preparing a RP have been outlined in this document. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank, and the application of the ESSs including ESS5 is the responsibility of the project owner..

1.1 The Justification of Preparing a RF

Since some of the sub-components of the project may result in temporary or permanent land acquisition, this will be relevant to WB ESS5 on involuntary Resettlement. A Resettlement Framework (RF) has been prepared. An RF is the instrument used because the nature and extent of land acquisition resulting from the above infrastructure is not known at this stage of the project and will be only know once the projects active. The purpose of the RF is to establish resettlement objectives, organizational arrangements and funding mechanisms for any resettlement operation that may be deemed as necessary. During the implementation when the exact extent of land acquisition is known, a Resettlement Plan (RP) or abbreviated RP will be developed depending on the scale and severity of impacts.

1.2 The Resettlement Framework RF

It is a widely accepted fact, if left unmitigated, involuntary resettlement under development projects may give rise to economic, social and environmental risks. The purpose of the Resettlement Framework (RF) is to address any cases of involuntary resettlement that may arise, as well as clarify the organizational arrangements that may be needed during sub-projects preparation and implementation phases.

This includes compensating all Project Affected Persons (PAPs) for the loss of lands, properties, and livelihoods resulting from displacement and resettlement, as well as assisting these people in relocation and rehabilitation. The RF may be relevant to any of the project's activities entailing the acquisition of land and / or the displacement of

people, causing the loss of land, property, assets, access (to land, property, and assets), income, or sources of livelihood.

This framework shall cover all the project's activities and shall apply to all Project Affected Persons regardless of the total number affected, the severity of impact, and whether or not the Project Affected Persons have legal title to the land. Since resettlement often affects the most vulnerable and marginalized groups (economically, politically, and socially), the RF shall be particularly sensitive to the affects which displacement may have on these groups, including the poor, landless, elderly, women, children, ethnic minorities, or persons with specific mental or physical disabilities.

1.3 Objectives of the RF

The overall aim of RF is to provide a process for identifying individuals likely to be impacted by the Greater Cairo Air Pollution Management and Climate Change Project activities, assessing the severity of the impact, and outlining the process for preparing Resettlement Plans. Further, the RF aims at ensuring that project affected people (PAP) are fairly/appropriately and transparently compensated for their loss of land (whether permanently or temporarily), and assets and loss of access to natural resources, which affect their livelihood. The specific objectives of the Resettlement Framework are to describe:

- The standards and legal framework for land acquisition and resettlement.
- The eligibility criteria for compensation to various categories of PAPs.
- Methods of valuing affected assets for purpose of compensations.
- Methods to estimate the number of potentially affected persons, including type of property and structures such as land, houses, business premises.
- The implementation process of resettlement related activities and organization measures for delivery of compensation and mitigation of negative impacts.
- Consultation and grievance mechanisms to be created and used during the preparation and implementation of RPs
- Measures for monitoring and evaluation with specific monitoring indicators.

This RF applies to all components of the Greater Cairo Air Pollution Management and Climate Change Project that could affect land, assets, and livelihoods. It applies to all eligible persons regardless the severity of impact and whether they have legal title to land or not.

2 PROJECT DESCRIPTION

2.1 Overview

The project comprises five components with the objective of reducing air pollutants and GHGs from open burning of solid waste and vehicle emissions, which are two major contributors to air pollution in Greater Cairo Area (GCA). The project will be implemented in the geographical zone of GC, which covers Cairo Governorate, the urban areas of Giza Governorate and Qalyoubia Governorate.

The current project includes five components, and each component includes a number of sub-components. Land related issues requiring land acquisition and/or resulting in physical and/or economic displacement according to ESS5 are limited to the sub-components included in the component 2 only. At the time of submission of this RF, project details including locations, design for sub-components in component 2 had not been determined precluding the estimation of the numbers of people likely to be subject to these expected impacts in target governorates. Project details including worksite locations will be agreed on by authorities and implementing agencies before commencement of activities. Since most of the land related requirements for the various components have not been finally determined, a Resettlement Framework (RF) is prepared, as a precautionary measure. This RF is based on the World Bank ESS on Involuntary Resettlement ESS5, and relevant provisions of the Egyptian laws.

2.2 Project Components

The five components of the project are described briefly in the following subsections:

2.2.1 Component 1: Enhancing the Air Quality Decision Support System

The main purpose of this component is to bolster the decision support system of Air Quality Management (AQM) in GC. This will be achieved through strengthening the existing infrastructure of AQM, capacity building, emergency response plans and raising public awareness. The funded activities of Pollution Management and Environmental Health (PMEH) trust that help EEAA enhance monitoring will be a base for the activities of this component. These activities include procuring monitoring equipment, training on the equipment, and the analysis. In addition, component 1 will offer evidence-based solutions to mitigate pollution and create a rapid response system to enable the government to act in emergency situations and allow the public to take self-protective actions in case of extreme pollution days. There are two sub-components that fall under this component, which are:

- **Sub-component 1.1: Strengthening Air Quality Information Systems**

Improved comprehension of key sources and determining effective control and prevention actions will be achieved through the following activities under this sub-component:

- Develop mobile source emissions inventory and emissions inventory integration
- Strengthening continuous air quality monitoring
- Health and economic benefits of priority transport interventions

- **Sub-component 1.2: Strengthening Resilience to Air Pollution**

This component aims at reinforcing the resilience capacity of GC's population to help adapting to extreme pollutions days

- Air Quality Forecasting – Technical information provision
- Establishing institutional response to extreme pollution days
- Behavioral change

This component will not require land acquisition that could lead to negative impacts on private asset and/or livelihoods. No future resettlement instruments are anticipated for this component.

2.2.2 Component 2: Support the Operationalization of SWM Master Plans in Greater Cairo

The objective of this component is to enhance operationalization of the governorate solid waste management master plans that set out the required actions and investments in each governorate. Due to the complex characteristics of GC, a progressive approach is suggested to obtain tangible results. Technical support on the technical, financial and project development aspects of SWM in GC to the Ministry of Environment, Waste Management Regulatory Authority and the Ministry of Local Development will be provided in addition to support to the southern zone of Qalyoubia Governorate on all waste management chain activities from collection to final disposal. This component incorporates a mix of physical investments and enabling activities.

- **Waste Management Infrastructure**

The following investments will be funded by the project:

- **Integrated Waste Management Facility at the 10th of Ramadan**
 - Capital investment for establishment of waste processing and final disposal facility in the 10th of Ramadan City to serve Qalyoubia Governorate will be provided. The investment will cover the following: infrastructure around all compartments of both Cairo and Qalyoubia; first cell for MSW;

- Combined/shared healthcare waste (HCW) facility; and combined construction and demolition waste facility.
- Appropriate PPP contracts for establishing and financing recycling facilities
- Appropriate provisions for extracting and utilizing the landfill gas to mitigate GHG emissions

Results of the land due diligence for the Integrated Waste Management Facility at the 10th of Ramadan:

- The location of this sub-component of the project is the only location that has been selected for all the sub-components at this stage.
- The identified and acquired land for the 10th of Ramadan facility is about 1226 Faddan. The buffer zone of 500 m is not included in these areas, yet it is still predominantly located in desert uninhabited area.
- An audit/ due diligence has been done under this RF based on the ESS5 principles to ensure that there are no impacts related to land acquisition, displacement, or affecting livelihoods.
- The land is located in uninhabited desert land that is free of any occupations.
- The land is State property and the land allocation decree for the interest of the Ministry of Environment is currently being issued.
- The google images for the project site using the same coordinates clearly revealed that there has not been neither currently nor historically any land uses including any cultivations, residence, commercial activities ...etc
- The conducted due diligence confirms that there are no misalignment with the ESS5 principles in the past and that there are no need for any corrective actions.
- No gaps in access to information that would require hiring a third party to verify.

Annex 1, includes more detailed overview about the due diligence as per the ESF requirements and screenshots of selected google images for the project site

Apart from the land needed for the facility that is covered under the due diligence above, the external infrastructure that will serve and feed into the facility are also expected to be covered under this component. The routes for roads, water pipes and treatment stations (if will apply) have not been determined yet. When the routes and the locations of the infrastructure are determined, those activities under this subcomponent might require land acquisition that could lead to negative impacts on private assets and livelihoods. The initial determination of the required land areas, location, routes and the potential impacts have not been identified or determined yet. Upon confirming the land selection for this component, the relevant resettlement instrument should be prepared (e.g. resettlement plan) following the principles of the ESS5 and this RF.

- **Construction of Environmentally Controlled Transfer Stations**

- Supporting the establishment of two environmentally controlled transfer stations (Site not determined-possibly in Giza).
- Developing a technical and financial operation manual for the sustainable and sound operation and maintenance of transfer stations.

Activities under this subcomponent might require land acquisition that could lead to negative impacts on private assets and livelihoods. The initial determination of the required land areas, location and the potential impacts have not been identified or determined yet. Upon confirming the land selection for this component, the relevant resettlement instrument should be prepared (e.g. resettlement plan) following the principles of the ESS5 and this RF.

Purchase of Heavy Equipment for Transfer of Waste from Collection Points to the 10th of Ramadan Site

- Financing the acquisition of heavy equipment for the transfer of waste from collection points in Qalyoubia governorate to the 10th of Ramadan site based on budget availability.

This sub- component will not require land acquisition that could lead to negative impacts on private asset and/or livelihoods. No future resettlement instruments are anticipated for this sub-component.

- **Closing and Rehabilitation/Containment of Priority Dumpsites**

- Financing the closure and containment of Abu Zaabal's dumpsite, which will contribute to the improvement in the ambient air and environmental quality of the region
- Supporting the preparation of an environmental audit of the site, a feasibility study and detailed engineering studies for the closure of the dump site.

A group of waste informal workers operates in the current disposal site location. They are around 35 males of different age groups. They operate under the main dumpsite operator who has a contract with the Governorate. They recover recyclables from the dumpsite and have some connections to existing businesses taking place at the street piles and containers. The current working conditions of those individuals of the informal sector are highly threatening for their health and safety with minimal protection measures followed in the process of recovering recyclables. In the meantime, children enter the site for some of the waste sorting activities in the dumpsite. Although it is not very clear at this stage how the closure of the dumpsite will take place in terms of phasing of work, technology and closure options...etc. , the closure of Abu Zaabal's dumpsite may result in loss of livelihoods for the waste pickers engaged there due to the

resulting change in land use and access restrictions. Details on activities and associated impacts under this sub-component including design and implementation have not yet been defined or identified. A livelihoods restoration plan compliant with ESS5 principles will be required when project details including the design of the dumpsite closure are determined. The livelihood restoration plan should provide special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

- **Hazardous Waste Treatment and Final Disposal Facility:**

- Financing the establishment of a non-medical hazardous waste facility
- The location, technology and capacity of the industrial hazardous waste facility will be determined based on a detailed feasibility study. Tentative locations include the 10th of Ramadan facility and the 'candidate site' of Al-Kuraymat site.
- The project will also finance the environmental and social assessments needed for the development of the facility.

Activities under this subcomponent might require land acquisition that could lead to negative impacts on private assets and livelihoods. The initial determination of the required land areas, location and the potential impacts have not been identified or determined yet. Upon confirming the land selection for this component, the relevant resettlement instrument should be prepared (e.g. resettlement plan) following the principles of the ESS5 and this RF.

Technical Assistance for the Environmental Upgrade of El-Akrasha Recycling and Industrial Zone in Qalyoubia:

- Supporting a detailed assessment of the area (institutional, technical and financial) to formulate recommendations to address various issues of the site and identify project's intervention.

Project activities under this sub-component will not require land acquisition that could lead to negative impacts on livelihoods. The offered TA however will be formulated to align with the principles of the ESF including ESS5. Any resettlement instruments that could be needed will be prepared to comply with ESS5 principles.

- **Solid Waste Educational Center:**

Establishment of a solid waste educational center for the general public at the 10th of Ramadan Integrated Waste Management Facility to promote improved waste handling, segregation at source, re-use and recycling, with special recreational and educational material and activities for children and adults (to be implemented through Component 4).

The location of this sub-component has been identified and acquired as part of the 10th of Ramadan facility and the educational center will be located within this same location (see due diligence above).

▪ **Enabling Activities, Capacity Building and Institutional Strengthening and Regulatory Support**

This sub-component of the project focuses on the establishment and reinforcement of institutional and regulatory frameworks, financial sustainability and cost recovery mechanisms that are crucial for the SWM value chain. This will entail design and planning, monitoring and evaluation instruments, capacity building, advisory services for waste operators and relevant studies and assessments needed for the identification, design and implementation of proposed investments. These activities will be implemented by the Waste Management Regulatory Authority and the Executive SWM Unit at the MoLD.

This sub-component will not require land acquisition that could lead to negative impacts on private asset and/or livelihoods. No future resettlement instruments are anticipated for this component.

2.2.3 Component 3: Vehicle Emissions Reduction

This component of the project is mainly concerned with reducing air emissions from public transport sector through a pilot project to introduce electric buses (e-buses) in GC. The main objective of this component is to collect pertinent data that will help in scaling up this project and replicate it on a larger scale. Cairo Transport Authority (CTA) is the formal entity that will be responsible for the operation of these buses. Therefore, the project will assist in upgrading CTA facilities such as retrofitting the depositories of the existing buses to have electric charging stations, power supply and appropriate safety equipment. In addition, capacity building activities for CTA staff such as bus drivers and mechanics will be conducted.

In order to ensure the sustainability of the service through the procured buses, the project will be designed in a way that enhance the new buses competitiveness with other modes of transport like the informal minibuses that can maneuver more easily in high traffic. New buses competitiveness can be achieved through service quality improvements such as air conditioning, on-board USB charging, higher service frequency, and stopping at designated stops. However, the bus routes should be short, up to 10 km to be able to achieve the service frequency with the low number of e-buses in the pilot project phase.

- Low/no Emission Public Transport Fleet and Related Infrastructure
- Enabling Activities

This component will not require land acquisition that could lead to negative impacts on private asset and/or livelihoods. No future resettlement instruments are anticipated for this component.

2.2.4 Component 4: Stakeholders Engagement, Awareness Raising and Communication

The main objective of this component is to ascertain the engagement of all stakeholders in all phases of the project, i.e. design, implementation and monitoring. Such active involvement and the full consultative participatory approach will result in a constructive relationship between the different stakeholders and the government. This component represents an integral part to the stakeholders' engagement comprehensive plan, which is part of the environmental and social risk management and the Stakeholders Engagement Plan (SEP).

Moreover, this component will help in the implementation of the MoE's Communication and Visibility Plan of 2019 through provision of support to the sector related programs, such as the Waste Management Program. The targeted groups entail:

- Senior policy and decision makers
- Managers, technical staff and clean transport stakeholders
- General public
- Civil Society Organizations (CSOs) and Non-governmental Organizations (NGOs)
- Women, youth and children
- The informal service providers sector (e.g., traditional waste collectors community, the Zabaleen)

This component will not require land acquisition that could lead to negative impacts on livelihoods.

2.2.5 Component 5: Project Management and Monitoring & Evaluation

This component will cover project management functions that includes fiduciary management, monitoring and evaluation, technical reporting and audits. A project management unit (PMU) will be established at the Ministry of Environment, which is a project partner along with the Ministry of the Local Development (MoLD) and will be responsible for the implementation of components 1, 3 and 4. The project will also work with other ministries such as the Ministry of Transport, Ministry of Electricity and Ministry of Health and Population, while the executing entities of the project will be EEAA, WMRA, the Central and Regional SWM Units of the MoLD, Qalyoubia Governorate and LTRA.

The project will contribute to the operational costs of the PMUs to be established, but will not pay salaries or topping-up of salaries of government officials. The PMU will be in charge of the overall management and coordination of the project through:

- Preparation of annual work plans and budgets
- Coordination of monitoring and evaluation activities with the other executing agencies
- Having the fiduciary responsibility for the entire project, including financial management procurement and environmental and social risk management

Moreover, Technical Implementation Units (TIUs) or working groups will be established in the key institutions of the first three components to guarantee the involvement of these institutions: each in their respective sector. These units will be chaired by the respective institutions with official mandate for that component and it may also be co-chaired based on the situation.

This component will not require land acquisition that could lead to negative impacts on private asset and/or livelihoods. No future resettlement instruments are anticipated for this component.

2.3 Projects' Impacts

2.3.1 Positive Impacts

It is expected that the project will bring about several positive social impacts. The most significant impacts include:

- Component 1: Enhancing the Air Quality Decision Support System

The installation of air pollutant monitoring stations at new locations will result in increased covered areas. Improved knowledge and representation of pollution profile across the city is expected. A better representation will inform policy and decision-making on-air pollution matters thereby having positive impact on environment, health, and social development. This becomes effective and more beneficial by depending on information sharing and engagement with stakeholders (ESS10).

Under this component improved air quality forecasting and associated institutional responses are anticipated to result in overall positive impacts on health and environment and in engaging with citizens and strengthen citizens' resilience.

- Component 2: Support the Operationalization of SWM Master Plans in Greater Cairo

This component will result in various social benefits and positive impacts that ranges from creation of job opportunities (including potentially to the local communities),

better waste management and accordingly cleaner neighborhoods and environment as well as increased level of citizens satisfaction.

- **Component 3: Vehicle Emissions Reduction**

Deployment of e-buses is expected to result in reduced in vehicle emissions (CO₂ and NO_x) due to diesel buses replacement. Indirect emissions reductions are dependent on electricity source:

- For electricity sourced from solar sources, reductions in emissions from e-buses could reach 80 to 90% [23] [24],
- For fossil-fueled electricity sourced from natural gas, reduction in emissions from e-buses could reach 25 to 50% [23] [24].

Deployment of e-buses is expected to reduce in noise levels to 5 dB along the e-buses routes compared to diesel-run buses (9 dB).

Overall impacts on emissions of (CO₂ and NO_x) and noise levels due to deployment of e-buses having electrical source (solar or natural gas) is to be positive and of medium to high significance.

The operation of this component is also anticipated to result in positive impact on the passengers of women through availing a less crowded, modern and clean means of transport. The e-buses component is planned to promote for harassment-free means of transport through number of introduced measures (CCTV, awareness messages, feedback survey...etc.) and this will in turn help in tackling one of the most serious challenges that women in Egypt encounter in public transport.

- **Component 4: Stakeholders Engagement, Awareness Raising and Communication**

The component of the project, through the Stakeholders Engagement Plan (SEP) and the wider behavior change and communication activities will help in offering a systematic engagement process with the citizen which will in turn help in enhancing trust and in establishing a constructive relationship between different groups of stakeholders. The component will assist the client in understanding the complexity of the relationships, interests, influence and dynamics among the stakeholders and will help in stimulating an inclusive and culturally appropriate approach, which will provide a space for different stakeholders, including project-affected parties (particularly the informal sector), throughout the project life, to engage and provide design related input. Equally important, the component will help the Government in formulating awareness and behavior changes messages and set instruments to measure behavior change. Behaviors related to waste reduction, reuse and recycling need to be tackled in the awareness and behavior change campaign.

2.3.2 Negative Impacts

Construction work for the projects will involve soil removal, excavation, equipment storage, and other activities that will interfere with the current land use in the projects' sites. However, the implications of land acquisition and involuntary resettlement are or may be relevant to sub-components included in the component 2 only. Impacts due to land acquisition and involuntary resettlement vary depending on the nature of project activities and its land needs, the nature of the land (agricultural lands, urban and/or desert), the economic activities of the population, and the type of ownership.

- Unfavorable impacts potentially resulting from expropriation and resettlement activities include:
 - Disturbing the communities due to construction related works including all potential risks on the community health and safety
 - Risks related to labor and labor management
 - The resettlement related risks could be loss of land, if land is owned by individuals (private property), impact on livelihood as a result of changes in land use and access restrictions or loss of different types of assets (e.g. crops, trees, structures, etc.)
 - In relation to the potential risk of loss of livelihoods, and as elaborated in detail above under Closing and Rehabilitation/Containment of Priority Dumpsites, there is a risk that a group of 35 dumpsite waste pickers could be losing their source of livelihoods as a result of the dumpsite closure. Livelihoods rehabilitation plan for this groups could not be prepared at this stage for the reasons mentioned above in the relevant section. When this plan is prepared in the future, it needs to be prepared in light of the principles of ESS1, ESS5 and this RF.
 - With regard to the remaining resettlement impacts, it is very challenging to quantify the number of potentially affected persons at this stage due, primarily, to the fact that the final project sites required areas have not been finally determined except for one location, as indicated above.

More details on the groups that will be entitled for support under this RF as well as their entitlements could be found under the entitlement matrix table 9-3.

3 LEGISLATIVE FRAMEWORK FOR RESETTLEMENT IN EGYPT

Resettlement and land acquisition issues under the proposed Project will be addressed under the guidance of the laws governing the Arab Republic of Egypt to this regard, international standards, WB Environmental and Social Standards ESS 5 and 10 relevant to involuntary resettlement. The RF represents the reference to be used in managing land acquisition issues and addressing the involuntary resettlement and displacement of people related to bank financed projects. MoE will be committed to complying with the national and WB ESSs and to any future amendments to them. This chapter will discuss in detail the Egyptian legal framework.

3.1 Main legislations and guidelines

The main legislations and guidelines that will be discussed under this section are as follow:

- Law 24/2018 on the amendment of some provisions of Law No. 10 of 1990 on the land acquisition
- Law 1/2015 on the amendment of some provisions of Law No. 10 of 1990 on the land acquisition
- Law 10/1990 on Property Expropriation for Public Benefit identifies
- Law 577 of year 1954 and Law 27 of year 1956 for land acquisition
- Law 27 of year 1956
- The new Egyptian Constitution
- Civil code 131 of year 1948

It is the Government of Egypt's policy to pay compensation or offer assistance to people whose lands and properties are affected by projects undertaken by the Government. This section pertains to the means, causes, and the competent authorities entrusted with the implementation of the provisions and rules of the administrative law, civil law, in addition to the law related to the expropriation of private property for public interest. In addition, this section also covers the restrictions, the conditions of the legality of procedures applied by the administration at its disposal, and the consequences of property expropriation, in addition to the legal procedures for the possession of private property. (For more details, see Annex 2)

Table 3-1: National regulations related to Involuntary Resettlement

Title of legislation	Summary and how this legislation applies to this project
Law 24/2018	Replace the provisions of Articles 2 (fourth paragraph), 3, 5 (second paragraph), 6 (second paragraph), 7 (first paragraph), 13, 15 (first paragraph) of Law No. 10 of 1990 regarding expropriation of real estate for the public benefit

	<p>The public benefit report shall be attached to the decision of the President of the Republic or his authorized representative, accompanied by</p> <ul style="list-style-type: none"> - A note stating the project to be executed. - A drawing of the overall planning of the project and the real estate necessary for it. <p>The compensation is estimated according to the prevailing prices at the time of the expropriation decision, and additional (20%) twenty percent of the value of the estimate included in the compensation. Existing expropriation procedures.</p> <p>The decision for the public benefit shall be published with a copy of the memo referred to in Article (2) of this law in the Official Gazette. In addition, affixed in the place prepared for advertisements at the headquarters of the local administration units, in the mayor or police headquarters, and in the primary court located in the property department, and on the front of the property subject to expropriation in a visible manner.</p>
Law 1/2015	<p>On the amendment of some provisions of Law No. 10 of 1990 on the land acquisition due to public interest. The amendments provided:</p> <ul style="list-style-type: none"> - The first section of article 7 of the law states that: After depositing the compensation, the entity in acquisition charge shall prepare lists with the real estate subject to acquisition, areas, locations, names of owners and property holders, their addresses, and the value of compensations stipulated. These lists and respective maps showing the location of all properties, shall be sited in the head office of the entity in charge, - while article 8 after amendment stated that: "The concerned owners and holders of rights have the right to object to the information contained in such lists within 15 days from the date of posting and publishing the lists and information of the expropriated properties.
Law 10/1990	<p>On Property Expropriation for Public Benefit identifies transportation projects as public benefit activities. It describes acquisition procedures as follows:</p> <ul style="list-style-type: none"> - The procedures start with the declaration of public interest pursuant to the presidential decree accompanied with memorandum on the required project and the complete plan for the project and its structures (Law 59/1979 and Law 3/1982 provided that the Prime Minister issues the decree); - The decree and the accompanying memorandum must be published in the official newspapers; a copy for the public is placed in the main offices of the concerned local Government unit. <p>This law has specified, through Article 6, the members of the Compensation Assessment Commission. The commission is made at the Governorate level, and consisting of a delegate from the concerned Ministry's Surveying Body (as President), a delegate from the Agricultural Directorate, a delegate from the Housing and Utilities Directorate, and a delegate from the Real Estate Taxes Directorate in the Governorate. The compensation shall be estimated according to the prevailing market</p>

	prices at the time of the issuance of the Decree for Expropriation.
Law 577/1954	Law 577/54, which was later amended by Law 252/60 and Law 13/162, and establishes the provisions pertaining to the expropriation of real estate property for public benefit and improvement.
Law 27 of year 1956	<p>Law No. 27 of 1956, which stipulates the provisions for expropriation of districts for re-planning, upgrading, and improvement, and the amended and comprehensive Law No.10 of 1990 on the expropriation of real estate for public interest.</p> <p>The first article of Law No. 27 of 1956 allows for the expropriation of districts for their improvement, upgrading, re-planning, and reconstruction. Article 24 of Law 577/54 also stipulates that in case only partial expropriation of real estate property is required, and the remaining un-expropriated part will not be of benefit to the owner; the owner shall be given the right to submit a request within 30 days (beginning from the date of final disclosure of the list of the expropriated property) for the purchase of the entire area.</p> <p>It should be noted, that the new law has not restricted the right to request the purchase of the remaining un-expropriated portion of real estate whether it is a building or land.</p>
Egyptian Constitution (That was cancelled after the 25th of January Revolution but main issues related to private ownership was included in the new constitution declaration 2012)	<p>The Constitution Chapter Two Part One: Social and Moral components</p> <p>The State shall guarantee equality of opportunity to all Egyptians and coordination between woman's duties towards her family and her work in the society, considering her equal to man in the political, social, cultural and economic spheres without detriment to the rules of Islamic jurisprudence</p>
	<p>The Constitution Chapter Two: Economical components</p> <p>Article 29</p> <p>States that ownership subject to the control of people is protected by the State, and is divided into three types: public, co-operative and private property.</p>
Civil code 131 of year 1948	<p>Articles 802-805 recognizes private ownership right.</p> <ul style="list-style-type: none"> - Article 802 states that the owner, pursuant to the Law, has the sole right of using and/or disposing his property. - Article 803 defines what is meant by land property - Article 805 states that no one may be deprived of his property except in cases prescribed by Law and would take place with an equitable compensation.

The regulation of the right to ownership in the constitution and the law, the new Egyptian constitution, which was issued at the end of 2012, stipulated in its article 21 that "the state guarantees the legitimate ownership of all kinds "Public, Cooperative, Private, and Endowment, and protect it, in accordance with the law".

According to the Egyptian law, the following table presents the types of lands ownership in Egypt:

Table 3-2: Type of land ownership in Egypt

Land ownership type	Description
Public or State land¹	(in Arabic <i>Amlak Amiriya</i>), which is divided into the State's public domain that cannot be alienated and the State's private domain, which can be alienated generally through sale, lease, <i>Takhssiss</i> (i.e. transfer of ownership conditional on meeting certain criteria, such as keeping the land use unchanged and paying the remaining installments of the land price) or through <i>Haq Intifaa</i> ,
Private land	(in Arabic <i>Mulk horr</i>), which may be alienated/transferred freely. The constitution is in Article 24, which states that "private property is protected; and it shall not be expropriated except for the public benefit, and in return for fair compensation, to be paid in advance. All of this is in accordance with the law.
Endowment land	<i>Waqf</i> and (land held as a trust/endowment for religious or charitable purposes), which is often subject to covenants on transfer or use, and which is typically transferred through leasehold or usufruct.
Customary rights	There are some areas in Sinai and in the northern coast with implicitly recognized to land (<i>Urfi</i>) to the benefit of Bedouins. In these areas, someone wishing to acquire land often has to make two payments, first to the Bedouin claimant(s) for the right of use and then to the State to regularize and register their land tenure/ownership and be able to obtain services.

It is important to note that the Civil Code (No. 131 of 1948) recognizes (*Hiyaza*) (i.e. possession of immovable/movable property without ownership) as a legitimate channel to acquire ownership of the property in question through adverse possession, provided that the (*Hiyaza*) has been "peaceful, unchallenged and uninterrupted" for a period of 15 years². By Law, ownership through adverse possession does not, however, apply to State lands.

3.2 Institutional and Organizational Arrangement for land acquisition

3.2.1 Institutional Arrangements

Several governmental bodies are involved in land acquisition and resettlement. An assessment committee plays the key role in land acquisition and resettlement, which is

¹ The large majority of land in Egypt is public or State-owned desert land that is for the most part undeveloped (estimated to be 90-95% of the national territory).

² The large majority of land in Egypt is public or State-owned desert land that is for the most part undeveloped (estimated to be 90-95% of the national territory).

an independent structure and is established in each governorate by the decree of the Minister of Water Resources and Irrigation with changing its membership every two years.

1. Preparation for Issuing a Prime Minister Decree of Land Acquisition due to Public Interest

A project proponent submits a request to the governorate for the preparation and issuance of a Prime Minister Decree for land acquisition for public interest. A governorate conducts a survey for confirmation of property loss and for estimation of compensation amount. A governorate requests Prime Minister to issue a decree of land acquisition based on the survey result. The project owner/ project authority deposits the compensation amount estimated by the estimation committee in the treasury of Governorate or the treasury of Egyptian General Survey Authority (ESA).

2. Issuing a Prime Minister Decree of Land Acquisition due to Public Interest

Prime Minister decree of land acquisition for public interest is issued with a memorandum covering the project description and necessary area for land acquisition for to public interest. Such decree is announced at gazette, headquarters of a governorate office and first instance court in the jurisdiction area where land acquisition is conducted.

3. Property Assessment

An owner of a property to be expropriated is informed by an official letter and requested to attend confirmation of a property. A committee is formed according to law No. 10/ 1990 and its amendments by Law No. 24/ 2018 and law No. 1/2015, this committee is responsible for identifying the properties affected by a project, and confirms the location and legal status of affected properties with a property owner. The survey result is disclosed at the governorate and municipality office, and it is also informed to a property owner with an official letter.

Compensation amount is calculated according to the price prevailing at the time of assessment by another part of assessment committee consisted of a delegate from governorate office of ESA as the leader of assessment committee, directorate of housing and utilities in a governorate, and directorate of real estate taxes in a governorate. Following compensation calculation, a project proponent deposits the necessary amount.

4. Disclosure of the Assessment Result

The assessment result (i.e., surface area, location, owner name, compensation evaluation) is disclosed at the governorate office of ESA and governorate office for one month. A property owner is informed of the assessment result by an official letter. In addition, a project description, and period and place of disclosure about assessment result are announced at Egyptian Gazette, official journal and two daily newspapers for one week.

5. Ownership Transfer

If there is no grievance, a property ownership is transferred by signing on a document.

6. Grievance Redress

The Egyptian legal framework ensures two steps of grievance redress. First step of grievance is property ownership. A property owner is entitled grievance to information about property such as legal status for 15 days after its announcement, and a project proponent or governorate office is the contact window of such grievance. The second step of grievance is evaluation of compensation amount. Both of a property owner and a project proponent are entitled grievance to assessment result at the first instance court in a governorate where acquisition will be conducted. Grievance is treated according to the law No. 10/ 1990 and its amendments by Law No. 24/ 2018 and law No. 1/2015.

3.2.2 Procedures of Land Acquisition Due to Public Interest and Resettlement

The following procedures are followed:

1. The project owner/ project authority is conducting the project study,
2. Identifying the places of expropriation and ownership transfer that are incompatible with the project,
3. Memorandum is prepared for presentation to the Cabinet of Ministers to issue a decree of public interest for the project,
4. Field survey is conducted in order to confirm the outcomes of the desk study by collecting the study data on land acquisition for to public interest,
5. The decree of public interest is issued by the President or the Prime Minister and published in the Gazette,
6. The expropriation procedure is carried out in implementation of the Republican Decree of public interest by the governorate and the Survey Authority.

3.2.3 Responsibility at Authorities Concerned

Regarding entities concerned with land acquisition for public interest and compensation, the project proponent (in this case the Ministry of Environment) is considered the entity requesting expropriation for public interest. Governorate and Egyptian Survey Authority are considered the entities responsible for land acquisition and estimate the compensation value for the Project according to law No. 10/ 1990 and its amendments by Law No. 24/ 2018 and law No. 1/2015. With respect to compensation/ assistance not defined in Egyptian legal framework, Ministry of Environment has a responsibility to conduct as shown in the following table:

Table 3-3: Outline of Responsibility at Authority Concerned

Agency	Responsibility
Ministry of Environment	<ul style="list-style-type: none">– Entity requesting the land acquisition for public interest– Entity responsible for depositing the values that requested from it in order to formal claim for expropriation which represents the value of owners' compensation

	<ul style="list-style-type: none"> – Responsible executer to compensate the occupants or assistant which is not defined within the Egyptian legal framework such as income loss, livelihood stabilization and socially vulnerable people, according to the estimations of the committees formed in this regard
Governorate	<p>Responsible executer to conduct land acquisition and compensation/ assistant payment at the Governorate within Egyptian legal framework</p> <p>Cairo Governorate is the only Governorate which has an administration for land acquisition for public interest. Since the governorate has a role in land acquisition from the beginning of the procedures, they are in a position to supervise the procedure of land acquisition and resettlement; they also take care of grievances received from public.</p>
Ministry of Agriculture	<p>According to law 10/1990, the Minister of Agriculture approves the expropriation decree for cultivated lands. In this case, Agricultural Directorate and Agricultural Associations have a role in assessing and providing the compensation</p>
Agricultural Directorate	<p>Identifies concerned associations according to the project maps</p> <p>Provides the price list for the crops and trees at the governorate</p>
Agricultural Associations	<p>The Agricultural Associations is the official body responsible for registering and counting the holdings and ownership of agricultural land in Egypt. The agricultural associations exist in all of Egyptian villages.</p> <p>Provide lists for owners and tenants names and tenures of the PAPs within their relevant areas</p> <p>Participate in the census survey of the PAPs prior to starting of the expropriation activities as part of the compensation committee</p> <p>Agricultural associations participate in consultation activities with PAPs and participate in the compensation committee to provide technical opinion about the crops (age of trees, fertility of land ... etc.)</p>

4 WORD BANK REQUIREMENTS

World Bank Environmental and Social Framework ESF - ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, Involuntary Resettlement and Economic Displacement is a standards documents developed with the main objectives of avoiding, minimizing, and mitigating negative social impacts resulting from land taking or affecting the sources of livelihoods as a result of a development project. The thorough review for the mentioned guidelines showed the following:

- All the mentioned standards are drawn with the general human rights framework in recognition for the protection of the ownerships, the interests of the poor and vulnerable groups in particular;
- According to the WB ESS on Involuntary Resettlement, physical and economic dislocation resulting from WB funded developmental projects or sub-projects should be avoided or minimized as much as possible.
- Where physical or economic displacement is unavoidable, the funding agency requires development of an acceptable resettlement tool (this may include a Resettlement Framework, a Resettlement Plan or an Abbreviated Resettlement Plan). The plan should incorporate and follow the right to due process, and to meaningful and culturally appropriate consultation and participation, including that of host communities.

Specifically, the WB ESS on involuntary resettlement and the compensation of Project Affected Persons is clearly spelled out under the World Bank's Environmental and Social Standards ESS - ESS5.

Box 1: ESS5 Objectives

ESS5 Objectives

The objectives of the Environmental and Social Standard on Involuntary Resettlement (ESS5) are to:

- Avoid or minimize involuntary resettlement and associated disruptions by exploring project design alternatives.
- Avoid forced eviction
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by:
 - a) Providing timely compensation for loss of assets at replacement cost⁶ and,
 - b) Assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Improve living conditions of poor or vulnerable persons who are physically displaced (PAPs), through provision of adequate housing, access to services and facilities, and security of tenure.
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.

- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected

ESS5 is relevant when project activities result in:

- Loss of land or other assets which have as effect:
 - Relocation or loss of shelter.
 - Loss of assets or access to assets.
 - Loss of income sources or means of livelihood (whether or not the affected persons must move to another location).
- Restriction of access to legally designated parks and protected areas that result in adverse impacts on the livelihoods of affected persons.

The resettlement standard applies to all components of Bank-financed projects, whether or not they are directly and fully funded by the Bank. At this point, it is not clear that there are any associated facilities. However, in case there are other projects associated with the Bank-financed project, this RF will also apply to them, regardless to whether or not they receive funding from the World Bank.

The standard applies to all PAPs regardless of the total number affected, the severity of the impact and the legal title to the land. Particular attention will be paid to the needs of Vulnerable Groups subject to displacement, which include those below the poverty line, the landless, the elderly, women and children, or informal workers and informal land users (e.g. squatters, individuals, and groups who might be losing their source of livelihoods as a result of land acquisition).

Project Affected Persons (PAPs) are people who are directly affected socially and economically by Bank-financed projects. The direct social and economic impacts include but are not limited to: a) relocation or loss of shelter, b) loss of assets or access to assets, c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location, and d) the involuntary restriction or access to legally designated parks and protected areas that results in adverse impacts on the livelihood of the affected displaced persons and communities.

Resettlement Plans (RPs) are prerequisites for implementation of subproject activities causing resettlement, such as land acquisition. They ensure that displacement or restriction to access does not happen before necessary measures for resettlement and compensation are completed. These measures include provision of compensation and other assistance required for relocation - prior to displacement as well as preparation and provision of resettlement sites with adequate facilities.

“Land acquisition” refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; b) repossession of public land that is used or occupied by individuals or households; and c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

Taking of land and related assets or denial of access to assets (e.g., resettlement sites, new homes, related infrastructure, public services, and moving allowances) may take place only after compensation has been paid to Project Affected Persons (PAPs).

If relocation or loss of shelter occurs, the standard further requires that PAPs be involved in resettlement planning and be meaningfully consulted to ensure a fair and transparent process.

5 GAPS ANALYSIS BETWEEN EGYPTIAN LEGISLATIONS AND THE WORLD BANK ESS5

This section is geared towards comparing and contrasting Egyptian rules and regulations with the Bank's Standards addressing involuntary resettlement. This part of the RF will illustrate similarities, differences and will further point at project implementation difficulties that may possibly arise.

Egyptian legislations are broadly consistent with the WB's ESF -ESS5. This includes:

- The requirement to pay compensation in case of compulsory acquisition of land
- The need to compensate for the acquired property based on full market value of the property at the data of the verdict;
- The requirement to compensate for losses, whether temporary or permanent in production or damage to productive assets and crops; and
- The provision for pre-judicial avenues for resolution of disputes and rights of appeal.

There are, however, a number of specific areas where provisions required under WB ESF - ESS5 extend beyond those required under Egyptian legislation. These are as follows:

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Table 5-1: Comparison of Egyptian regulations with the WB Standards and measures for bridging the gaps

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
Property Valuation/compensation	The unit rates used for compensating property and assets are estimated according to the prevailing prices at the time of the expropriation decision, and additional (20%) twenty percent of the value of the estimate included in the compensation based on law No. 24/ 2018).	<p>Compensation for lost properties will be calculated based on full replacement cost, in other words, compensation should be equal to what enables the Project Affected People (PAP) to restore their livelihood at the level prior to the resettlement.</p> <p>For the WB, those people whose livelihoods are negatively affected by a project should have their livelihoods improved or at minimum restored and/or adequately compensated for any losses incurred. As such, where physical or economic displacement is unavoidable, the Bank requires the borrower to develop an acceptable Resettlement Plan. The plan should incorporate and follow the right to due process, and to meaningful and culturally appropriate consultation and participation, including that of host communities.</p>	<p>with full replacement cost, in accordance to the market value at the time of compensation.</p> <p>"Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist (see WB ESS p. 105).</p> <p>In cases of loss of land for households with land-based livelihoods, affected people must first be offered alternative land of better or equal quality.</p> <p>In cases of loss of housing, compensation for houses and other structures should be equivalent to replacement cost plus relocation costs. Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost.</p> <p>Where the option of cash compensation or alternative accommodation is provided,</p>

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
			the cost estimates for providing alternative accommodation could be used for calculating cash compensation payable. For movable structures, such as kiosks or stalls, comparable replacement sites should be offered.
The cut-off date	There is no cut-off date under the Egyptian laws.	The WB identifies a cut-off date in order to prevent people influx to the project area. This measure is stipulated in order to protect the project owner and to prevent wasting of resources. The Egyptian laws never set a cut-off date. The cut-off date is the day the census starts.	The cut-off date will be differing according to the project and the components. It will be determined separately for each component. The cut-off date will be the day when the census starts for the preparation of the site-specific RPs or ARPs.
Compensation eligibility The right of squatters	Under Egyptian law, the only people and entities entitled for compensation are those with registered property rights, for example, registered landowners, occupants, users and those with registered third party rights or those who have legally obtained the right to register their title but whom, for some reason, have not completed registration. This potentially disqualifies many	<ul style="list-style-type: none"> • Eligibility Criteria for compensation under WB ESF - ESS5: <ul style="list-style-type: none"> (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land, at the time the census begins, but have a claim to such land or assets; provided that such claims are recognized under the laws of the 	<p>The categories of people who must be compensated under Egyptian legislation are narrower than those defined under ESS5.</p> <p>Under this project all the categories (a,b,c) will be considered for compensation in accordance to ESS5.</p> <p>Resettlement assistance should be provided in order to improve the PAPs livelihoods or at least to restore to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
	<p>categories of affected people that would be entitled to compensation under the WB ESF - ESS5.</p> <p>Egyptian legislation has not recognized the rights of squatters.</p>	<p>country or become recognized through a process identified in the resettlement plan;</p> <p>(c) those who have no recognizable legal right or claim to the land they are occupying (squatters).</p> <ul style="list-style-type: none"> • To determine eligibility: • Carry out resettlement census. Cut-off date for eligibility is the day when the census begins. <p>Under the WB ESS all the land needed for a project is subject to compensation</p>	<p>Accordingly, individuals under category a and b, should be compensated at full replacement cost and WB Standards payment prior to acquisition.</p> <p>While those who are using land but have no recognizable legal rights or claim (i.e. individuals under category c) will be compensated for their investments on the land in order to improve their livelihoods or at least to restore to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p> <p><i>All Project Affected Persons should be compensated for their loss of assets, regardless to their legal status. Compensation includes financial or technical support so that PAPs are able to restore their livelihood to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</i></p>
Resettlement planning and procedural requirements	<p>There is presently no requirement to prepare a formal Resettlement Plan (RP) under the Egyptian law, nor to undertake any of the component activities of a</p>	<p>When there is impact on land and livelihoods or a WB funded project will result in restriction of access, the project requires to prepare a formal Resettlement Plan (RP). In order to</p>	<p>MoE and/or other ministries concerned with the project components in compliance with the WB procedures should prepare site-specific Resettlement plans or ARPs when needed.</p>

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
	resettlement plan such as, a 'census', socio-economic survey, consultation with project affected people, monitoring or reporting. Moreover, there are no specific references in the legislation to 'involuntary resettlement'. Also, there is no explicit consultation requirement in the Egyptian law'.	prepare the RP, it is necessary to undertake the component activities of a resettlement plan such as, a 'census', socio-economic survey, consultation with project affected people, monitoring or reporting.	In addition, the consultation activities will be implemented during the project lifetime and as part of the preparation of the RPs or ARPs.
Livelihood/income restoration and assistance	Egyptian regulations do not specify income restoration allowances where the PAPs incurred losses of business income.	Under the WB ESF - ESS5, loss of income resulting directly from project implementation should be compensated for. ESS5 makes provisions for loss of income sources or means of livelihood, whether or not the affected persons must move to another location. It requires that PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. In this regard the Egyptian LAL (Land Acquisition law for public benefit) has not made clear provision for restoring loss of income sources or	Egyptian law does not discuss compensation for loss of income, only land and assets. The well operators and tenants of lands will be unable to restore their income due to having no mechanism for income restoration. Hence, ESS5 principle regarding income restoration will be considered. Therefore, those whose income is going to be affected will be compensated for the loss of profit and income

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
		means of livelihood.	
Vulnerable groups	Egyptian regulations have not addressed how vulnerable groups affected by expropriation of property should be treated	<p>The WB ESF - ESS5 stipulates the importance of paying attention to the minority rights.</p> <p>Support for alternative livelihoods . For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods (ESS P. 63).</p>	<p>Particular attention will be paid to the needs of Vulnerable Groups among those displaced. Particular attention will be dedicated to those below the poverty line, the landless, the elderly, women, single-headed households and those with handicaps, or informal workers and informal land users (e.g. squatters, individuals, and groups who might be losing their source of livelihoods as a result of land acquisition).They have to be engaged in this project by inviting them to the stakeholder engagement activities and consultations.</p> <p>Definite identification of those groups, and their associated sizes and characteristics have not yet been clarified., In the coming stage, the project needs to conduct a social survey in order to identify all vulnerable groups. Subsequently, the impacts of the project have to be assessed.</p> <p>Specifically, site visits have to be paid to the vulnerable groups in order to inform them about the project and its positive and adverse impacts. Additionally, they are to be informed about the grievance mechanism and given the contacts of the</p>

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
			compensation committee in order to get the needed information.
Access to timely and relevant information Disclosure	Egyptian law stipulates that PAPs be provided with timely and relevant information.	WB ESS10 on Stakeholder Engagement and Information Disclosure focuses on that “the timely disclosure of relevant project information enables stakeholders to understand the project’s risks, impacts and opportunities. Mindful of this and as foreseen in the Stakeholder Engagement Plan, the borrower will provide identified stakeholders with relevant information in a timely and appropriate manner. The borrower will further disclose and grant access to relevant information to any other interested party as appropriate.	<p>The project should launch comprehensive Stakeholder engagement activities that would continue during the project lifetime. Integration of community based organization will be the key to provide satisfactory level of information.</p> <p>All the consultation activities that will take in the context of this project should be included in RP study,</p>
Grievances & Redress Mechanisms (GRM)	Egyptian law allows the creation of “Specialized Committees” to address grievances originating from misunderstandings of project policy, or resulting from conflicts among neighbors. The law allows one month to object to the decision of resettlement, four months to seek redress to the compensation value and three months in case of dispute between several individuals	The Grievance Mechanism according to WB ESS10 p. 100 is “The Grievance Mechanism will be proportionate to the potential risks and impacts of the project and will be accessible and inclusive. Where feasible and suitable for the project, the grievance mechanism will utilize existing formal or informal grievance mechanisms, supplemented as needed with project-specific arrangements.	It is essential for the project to establish a GRM that is acceptable and accessible to community members. It would serve as the first stop for people who have a grievance and will have several channels for them to complain. All petitions will be considered and responded to and a due procedure of handling and managing grievances will be set. Moreover, their social development officers will gain information about how to document the grievances, and how to

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
	<p>or parties on a single property.</p> <p>Court cases in Egypt are known to require long periods of time before settlements can be reached. With intent to address the lengthy time the Egyptian court may require to process and resolve disputes.</p>	<p>(a) The grievance mechanism is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The Borrower will inform the project-affected parties about the grievance process in the course of its community engagement activities, and will make publicly available a record documenting the responses to all grievances received; and</p> <p>(b) Handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed</p>	<p>transfer them to the interested entity.</p> <p>They should be informed that they can take the case to the court If need arises, aggrieved people would however remain free to open a Court case without having registered their grievance with the GRM. The grievance mechanism should be set up and maintain in line with the WB ESS10.</p>
Consultation	<p>There is no explicit consultation requirement in the Egyptian law. However, people in the affected communities are usually informed about the project.</p>	<p>Under WB ESS10 the affected communities and individuals should be consulted and contribute to the processes of land acquisition and resettlement.</p>	<p>Affected groups should have access to full information about the resettlement process and options for compensation.</p> <p>Participatory planning and decision making should be applied in resettlement options</p>

Topic	Egyptian legislative requirements	World Bank Standards	Measures for bridging the gaps
		Consultation with the affected PAP should be documented.	and compensation.
Monitoring and Evaluation	The absence of monitoring and evaluation measures in Egyptian laws illustrates differences between the two systems. The lack of legally authorized resources can constrain accountability and governance mechanisms of Bank financed projects. The lack of equivalency between the Bank's and Egyptian policy can negatively impact on the very idea of the consultation, decision making and disclosure principles charted in the WB ESS.	<p>According to WB ESF - ESS5 the projects including resettlement or land acquisition need to follow up the implementation of the measures through monitoring and evaluation, both internally and through an independent party (e.g. CSOs, NGOs, and national human rights institutions) or to facilitate community-driven monitoring, where practical and acceptable by the communities concerned.</p> <p>In terms of reporting, the borrower will establish regular communication and reporting channels back to the communities and individuals impacted and concerned, whether through non-technical summaries of progress updates, engagement activities, public meetings, targeted issue-based hearings.</p>	Monitoring of the resettlement activities during the project implementation as detailed in this RF should be performed. As such, the project is to develop an M&E and reporting system compliant with WB standards.

6 RP PREPARATION, REVIEW AND APPROVAL

6.1 About Resettlement Plan

The RP/ARP is the most important resettlement instrument that should be undertaken. RP/ARP should assess the number of PAPs, propose alternative locations for the sub-projects if possible, identify the eligibility criteria, include provisions for compensation and assistance, and address the means by which the project monitoring and evaluation will take place to ensure that the PAPs receive their compensation and that their grievances are heard and addressed. The mitigation measures and compensation standards proposed in the RP shall be disclosed to the PAPs for feedback and comments.

Once the project activities have been identified, they should be screened by MoE and other ministries concerned with the project components to determine whether or not they will require the involuntary resettlement of people within the determined project area, and they will be responsible of the application of the ESSs including ESS5. For the purpose of this RF, the following section will present the main steps for the preparation of the RP/ARP.

The sub-project RP should consider the following design criteria:

Box 2: Design Criteria for RP

Design Criteria for RP

- A description of the sub-project and a discussion of how the displaced will maintain or upgrade their living standards
- Identification of potential impacts
- Objectives of RP
- Site selection for new settlement, along with relocation risks and reconstruction;
- A census survey of displaced persons and valuation of assets
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework
- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Services offered after relocation (e.g. employment, electricity, etc.) based on an assessment of their needs
- Resettlement measures
- Site selection, site preparation, relocation, provision of services (facilitation of relocation)
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities and timetable (what institution is responsible for implementation of the relocation)
- Implementation schedule
- Costs and budget
- Monitoring implementation and outcomes

– Evaluation

The key minimum elements that an abbreviated plan (ARP) should cover are listed in the figure below.

Box 3: Minimum Elements to be included in ARP

Minimum Elements to be included in ARP

- Project activities requiring acquisition of land or other assets with required details such as sketch maps
- A census survey of displaced persons and valuation of assets
- Officially certified enumeration of the persons affected and the types of impact
- Entitlements, description of compensation and other resettlement assistance to be provided and the bases of compensation rates
- Consultations with displaced people about acceptable alternatives
- Institutional responsibility for implementation and procedures for grievance redress
- Time table for implementation of the action
- Arrangements for monitoring and implementation
- A timetable and budget

6.2 RP and the Project Cycle

6.2.1 RP during Project Identification

6.2.1.1 Project Screening

During the screening phase, cadastral information might involve gathering information about land ownership, structures and uses of the land that would be directly affected by the works, either temporarily or permanently. This information shall be verified by a qualified consultant who shall provide written and visual records and enumerate all economic, residential or other ownerships and uses of the land that would be affected, along with an estimation of the number of people affected by this type of impact.

This same phase should also include conducting introductory meetings with communities, including PAPs and vulnerable groups, in order to inform them about the project and to disseminate the prepared RF and inform people about their rights and entitlements.

6.2.1.2 Preparation of the Socio-economic Survey

Following the identification of the project component that may necessitate involuntary resettlement, the next step would be preparing a socio-economic study, in which baseline data within the project's target areas is collected. The study should be carried out by a social and resettlement consultant assisted by the local community leaders. It should examine the nature of the impacts; the socio-economic and cultural setting, local organizations, social risks, total land holdings and affected assets as well as the indicators that would ensure that the project affected people, at minimum, regain their former quality of life or, preferably, are enabled to improve it.

The information should be collected from PAPs and related household members or dependents. This information will be documented in writing, used in the preparation of the RP and in determining the appropriate compensation and assistance for each affected individual/household. The figure below demonstrates the objectives of the socio-economic survey.

Box 4: The Socio-economic Survey Objectives

The Socio-economic Survey Objectives

- **Introduce the project to the PAPs**
- **Collect census data to identify PAPs on individual and household levels**
- **Description of the affected households including information about livelihoods, production and labor systems, standards of living, an analysis of their legal rights and informal entitlements, and any issues of potential conflict**
- **Collect census data to identify vulnerable and severely affected PAPs**
- **Collect census data on the overall socio-economic environment of the affected communities**
- **Statement of the magnitude of the expected loss (total or partial) of assets and the extent of physical or economic displacement**
- **Identify stakeholders**
- **Identify impacts of the sub-project on the livelihoods of the PAP (i.e. property, structures, income...etc.)**
- **Identify any concerns or worries the PAPs may have**
- **Identify the resettlement preferences of the PAPs**

For projects that will require the preparation of the RP/ARP, their preparation should be considered prior to the appraisal phase. The preparation of the RP/ARP should consider the key design criteria previously presented in Box 2 and 3.

6.2.2 RP during Project Appraisal

The prepared RAP/ARP needs to be reviewed by the relevant agency on the local and central levels/authorities and then submitted for final approval by the Bank. The RP/ARP shall include the proposed mitigation measures which will help in making a decision regarding the implementation of the project or not. The prepared RP/ARP shall take into consideration the communities concerns and worries raised in the process of conducting the socio-economic survey.

6.2.3 RP during Project Implementation

- Prior to the project implementation, PAPs that have been determined to be identified as eligible for compensation should be compensated in accordance with the Egyptian laws and WB ESF - ESS5 as detailed in this RF.
- A cut-off date should be determined as the time when the census starts. Persons who encroach onto the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Affected individuals, households, and communities, who have been identified earlier under the socio-economic survey, will be consulted about their compensation preferences.

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- The PAPs will be formally informed through written or verbal notification (in case some of the PAPs are illiterate) delivered in the presence of at least one public official. LGU as well as any local resettlement mechanism that might be initiated (e.g. Property management in the Governorates / Districts / Local Units) will arrange meetings with the affected individuals/ households to document the lands acquired by the sub-project throughout the implementation period and discuss the compensation process.
 - The PAP will be required to sign a contract detailing the acquired land plots and/ or partially or completely affected structures and the corresponding types of compensation (i.e. cash or in-kind). The signature of the compensation contracts as well as the actual payments and in-kind transfers shall be made in the presence of at least one public official from the city authorities. In the case of illiterate PAPs, fingerprint stamps substitute for written signatures and additional witnesses should be present. The contracts may also include contracts on possible transitional or developmental assistance and income restoration measures that will be given to the PAPs.
 - A grievance mechanism should be devised in order for the PAPs to be able to voice their concerns, complaints, or dissatisfaction with any part of the compensation process and to seek redress. The grievances should be addressed to local mechanisms or special committees that could be formed as an independent instrument for the purpose of receiving and responding to grievances, to ensure that PAPs grievances are treated fairly and timely. The committee should collect and review the grievances (in coordination with the local public official representative) monthly and MoE/ PMU should also perform a role in facilitating the response to these grievances. Particular attention will be paid to vulnerable groups. It is also important for the committees to ensure proper documentation for all grievances and reach their resolution within the timeframe allotted to responding to grievances (i.e. 15 calendar days).

If the grievances or other disputes cannot be resolved through administrative action, the PAPs can initiate legal proceedings in accordance with the provincial and the national law and have may recourse to the Appellate Courts and the Supreme Court but this should be maintained as a last option.

6.2.4 RP during Monitoring and Evaluation (M&E)

Monitoring and Evaluation (M&E) are key components of the RP/ARP and have the following objectives:

- Monitoring of specific situations or difficulties arising from implementation and how it complies with the objectives and methods set out in the RP/ARP;
- Verifying that project activities have been effectively completed with respect to quantity, quality and time;
- Evaluation of medium and long-term impacts of resettlement on the livelihood, environment, local capacities and economic development of the affected households

In carrying out all activities related to monitoring, evaluation and supervision, consideration will be given to the vulnerability issues. The different vulnerable groups referred to above should be

consulted during the monitoring process to ensure that their concerns are handled fairly. Regular monitoring of the RP implementation will be conducted internally, by MoE/ PMU, as well as externally by an independent monitoring agency.

Box 5: Guidelines for the Monitoring Indicators

Guidelines for Monitoring Indicators

The main indicators that will be monitored regularly are as follows:

- **Check that the screening activities have been carried out to determine the need for the preparation of a RP**
- **Payment of compensation to PAPs in various categories, according to the compensation standard described in the RP; with special focus on the vulnerable groups and avoiding discrimination based on gender, tribal backgrounds or any other factors**
- **Delivery of income restoration and social support entitlements**
- **Dissemination of public information and consultation procedures**
- **Committing to grievance procedures and outstanding issues requiring management's attention and equity of access**
- **Attention given to the priorities of PAPs regarding the proposed alternatives**
- **Co-ordination and completion of resettlement activities and award contracts of civil works**

- The RP should include a time schedule; it includes WB review and clearance, and approval by the bank. Implementation of a RP will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan and requirements outlined in this Standard.
- The RP should include a detailed budget for all costs of the compensation.

7 ELIGIBILITY CRITERIA FOR AFFECTED PERSONS

The aim of determining eligibility criteria in the RF is to ensure that the PAPs who suffer a complete or partial loss of lands, crops, trees and assets or access, will be clearly defined and recognized as eligible for some kind of assistance regardless their legal rights to the land.

7.1 Defining Affected Persons

Project affected persons (PAPs) are defined in this framework as individuals who may be subjected to adverse economic, social, or cultural impacts by the WB's assisted projects. These impacts may constitute anything from the loss of physical assets such as land, farm lands, crops, commercial properties, homes, personal belongings, sources of income, and cultural / historical / religious sites, to nonphysical assets such as social capital and cultural networks and activities. Moreover, adverse impacts also include the loss of access to the physical and non-physical assets and the involuntary restriction of access to legally designated parks and protected areas. The following Table highlights some of the key losses that may arise from land acquisition.

Table 7-1: Possible Losses from Land Acquisition

Land	<ul style="list-style-type: none">▪ Agricultural land (rented or owned)▪ Access to land
Structures	<ul style="list-style-type: none">▪ Houses or living quarters (rented or owned)▪ Other physical structures (rented or owned)
Income	<ul style="list-style-type: none">▪ Income from crops▪ Income from wage earnings▪ Income from affected business▪ Access to formal employment opportunities
Communal³	<ul style="list-style-type: none">▪ Public Schools▪ Public Hospitals▪ Markets▪ Cemeteries▪ Social capital: networks, activities, relationships
Environmental	<ul style="list-style-type: none">▪ Access to natural resources▪ Negative environmental impacts resulting from land acquisition or from the project itself

7.2 Eligibility Criteria

All PAPs who suffer a complete or partial loss of assets or access to assets shall be eligible for some kind of assistance, according to their legal rights to the land, if it can be proven that they occupied

³The projects should not be permitted to infringe on or damage in any way public cemeteries or private graveyards or graves physical assets. If extremely necessary, such cases shall be subject to the Egyptian law to this regard.

the land before the claim cut-off date. The WB ESF - ESS5 specifically proposes three general categories for eligibility as illustrated in the following Table.

Table 7-2: Criteria for Eligibility (WB ESF - ESS5)

Displacement Category	Entitlement
<u>The first criterion for eligibility will be those with legal title</u> Individuals who have formal legal rights to land (including customary and traditional rights recognized under the Egyptian laws	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and location advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
<u>The second criterion for eligibility will be the legal status.</u> Individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Egyptian laws or become recognized through a process identified in the resettlement plan)	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and locational advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
<u>The Third criterion for eligibility will be,</u> Individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership) ⁴ .	<ul style="list-style-type: none"> ▪ Resettlement assistance as appropriate (i.e. land, assets, cash, employment, etc.).

Source: *The World Bank Environmental and Social Framework, Environmental and Social Standards, ESS5, 2017, P. 55.*

⁴ They shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of the resettlement standards laid out in this Standard, if they occupy the project area prior to a cut-off date established by the Project implementers and acceptable to the WB. Such affected persons shall not be compensated for land but for their land improvements or structures, such as houses and/or small businesses, and may qualify for other resettlement and rehabilitation assistance. Resettlement assistance can consist of land, cash, jobs, or other forms of assistance determined in consultation with affected people and acceptable to the Project implementers.

Any Bank financed project relevant to ESF - ESS5 is required to follow the provisions outlined in the standards and develop the appropriate instruments. These instruments, either a Resettlement Framework (RF), Resettlement Plan (RP), or Process Framework (PF) or some combination thereof, establish criteria for identifying who the affected persons are; their entitlements, consultation mechanism, grievance redressed mechanism, monitoring of implementation, budget and timeline.

The Bank's ESF - ESS5 applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that according to the judgment of the Bank, are:

- Directly and significantly related to the Bank-assisted project,
- Necessary to achieve its objectives as set forth in the project documents; and
- Carried out, or planned to be carried out, simultaneously with the project.

The aim of including the eligibility criteria in the RP; is to ensure that PAPs who suffer a complete or partial loss of or access to assets are clearly defined and recognized as eligible for assistance as per the provisions of ESF - ESS5. Once it is established, among other criteria, that they occupied the land, or their livelihoods/assets were affected before the claim cut-off date. They are:

- those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets; provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and
- those who have no recognizable legal right or claim to the land they are occupying.

It should be noted that ESS5 does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it, and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, the ESS5 will apply (*WB ESS P. 55*).

8 METHODS OF VALUATION OF AFFECTED ASSETS AND COMPENSATION

8.1 Policies

WB ESF - ESS5 requires that resettlement and compensation plans provide prompt and effective compensation at full replacement cost for losses of assets attributable directly to a Bank-financed project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account in determining their value.

For losses that cannot easily be valued or compensated for in monetary terms such as access to public services, customers, and grazing, or forest areas, the Bank-financed project shall provide access to equivalent and culturally acceptable resources and earning opportunities.

Where Egyptian law does not meet the standard of compensation at full replacement cost, compensation under Egyptian law is supplemented by additional measures necessary to meet the replacement cost standard defined in ESS5.

Land and assets will be valued and compensated according to the World Bank ESF - ESS5, Egyptian regulations and practical operations, the standards of land acquisition and involuntary resettlement to be applied for the Project are described as follows:

- Land and property acquisition shall be avoided or minimized as much as possible by examining all possible alternatives from engineering as well as environmental and social perspectives.
- PAPs shall be meaningfully consulted in appropriate timing in order to reflect their opinions and preferences on resettlement plans and options, whereby their participation for planning and implementing the resettlement plan shall be promoted.
- Compensation shall be provided in timely manner based on the agreement with PAPs, and will be finalized before the date of evacuation.
- Compensation on loss of assets shall be equal to the replacement cost. In the case of impact on livelihoods, standards of living, income opportunities, the compensation should be as such to at least restore to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- All PAPs living, working, doing business in the project area at the time of cut-off date will have entitlement of compensation and/or assistance⁵.
- All affected people will be eligible for compensation and rehabilitation assistance, irrespective of the tenure status.

⁵Cut-off date is generally the date when detailed census assessment begins, according to ESS5.

- Necessary institutional arrangement shall be ensured for preparation and implementation of resettlement in timely manner.
- Adequate financial arrangement shall be ensured and enforced within the time frame of covering the cost of land acquisition, resettlement, and rehabilitation.
- Appropriate mechanisms for monitoring, reporting, and evaluation shall be developed and ensured within the resettlement management system.
- Appropriate mechanism for grievance shall be established.

8.2 Asset Valuation

The valuation of losses in assets depends on the type of the lost asset. For physical assets, market value should be assessed to estimate the replacement cost. This should consider any associated costs to bring the asset to its pre-displacement value. The WB also gives big attention to intangible assets although estimating their value is a relatively a subjective process. Alternative opportunities should be provided to PAPs as a way for compensating their loss for intangible assets.

Table 8-1: Types and Examples of Affected Assets and the Method of Valuation

Type of lost asset	Examples on assets	Replacement cost
Tangible/ physical asset	Agricultural Land	Equals the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, in addition to the cost of any registration and transfer taxes.
	Urban Land	Equals the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
	Houses/Other Structures	Equals the market cost of the materials to build a replacement structure with an area, and quality similar to, or better than those of the affected structure, or to repair a partially affected structure. In addition to the cost of transporting the building materials to the construction site, the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

Type of lost asset	Examples on assets	Replacement cost
Intangible assets / non-physical	<ul style="list-style-type: none"> Access to employment opportunities, Public services, Natural resources, Social capital 	cannot be valued easily in monetary terms the sub-projects should attempt to establish access to equivalent resources and earning opportunities that are acceptable to the PAPs

To assess the value of compensation to be paid to PAPs and based on the Egyptian Law concerning Land and Real Estate, an Estimation Committee (EC) should be in charge of estimating the value of the compensation. In addition, it helps in other considerations like the cases when the affected asset is owned by more than one owner.

8.3 Compensation

Compensation will be provided to all individuals whose assets or access to assets is affected or damaged, as a consequence of land acquisition or any other activities undertaken by the projects. The compensation for the loss of physical and nonphysical assets will vary depending on the type of loss, and eligibility of the PAPs. Compensation may come in the form of cash compensation, in-kind compensation, and/or assistance.

All PAPs will be entitled to monetary compensation at replacement cost, at market value (at the entitlement cut-off date) for affected tangible assets. Another option may be in-kind compensation where the affected assets would be replaced with an asset of similar size, value, and quality. The decision on which type of compensation is used should be jointly agreed upon between the project staff and the PAPs and shall be subject to the availability of replaceable assets. Moreover, development and resettlement transitional assistance needed to restore the livelihood⁶ and standard of living of PAPs under the subproject to pre-project levels (i.e. short-term jobs, subsistence support, moving allowance, salary maintenance, food assistance, etc.).

It should be noted here that compensation for losses in communal property shall only be in-kind for the community as a whole, and shall take the form of reconstruction of the affected or damaged facility (i.e. public school buildings, markets, etc.) to - at least - the same standard it was on prior to the project's implementation.

8.3.1 Forms and Calculation of Compensation

Although the type of compensation may be an individual's choice, compensation in kind (such as land-for-land) is preferred, if the loss amounts to more than 20% of the total loss of assets. Compensation refers to both compensation for expropriated assets and restoration of income.

⁶ Livelihoods should be improved or at least restored to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Compensating property and assets are estimated according to the prevailing prices at the time of the expropriation decision, and an additional (20%) twenty percent of the value of the estimate is included in the compensation based on law No. 24/ 2018)

Table 8-2: Forms of compensation and calculation methods

Types of Compensation	Calculation Method
Cash Payments	Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation
In-Kind Compensation	Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Other Assistance	Assistance may include moving allowance, transportation and labor, title fees, or other related costs.

8.3.2 Land Compensation

Compensation for land is aimed at providing for loss of crop and labor used to prepare the land and cultivate the crop. The term "Land" refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season.

Land and assets are valued and compensated for according to the following guidelines and as appropriate for the project:

- Compensation cost values are based on full replacement cost, as of the date that the full replacement is to be provided or at the date of project or subproject identification, whichever is higher,
- Full market prices for cash crops have to be determined based on their values as determined by the appropriate agency. Often this is the Ministry of Agriculture.
- PAPs that lose farmland allotted by the village under customary tenure are provided an equivalent plot.
- In case of land-based livelihoods, land-for-land compensation is preferred.

8.3.3 Crop and Trees Compensation

Both cash and consumption crops are valued at the market price mid-way between harvest peaks. Prevailing prices for cash crops will have to be determined with the assistance from the appropriate agency. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all.

Compensation for wild trees "owned" by individuals, who are located in lands as defined in this policy, will be paid. Wild, productive trees belong to the community when they appear in the bush. These trees will be compensated for under the umbrella of the Governorate/ District/ Village or community compensation.

8.3.4 Compensation for Buildings and Structures

Compensation for buildings and structures will be paid by replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures. Any homes lost will be rebuilt on the acquired replacement land. However, cash compensation will be available as a preferred option for structures that are not the house in which someone is living. The applicable replacement costs for construction materials, as well as associated labor costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for replacement cost without depreciation of the structure. The Bank-financed project will survey and update construction material prices on an ongoing basis.

8.3.5 Labor Compensation

Labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is based on costs for clearing and framing the land.

Labor costs will be paid in Egyptian currency per the prevailing labor law. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

Other assistance may also have to be provided to workers in the informal sector will lose income sources/ livelihoods as a result of the project that affect their work. Assistance can include offering training programs to raise their competence and provide them with skills that qualify them for the labor market.

8.3.6 Compensation for Sacred Sites

Compensation for sacred sites (e.g., proprietary rights and reconstruction) is determined through negotiation with the appropriate parties. Sacred sites include but are not restricted to: altars, initiation centers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places that are accepted by local laws including customary practice, tradition and culture as sacred.

8.4 Entitlement Matrix

Each RP should develop a resettlement matrix that identifies the expected negative impacts from the project, the eligible persons for compensation, and the compensation standards that is to be applied. The entitlement to compensation and assistance of livelihood stabilization shall be defined according to the Egyptian regulations in compliance with WB ESS “livelihoods should be improved or at least restored to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher” .Entitlement shall be categorized based on the proposed eligibility to the loss. Since the detailed activities under this project have not yet been specifically identified, Table 8-3 is entitlement matrix that may serve as a generic tool for identifying the possible losses arising from the expected projects and the respective entitlement benefits of the PAPs.

Table 8-3: Entitlement Matrix for Affected Persons

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
Agricultural Land				
Loss of arable and grazing agricultural land or access to it	Permanent (complete or partial) loss of arable and grazing land located in the sub-project site	Farmers/Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> • Provide cash compensation at replacement cost for the lost land⁷, in addition to the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. • Provide cash compensation for loss of crops or trees at replacement cost. 	<ul style="list-style-type: none"> • A list of available arable and grazing land in each affected Governorate • Consultations and formal agreement with PAPs on type of compensation (cash or in-kind) • If available and requested by the PAPs and agreed to by the sub-project and concerned authorities: provide equivalent land nearby, of similar size, value, and quality • In case of relocation, provide assistance to farmers during and after the relocation process
Loss of arable and grazing agricultural land or access to it	Permanent (complete or partial) loss of arable and grazing land located in the sub-project site	Farmers/Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> • Provide development and transitional assistance in locating new replacement lease land. • Provide cash compensation for loss of crops or trees at replacement cost. 	<ul style="list-style-type: none"> • Provision of assistance to farmers to develop new crops and improve production for both crops and livestock • Poor and vulnerable PAPs (including the landless) will not be displaced until replacement land is provided • For the transitional period, it is

⁷Calculated at entitlement cut-off date.

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
Loss of arable and grazing agricultural land or access to it	Permanent (complete or partial) loss of arable and grazing land located in the sub-project site	Farmers/Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> No compensation for land. Provide landless PAPs with resettlement assistance in securing temporary or lease rights to replacement land Provide cash compensation for loss of crops or trees at replacement cost. 	recommended that: Transitional assistance should be provided at least six months are provided if not more for all PAPs. Market value of the crops should be considered, which is calculated based on the transitional cycle of re-growing the same type of crop, and cost involved.
Loss of arable and grazing agricultural land or access to it	Temporary (complete or partial) loss of all or part of arable and grazing land located in the sub-project site	Farmers/Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use. Provide cash compensation for loss of crops or trees at replacement cost and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease. 	<ul style="list-style-type: none"> If the temporary loss continues for more than one year, PAPs will be given a choice of either continuing with the temporary arrangements, or selling the affected land to the sub-project at full replacement cost at current market value Provision of development assistance to enable farmers/land owners to restore land to its previous condition or better quality by providing measures to improve land quality in cases of land being adversely affected.
Loss of arable and grazing agricultural land or access to it	Temporary (complete or partial) loss of all or part of arable and grazing land	Farmers/Individuals who do not have formal legal ownership rights to land but have	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. Provide cash compensation equivalent to the 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
	located in the sub-project site	temporary or leasing rights	<p>replacement cost at market price of renting the land during the temporary use.</p> <ul style="list-style-type: none"> Provide cash compensation for loss of crops or trees at replacement cost and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease. 	
Loss of arable and grazing agricultural land or access to it	Temporary (complete or partial) loss of all or part of arable and grazing land located in the sub-project site	Farmers/Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. Provide cash compensation for loss of crops or trees at replacement cost. 	<ul style="list-style-type: none"> Provision of development and resettlement assistance to landless PAPs with no legal rights.
Urban Land (Residential and/or Commercial)				
Loss of urban residential or commercial non-arable land or access to it	Permanent (complete or partial) loss of urban residential or commercial non-arable land	Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> Provide cash compensation at replacement cost of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. 	<ul style="list-style-type: none"> A list of available non-arable land in each affected Governorate A list of PAP and entitled persons Consultations and formal agreement with PAPs on type of compensation (cash or in-kind) If available and requested by the PAPs and agreed to by the sub-project and concerned authorities: provide equivalent land nearby, of

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
			<ul style="list-style-type: none"> In the case that there are structures on the land, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure. 	<p>similar size, value, and quality</p> <ul style="list-style-type: none"> Provision of development and resettlement assistance, mainly in form of transition allowances for severely affected PAPs (transition subsistence allowance for food, moving incentive allowance, assistance in locating new residential or commercial leasing, and income transition allowance if businesses are affected). For the transitional period, it is recommended that: Transitional assistance should be provided at least six months are provided if not more for all PAPs.
Loss of urban residential or commercial non-arable land or access to it	Permanent (complete or partial) loss of urban residential or commercial non-arable land	Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> In the case where there are structures on the land which have been built by the users, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure. Provide development and transitional assistance in locating new replacement lease land 	
Loss of urban residential or commercial non-arable land or access to it	Permanent (complete or partial) loss of urban residential or commercial non-arable land	Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> Provide no compensation for land. In case that there are structures on the land which have been built by the users, provide cash compensation at replacement cost for the materials used to rebuild 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
			<p>the structures or to partially repair an affected structure.</p> <ul style="list-style-type: none"> • Provide landless PAPs with resettlement and transitional assistance to secure alternative commercial or residential land and to restore their livelihoods. 	
Loss of urban residential or commercial non-arable land or access to it	Temporary (complete or partial) loss of urban residential or commercial non-arable land	Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> • No compensation for land if returned to owner in less than one year. • Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use • Provide cash compensation for loss of crops, trees, or structures at replacement cost 	<ul style="list-style-type: none"> • If the temporary loss continues for more than one year, PAPs will be given a choice of either continuing with the temporary arrangements, or selling the affected land to the sub-project at full replacement cost at current market value • Provision of assistance to enable the land users owners to restore land to its pre-subproject condition by providing measures to improve land quality in cases where land is adversely affected
Loss of urban residential or commercial non-arable land or access to it	Temporary (complete or partial) loss of urban residential or commercial non-arable land	Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> • No compensation for land if returned to owner in less than one year. • Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
			<ul style="list-style-type: none"> Provide cash compensation for loss of crops, trees, or structures at replacement cost 	
Loss of urban residential or commercial non-arable land or access to it	Temporary (complete or partial) loss of urban residential or commercial non-arable land	Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. Provide cash compensation for loss of crops, trees, or structures at replacement cost 	<ul style="list-style-type: none"> Provision of resettlement assistance to landless PAPs with no legal rights
Structures or Buildings (Commercial, Business, Industrial, or Residential)				
Loss of structures or access to them	Permanent (complete or partial) loss of structures	Individuals who have formal legal ownership rights to the structures	<ul style="list-style-type: none"> Provide cash compensation at replacement cost which is equal to the market cost of materials used to build a replacement structure of similar area and quality. or to repair a partially affected structure, in addition to the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, and the cost of any registration and transfer taxes. 	<ul style="list-style-type: none"> A list of available structures in each affected Governorate A list of PAP and entitled persons Consultations and formal agreement with PAPs on type of compensation (cash or in-kind, i.e., relocation)
Loss of structures or	Permanent (complete or	Individuals who do not have formal legal	<ul style="list-style-type: none"> Provide assistance in moving and finding similar and 	<ul style="list-style-type: none"> A 3-months' notice - at least - to be given to the tenants.

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
access to them	partial) loss of urban residential or commercial non-arable land	ownership rights to land but have temporary or leasing rights (tenants)	affordable rental accommodation (this may include moving allowance and rental allowance for a transitional period).	
Loss of structures or access to them	Permanent (complete or partial) loss of urban residential or commercial non-arable land	Individuals who do not have any recognizable legal right or claim to the land (squatters and persons in ownership dispute)	<ul style="list-style-type: none"> • Provide cash compensation at replacement cost for the structures if they were built by the users. • Provide assistance in moving and finding similar and affordable rental accommodation (this may include moving allowance and rental allowance for a transitional period). 	<ul style="list-style-type: none"> • The Environmental and Social Development Officer may look into the possibilities of formalizing the structures following their repair.
Standing Crops, Trees, and Plants				
Loss of standing crops, trees, or plants or access to them	Permanent (complete or partial) loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are planted	<ul style="list-style-type: none"> • Provide cash compensation for loss of crops, trees, or plants at replacement cost. 	<ul style="list-style-type: none"> • A comparative list of the prices of agricultural products in local markets. • A list of tree and plant species in the affected area. • The sub-project activities should take into consideration the cropping patterns and seasons in order to avoid partial or complete loss if possible.
Loss of standing crops, trees, or plants or access to them	Permanent (complete or partial) loss of standing crops, trees, or	Farmers or individuals who do not have formal legal ownership rights to land on which the	<ul style="list-style-type: none"> • Provide cash compensation for loss of crops, trees, or plants at replacement cost. 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
	plants	crops are planted but have temporary or leasing rights (tenants)		
Loss of standing crops, trees, or plants or access to them	Permanent (complete or partial) loss of standing crops, trees, or plants	Farmers or individuals who do not have any recognizable legal right or claim to the land on which the crops are planted	<ul style="list-style-type: none"> Provide cash compensation for loss of crops, trees, or plants at replacement cost. 	
Income or Access to Income (Commercial, Business, and Industrial Activities)				
Loss of source of income or access to source of income	Permanent loss of income source or access to it	Owner or workers in formal registered businesses	<ul style="list-style-type: none"> Provide transitional cash compensation until new permanent employment is secured based on net income (at least six months are provided if not more). Provide development assistance to PAPs (i.e. training in specific areas) in order to help them to maintain and/or improve their income generation potential and access to gainful employment. 	<ul style="list-style-type: none"> A list of available commercial, industrial, and business activities in each affected Governorate A list of PAP and entitled persons. The Environmental and Social Development Officer shall assist in the provision of development assistance to severely affected PAPs and vulnerable groups as specific attention should be paid to the needs of the following vulnerable groups, including: <ul style="list-style-type: none"> i) Persons below the poverty line, the landless, ii) Elderly, women and children, ethnic minorities, iii) Project affected persons who may not be protected through national land compensation legislation. iv) persons with disabilities
Loss of source of income or access to source of	Permanent loss of income source or access to it	Owner or workers in informal not registered businesses	<ul style="list-style-type: none"> Provide transitional cash compensation until new employment is secured based on minimum wage per month 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Implementation Issues
income			<p>in the respective district (at least six months are provided if not more)</p> <ul style="list-style-type: none"> • Priority shall be given to severely affected PAPs in the provision of any relevant employment in the activities related to the sub-project. 	<p>The RPs will include these vulnerable groups and take into consideration their individual circumstances. Subsequently, the provision of development assistance to severely affected PAPs and vulnerable groups will be through design training programs, formalizing informal activities, and access to credit.</p> <ul style="list-style-type: none"> • If the transitional cash compensation 6 month period expires without the PAPs having restored their living standard, then the period could be extended to another 3 months. However, this extension is to be granted on a case-by-case basis. Therefore, it is recommended that an Environmental and Social Officer has to make a case study for each PAP prior to the decision.
Loss of source of income or access to source of income	Temporary loss of income source or access to it	Owner or workers in formal registered businesses	<ul style="list-style-type: none"> • Provide cash compensation for the duration of business/income generation that is disrupted based on net income. 	
Loss of source of income or access to source of income	Temporary loss of income source or access to it	Owner or workers in informal unregistered businesses	<ul style="list-style-type: none"> • Provide cash compensation for the duration of business/income generation that is disrupted based on the minimum wage per month in the respective district. 	

8.5 Notification Procedure

The appropriate municipal authorities involved in identifying the land will notify the Governorate/ District/ Village inhabitants. Land or property users will be informed through both written and verbal formal notification delivered in the presence of the appropriate Governorate/ District/ Village official, community level organizations, or representative. In addition, the Governorates and individuals who control land will accompany the survey teams to identify sensitive areas.

A public notice must be announced in the media (Daily newspapers, National Television, National Broadcasting Radios). The notice must state:

- The Government's proposal to acquire the land
- The public purpose for which the land is needed
- That the proposal or plan may be inspected by PMU or the offices of the District Administrator in the respective districts, during working hours
- That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the Project Team (PMU) with copies to the Governorate within a month (30) calendar days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

8.5.1 Documentation

The appropriate Governorates must arrange the meetings with the PAPs and/or their households to discuss the compensation process. For each individual or household affected, the Governorates completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by the Governorates and the project management unit (PMU). Dossiers will be kept current and will include detailed documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations.

The documentation is necessary because it permits for the situation to be monitored over time. All claims and assets will be documented in writing.

8.5.2 Agreement on compensation and preparation of contracts

All types of compensation are clearly explained to the individual or household. The appropriate authority draws up a contract, listing all property and land being surrendered and/or assets impacted, and the types of compensation (cash and/or in-kind) selected.

A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective of appropriate organizations' representative, Governorate/ District/ Village officials and, other community leaders prior to signing.

8.5.3 Compensation payments

All compensation payments (and/or any handover of property such as land and buildings) must be made in the presence of the affected party and the Governorate/ District/ Village officials.

8.5.4 The Entities and Authorities Contributing To Land Acquisition Process

To comprehend the land acquisition procedures, it is essential to identify the entities and authorities contributing to such process:

- Ministry of Environment (MoE)
- Targeted Governorates in (GCA)
 - Department of Real Estate *Amlak*
 - Egyptian Land Survey Authority
- The project management unit (PMU)
- The Land Valuation Committee
- Ministry of the Local Development (MoLD)
- Ministry of Agriculture (MoA)
 - The Agriculture Directorate
 - The agriculture associations
- Waste Management Regulatory Authority (WMRA)
- Project affected persons (PAPs)

DRAFT FOR CONSULTATION

9 PUBLIC CONSULTATION AND DISCLOSURE ARRANGEMENTS

9.1 Consultations during project preparation

During the project preparation and as indicated in the ESMF consultation chapter, a scoping session was conducted with a range of stakeholders. The scope of the RF and the ESMF as well as the conceptual ESIA of the integrated waste management facility in 10th Ramadan was presented to the participants. No concerns related to land acquisition were raised by the participants during the conducted consultation. However, there has been a great emphasis on the importance of paying attention to the integration of the informal sector and to ensuring that the project activities will not be negatively affecting their business.

With the exception of the waste integrated facility of 10th Ramadan, there is generally still lack of clarity about the exact scope of many of the sub-components. 10th Ramadan integrated facility is not anticipated to have any negative implications on the informal sector. The closure of the dumpsites (initially identified to be Abu Zaabal) will result in negative impact on the informal operators there. This has not been raised by participants in the public consultation but was mentioned in the RF presentation and is covered in the scope of this RF.

More details about the scoping consultation could be found in the ESMF consultation chapter.

9.2 Consultations arrangements during project implementation

During project implementation, when resettlement impacts are involved and a RP needs to be prepared, consultations with affected persons will be carried out by MoE/ PMU, and/or the concerned authorities in implementing the project through the independent consultant that is contracted for the RP preparation process. Prior to or during the consultation, the PAPs should be well informed of the following information:

- Project Components
- Project Impacts
- Public consultation and disclosure of information
- PAPs' legal rights and entitlements
- Compensation policies
- Resettlement activities
- Grievance and Redress Mechanism
- Implementation schedule
- Organizational responsibilities

It is crucial that the PAPs and other primary stakeholders are involved in the project from the very early stages, and that relevant and adequate information about the project and its activities is provided to them in a timely manner, since this would:

-
- Help to identify the project impacts and the affected individuals, households, and communities (especially the most vulnerable groups)
 - Allow for the collection of more accurate data for the socio-economic survey
 - Make the delivery of entitlement and services more transparent
 - Reduce the potential for conflicts and minimize the risk of project delays
 - Support the formulation and design of resettlement programs and rehabilitation measures that meets the needs and priorities of the affected people

9.3 Information disclosure and local access to information

MoE/ PMU will take steps to ensure that affected persons and communities can obtain relevant information relating to the project in general and the land acquisition and resettlement arrangements in particular. As a first step, the RP documents will be available to the public, in English and Arabic. Additionally, summary contents of the RF and RP, including compensation rates for all categories of land and assets, eligibility criteria for all modes of assistance, and information regarding the project grievance procedures, will be posted in an accessible and prominent place accessible to project affected persons.

Consultation and community engagement activities should take place according to World Bank Environmental and Social Standards ESS10. The Stakeholder Engagement Plan (SEP) to be prepared by the MoE should include a consulting plan for groups affected by the land acquisition and displacement including potential vulnerable groups.

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10 GRIEVANCE REDRESS MECHANISMS (GRM)

Grievances and redress represent one of the important processes that should be tackled carefully during the project implementation. Expression of grievances should be expected and planned for especially in light of increased desire of individuals to express their views. A RP is to be carried out as soon as the actual footprint of the Project (or one of its components) is known on the basis of the guidelines provided in this RF.

The grievance procedure should be simple, accessible by PAPs and administered at the local level. To ensure expression of dissatisfaction and adequate redress in due time, the consultation with PAP should be concurrent to the process of resettlement approval and individual compensation contracts sign-off.

The entity responsible for implementation of the grievance system should be clearly identified to avoid fragmented responsibilities across several authorities. The project affected persons usually target the nearest government entities that are related to the project, the MoLD and the MoE. Consequently, grievances are typically scattered among various entities, which makes monitoring of grievance and redress mechanisms difficult.

In this project, MoE will be the supervising entity and on the local level, the governorates will serve one of the channels for receiving complaints. The multiplication of complaints channels makes it easier for the affected people to submit a complaint, but it can lead to the loss of complaints and the lack of documentation. Emphasis is made on the importance of monitoring of adequate documentation of complaints and record keeping.

Supervision by MoE will ensure that complaints are properly handled without delay that may negatively affect the project, information is shared transparently, and accountability of the MoE to the hosting communities is clearly communicated. Grievances activities to be applied under the project should handle all types of grievances including but not limited to the grievances related to involuntary resettlement.

Thus the following procedures will be applied in order to have a clear grievance's activities.

10.1 Grievances' tiers

Various tiers of grievances should be adopted by the MoE. The petitioner can target his/her complaint to one or more tiers at the same time. Following are the various tiers of grievances:

- Governorates
- The headquarter of the MoE/ EEAA in cooperation with a representative of Governorates

The complaints that will be raised to various channels should be handled (not necessarily solved) in two weeks. The PAPs should be informed about the grievance results. The aggrieved person has to receive the response to his/her complaint within 15 calendar days for each level of grievances' committees, reaching in total a maximum of one month.

If a grievance is not appropriately solved, the submitting party is able to raise their complaint to court. However, this will not affect the implementation plan of the project.

10.2 The procedure for handling grievances

- The affected person should file his/her grievance in writing. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and mark the letter with his/her thumbprint.
- The complaint should be responded to within 15 calendar days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the local authorities must notify the aggrieved person that his/her complaint is being considered.
- If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he lodges her or his grievance to higher level, and if no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

Resolving complaints at the Governorate level is aimed at addressing the problem of distance and cost that the PAP may have to face in pursuing grievance redress. The GRM unit must maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

A Grievance Monitoring Report should be developed on a quarterly basis in order to keep track of all grievances developed. The report should be developed at the MoE headquarter.

10.3 Disclosure of grievances

All grievances activities should be disclosed on the MoE/ PMU. A quarterly report should be prepared for the most frequent grievances faced and how they were solved.

A best practice standard is to acknowledge all complaints within 15 calendar days. Due to the complexity of some of the complaints, not all of them can be resolved immediately. In this case medium or long-term corrective actions are required, which need a formal procedure recommended to be implemented within 30 calendar days:

- The aggrieved person has to be informed of the proposed corrective measure.

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- In case no corrective action is required, the petitioner should also be informed accordingly.
 - Implementation of the corrective measure and its follow up has to be communicated to the complainant and recorded in the grievance register.

All grievances and communications, received by the MoE social development officers SDOs, will be registered and the actions taken/responses given will be tracked and recorded for each. Proper administration and internal records of stakeholder complaints and communications are essential for transparency and quality of MoE responsiveness and reporting to stakeholders on the resolution of grievances.

The objective will be to respond to the complaints of the PAPs and any relevant stakeholders on a timely fashion and in a transparent manner, without resorting to complicated formal channels to the extent possible. It is worth noting that considering the anonymity of grievances all disclosed grievances should be kept anonymous and/or only an analysis of the grievance report should be disclosed.

Ultimately, the compensation and resettlement plans will be binding under the Egyptian laws and WB ESF - ESS5.

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11 FUNDING ARRANGEMENTS

At this stage, where the final locations of all project components have not yet been determined, and when the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for resettlement plan will be funded like any other project. Funding will be processed and effected through the project's financial processing arrangements.

Funds for implementing inventory assessments and resettlement plans will be provided by the implementing agency.

The resettlement plan for a Bank financed project should include an itemized, indicative budget and the implementing agency will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the Bank financed project. This budget will be subject to the approval by the implementing agency.

The implementing agency will have to finance the resettlement compensation because they will be impacting on the people's livelihoods. Disbursements based on budgetary requirements, established by the resettlement plan in consultation with PAPs and local leaders, will be made through the relevant Governorate and implementation agency.

12 MONITORING AND EVALUATION ARRANGEMENTS

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. The monitoring plan includes indicators to be monitored, introduces milestones, and provides resources including responsible persons or institutions to carry out the monitoring activities. The arrangements for monitoring resettlement and compensation activities will be part of the monitoring and reporting process of the project, which will fall under the overall responsibility of the implementing agency.

In order to enhance the monitoring and evaluation function, the implementing agencies – MoE (PMU team) will include the following staff:

- Gender/Inclusion Expert
- Field Supervision Engineers, and
- Public Awareness and Communication Specialist
- Procurement Experts
- Financial Management Experts

The implementing agencies, with support from the Resettlement Specialist, M&E specialist, and the above-mentioned staff, will institute an administrative reporting system that:

- Alerts the project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in design specifications and budgets.
- Provides timely information about asset valuation and negotiation process.
- Maintains records of any grievances that require resolution.
- Documents timely completion of project resettlement obligations (e.g., payment of the agreed-upon sums, construction of new structures) for all permanent and temporary losses, as well as unanticipated, additional construction damage.
- Updates database with respect to the changes that occur on the ground as resettlement and compensation activities are being implemented.

RF require that where appropriate and where determined to be cost effective, MoE should host the monitoring and evaluation of the project. This will take the form of giving the Governorates the mandate to carry out independent monitoring of resettlement and compensation plans at periodic intervals (e.g., quarterly) during the program life as circumstances require.

The monitoring objective will be to make a final evaluation in order to determine:

- If affected people have been paid in full and before implementation of the subproject

- If the people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

12.1 Indicators

In order to assess whether these goals are met, indicators capable of measuring RP performance will have to be developed.

A number of objectively verifiable indicators must be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social and economic wellbeing.

Table 12-1: Sample indicators

Monitoring	Evaluation
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure
Payment of compensation to PAPs in various categories	Conformance to compensation standards described in the RP
Completion dates of the RP activities.	Actual completion of resettlement activities compared with the RP time schedule
Number of grievances	Timeliness and quality of decisions made on grievances
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified

Indicators to be used in order to determine the living standards of PAPs are:

- a) Land being used compared to before
- b) Standard of house compared to before
- c) Level of participation in project activities compared to before
- d) Number of children attending schools compared to before
- e) Health standards compared to before

In view of the above, the resettlement and compensation plans have overarching socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it.

In order to assess whether this goal has been met, indicators capable of measuring the resettlement plan performances will have to be developed. The resettlement and compensation plans will provide measurable parameters to be monitored and provide resources necessary to carry out the monitoring activities. For example the following

parameters and verifiable indicators could be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Governments.
- Each PAP will have a compensation dossier recording his or her initial situation, and compensation agreed upon and received.
- The Governments will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/ resettlement and compensation, land impacts or damages/ Livelihoods.
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation
- Proposed use of payments
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other sources of income/ Livelihoods
- Agricultural productivity of new lands
- Number of PAPs employed by the civil works contractors

12.2 Record Keeping

Financial records will be maintained by MoE.

The records will permit the verification of the final cost of resettlement and compensation per individual or household. Each person receiving compensation will have a dossier containing:

- Individual bio-data information,
- Number of people s/he claims as household dependents,
- Amount of land available to the individual or household when the dossier is opened.
- Level of income and of production through an inventory of material assets and improvements in land, and debts.

13 REFERENCES

[1] World Bank, Environmental and Social Standards (ESS), ESS5, ESS10.

Available at:

<http://documents.worldbank.org/curated/en/476161530217390609/ESF-Guidance-Note-10-Stakehold-Engagement-and-Information-Disclosure-English.pdf>

<https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards#ess5>

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Annex 1 Environmental and social due diligence

Overview on the due diligence process

1. As part of the project preparation, a land due diligence will be prepared for the proposed projects where the location of the worksites have been identified and the lands have been already acquired before (e.g. 10th Ramadan). The purpose of the land due diligence is to ensure that there are no impacts related to land acquisition, displacement, or affecting livelihoods, to assist in addressing social risks and impacts, development and implementation of the project.
2. The land due diligence will be appropriate to the nature and scale of the project, and proportionate to the level of social risks and impacts of the land acquisition, restrictions on land use and involuntary resettlement, with due regard to the mitigation hierarchy. The due diligence will assess whether the project is capable of being developed and implemented in accordance with the ESS5.
3. The due diligence should look retroactively at the land acquisition process that has been completed and provide all the available evidence as well as the relevant narrative that would demonstrate how the land expropriation could be claimed to be done based on the ESS5 principles (e.g. that land was state owned land with no private property, occupation, illegal uses ...etc.).
4. The due diligence review needs to advise if any misalignment with the ESS5 principles happened in the past and if any corrective actions are needed, where applicable.
5. The due diligence responsibilities will include, as appropriate:
 - a) reviewing the information relating to the social risks and impacts of the project, and requesting additional and relevant information as needed
 - b) providing guidance in developing appropriate measures consistent with the mitigation hierarchy to address social risks and impacts in accordance with the ESS5.
6. Risks and impacts of the proposed project are assessed based on the information available, together with an assessment of the risks and impacts inherent to the type of project and the specific context in which the proposed project will be developed and implemented.
7. Depending on the potential significance of the social risks and impacts, an independent third-party specialists may assist in the assessment. Accordingly, corrective actions are identified that should be included in the preparation of RP/ ARP, or livelihood plan depending on the size and type of impact.

The current condition of the 10th Ramadan project land

The project land is located in the desert, back in the Southern area of 10th of Ramadan City and is free from any economic activities or installations. The area is devoid of any facilities. The identified and acquired land is about 1226 Faddan. The buffer zone of 500 m is not included in these areas, yet it is still predominantly located in desert uninhabited

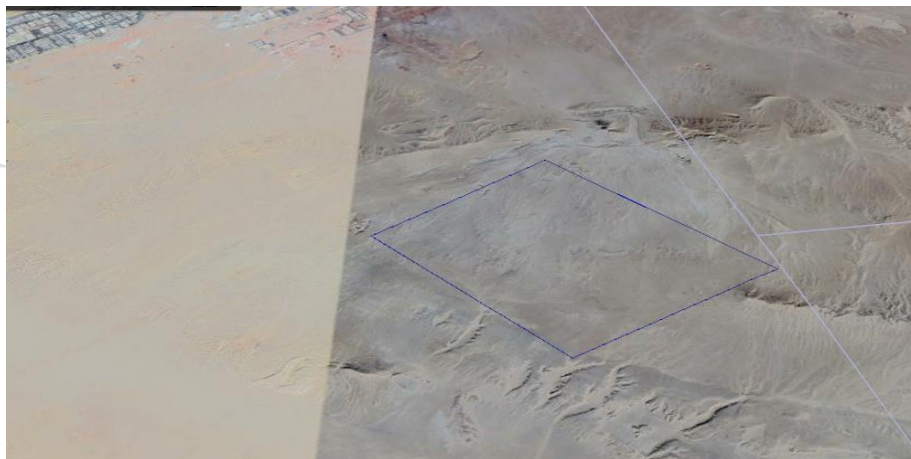
area. The land is State property and the land allocation decree for the interest of the Ministry of Environment is currently being issued.

The conducted due diligence confirms that there is no misalignment with the ESS5 principles in the past and that there is no need for any corrective actions. No gaps in access to information that would require hiring a third party to verify.

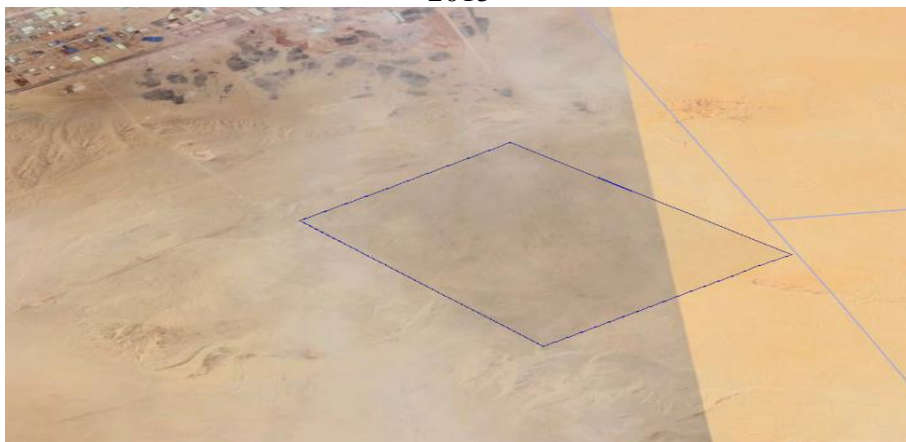
The history of the project land use has been traced through satellite maps (Google Earth) from 2010 to 2019; the maps did not show any previous works or uses of the proposed project site.



2010



2015



2019

Annex 2 Summary of national regulations related to socio-economic environment

Administrative Authority's Decision Making Responsibilities

Main relevant laws governing expropriation and consequent compensation procedures include:

- **Physical Planning Law (Law3/1982)**

Law No. 3, 1982 for Physical Planning, in its Sixth chapter concerning District Renewal (this also applies for slums' redevelopment or resettlement projects) has obliged the concerned local body entitled to renewal to first plan and prepare the proposed relocation sites where the occupants of the original area under renewal or redevelopment, would be resettled. The concerned local body should first prepare these relocation sites to be suitable for housing and proceeding different activities of the relocates prior to their transfer to the new site.

Article 40 of this law stated that it is not allowed to commence with the resettlement before at least one month from officially notifying the PAPs with their new destination. Any occupant, who would be subjected to the resettlement and receives a new housing unit, has the right to complain of its unsuitability within 15 days of receiving the notification to a specialized committee formulated by the concerned governor. The committee should reach its decision concerning the complaint within a maximum one month period. However, the right to complaint does not include the location of the new resettlement site, rather it is only limited to the unit itself.

Law 3/1982 allows compensation by: (i) taking the value of the property; or (ii) postponing the taking of such value in full or in part until all or part of the area in question is sold.

Article 47 of Law 3, 1982 authorized the concerned Governor to formulate compensation committee.

In addition:

- Law 3 of 1982: added to the foregoing list acts aiming at the establishment of green areas and public parking.
- Prime Ministerial Decree No. 160 of 1991: added to the list the establishment of governmental educational buildings
- Prime Ministerial Decree No. 2166 of 1994: added fishery farms established by ministries, governmental departments, local government units, and public authorities.
- Law 577/54, which was later amended by Law 252/60 and Law 13/62, lays down the provisions pertaining to the expropriation of real estate property for public benefit and improvement.

- Law No. 27 of 1956, which stipulates the provisions for expropriation of districts for re-planning, upgrading, and improvement, and the amended and comprehensive
- Law No.10 of 1990 on the expropriation of real estate for public interest.

Expropriation of Ownership for Public Interest (Law 10/1990)

Although, the constitution prohibits the expropriation of private property except for public interest against compensation determined pursuant to the law, Law 10 of 1990 concerning the Expropriation of Ownership for Public Interest was issued to reflect this constitutional mandate. In addition, expropriation of property is further regulated by Law 59 of 1979 concerning the Establishment of New Urban Communities and Law 3 of 1982 concerning Urban Planning.

The term “**public interest**” in the context of expropriation has been defined in Article 2 of Law 10/1990. The Article specifies the acts that are considered for public interest. These include:

- Constructing, widening, improving, or extending roads, streets, or squares, or the construction of new districts.
- Water supply and sewage projects, irrigation and drainages projects.
- Energy projects.
- Construction or improvement of bridges, cross roads for railway and tunnels
- Transportation and telecommunication projects.
- Urban planning purposes and improvements to public utilities.
- Other acts considered as acts for public interests mentioned in other laws.

Article 2 of law 10, 1990, further delegates the Cabinet of Ministers to add other acts to the foregoing lists. Expropriation may not be limited to those land or buildings directly subjected to the previous acts but it could include also any other neighboring properties that are deemed useful for the acts.

The law further stated that expropriation can be exercised only with respect to:

- Real property and not movable property. The term real property means, “Anything that is fixed in its space affirmed therein, which may not be moved without being damaged.” Accordingly, real property includes only land (whether agricultural or vacant, whether in urban or rural areas) and buildings above this land.
- Real property belonging to private persons (individuals or corporate) or to State private property.
- State public property may not be expropriated; rather the concerned administrative parties would enter into an agreement with respect to such property either by divesting the property in question from its public characterization or by re-appropriating the said property to another public use or entity.

According to Article 3 of the Executive Regulation of Law 10, a committee will be formed to determine the properties required for the public interest.

Article 6 of Law 10/1990, requires the Minister of Public Works and Water Resources to form a Committee within each governorate to be charged with the determination of compensation.

Article (20) of Law 10/1990 requires compensation to be determined on the basis of prevailing prices at the date of issuance of the expropriation decree. Compensating property and assets are estimated according to the prevailing prices at the time of the expropriation decision, and an additional (20%) twenty percent of the value of the estimate is included in the compensation based on law No. 24/ 2018.

- Law No. 63 of 1974 concerning safe distances on both sides of transmission lines and prohibited areas around transformers and electrical equipment according to their voltage levels.

The general provisions guiding expropriation of private property (according to Law 577/54, Law No. 27 of 1956, Law No. 252 of the year 1960, and Law 577/54) include the following:

1. Property expropriation shall be only on tangible real estate property, there shall be no expropriation of movable possessions.
2. Applicable only to property privately owned by individuals, thus, public property is excluded from the procedures.
3. The expropriation shall include land and constructions (structures).
4. The purpose of expropriation shall only be for realizing public interest.
5. The administrative authority has the right to assess the circumstances related to expropriation as well as the authority for implementation of property expropriation, which is justifiable by the objective of achieving public benefit. The administrative authority may not be challenged or judged on the grounds that it could have chosen more appropriate real estate property to achieve public benefit than the one that it has already chosen.
6. The administration shall estimate the area it sees necessary for the establishment of a project. This right shall not be only restricted to the real estate property required for the project; but the legislator empowered the administration to also include expropriated property.

According to Article 23 of Law 577/1954: “If the purpose of the property expropriation is the establishment of a squares, streets, or their expansion, modification, demarcation, or the establishment of a new district, or for its improvement/ upgrading or beautification, or for any health related matter; property expropriation may include, in addition to the real-estate property needed for the project, any other real-estate property which the administration in charge seems to be necessary to achieve the project’s objective or any other property whose current state (whether in size or form) is not consistent with the required improvement.

Moreover, the first article of Law No. 27 of 1956 allows for the expropriation of districts for their improvement, upgrading, re-planning, and reconstruction. Article 24 of Law 577/54 also stipulates that in case only partial expropriation of real estate property is

required, and the remaining un-expropriated part will not be of benefit to the owner; the owner shall be given the right to submit a request within 30 days (beginning from the date of final disclosure of the list of the expropriated property) for the purchase of the entire area.

It should be noted that the new law has not restricted the right to request the purchase the remaining un-expropriated portion of real estate to buildings only, but it was also extended to include land as well.

Law No. 252 of the year 1960, amended by Law 577/54 was promulgated to equilibrate the rights and guarantees for individuals with the rights of the state in expropriating private property. Moreover, this law has stipulated that the assessment of public benefit / interest, which justifies property expropriation, shall be emanated in all cases by a Presidential Decree, while previously it was made by the competent minister.

The legislator deemed it necessary to amend the law to reflect new developments that have occurred, beginning from the administrative decentralization process in the local governance system and the transformation of many public entities into separate public bodies, each being a separate legal entity, independent from the state, and a budget, independent from the public budget.

This law was promulgated when the Egyptian Public Entity for Survey, one of the subsidiary departments for the Ministry of Water Resources and Irrigation, was the competent authority for performing the expropriation procedures. It is required that the Entity allocate the compensations values in its budget. The new amendment of this law states that the authority requesting the property expropriation shall be responsible for the payment of compensation value and in representing itself in legal litigations before the jurisdiction.

Article 2 of the Law No. 10 of 1990 has identified public benefit activities to be:

- Construction of roads, streets, squares, or their broadening, modification, paving, or the constructing of entirely new districts.
- Sanitary drainage and water projects
- Irrigation and drainage projects
- Electricity / power projects
- Construction of bridges and the surface paths (slides, lower passages, or modifying them)
- Transportation projects
- Urban / rural planning and improvement of infrastructure
- All activities that are considered to be of public benefit as per any other law
- Other public benefit activities may be added as per Cabinet of Ministries Decree(s)
- The decision ruling public benefit activities shall be in accordance with a Presidential decree and shall have a memorandum of the project enclosed.

The new law has introduced / specified, through Article 6, the members of the compensation assessment commission. The commission is made at the Governorate level, upon a Decree by the Minister of Water Resources and Irrigation (identified by the Law as an issuing body), and consisting of a delegate from the Ministry's Surveying Body (as President), a delegate from the Agricultural Directorate, a delegate from the Housing and Utilities Directorate, and a delegate from the Real Estate Taxes Directorate in the Governorate. The compensation shall be estimated according to the prevailing market prices at the time of the issuance of the Decree for expropriation

Legal and Administrative Procedures for Transfer of Ownership and Compensation

The procedures taken to this regard are administrative, with no judicial interference except in the assessment of the compensation amount.

Article 1 of Law 252/60 (amended by Law 577/54) states that the determination of public benefit for the expropriation of private real estate property is subject to Presidential Decree. On the other hand, according to Article 2 of Law 27/1956, the determination of public interest for the expropriation of districts for re-planning and upgrading is subject to a Decree from the Cabinet.

Enclosed with the decree is:

- A memorandum demonstrating that the required project shall be considered of public benefit / interest (to be published with the Decree in an official newspaper and in relevant local administrative units).
- A map delineating the project scope
- Two weeks following the publication and promulgation, the official commissioned to the expropriation property procedures is permitted to enter into the real estate to perform the technical and surveying operations and all the necessary demarcations of the expropriated real estate.

The steps for ownership transfer are highlighted below:

1. Preparation of a census of all property: The census shall be performed by commissions which consist of a delegate of the entity commissioned to perform the expropriation (i.e. the Governorate, Ministry of Agriculture, etc.) and one of the local officials from the Governorate. A registered notice shall be sent to notify the concerned person. All owners and those with rights or entitlements to the expropriated property shall meet up with the commission in the project area during the census process in order to guide the commission members with regards to their property rights. The commission shall report the minutes of the procedures, which shall include all property and their owner names and addresses. The members of the commission and the owners shall sign the census report. If anyone refuses to sign, this will be noted in the minutes of the session by justifying the reason for refusal. Entering the expropriated properties from then on shall be subject to the notification of the concerned person.

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2. Preparation of statements and evacuation warnings: The expropriating entity shall prepare statements with the number and types of property that shall be expropriated, their size, location, owner's names and addresses, and compensation values (as per the census report). These statements shall be published in an official newspaper. The owners and tenants shall be warned that they must evacuate the property within a period of maximum 5 months. The owners shall be given a period of 30 days (from the date of submission of the statements) to present their complaints or grievances regarding the data in the statement. If the complaints were not submitted during this 30-day period, the data included in the statements shall be considered conclusive and shall not be subject to any litigation or claim, and in this case the compensation amounts indicated in the statements shall be sent to the identified owners.
 3. Transfer of ownership: For those owners with no complains or contestations, the transfer of ownership is simply made by having them sign specific forms for ownership transfer. For property which the owners have not signed the proper forms, the competent minister shall emanate a decision to expropriate the property. The forms and the Ministerial decrees shall then be deposited in the relevant Notary Office. This deposit regarding the real estate shall generate the effects caused by the declaration of the sale contract. According to it, the property shall be transferred to the administrative authority that expropriates the property, and the rights incumbent on the real estate shall be transferred to the compensation amounts.
 4. Compensation assessment: Property expropriation shall only be made against a fair compensation in accordance to constitutional provisions. The legislator has put forth some principles which should be taken into consideration with regards to compensation assessment:
 - a. The compensation assessment for property expropriation shall not include structures, plants / crops, improvements / additions, or tenant agreements if it has been proved that the aforementioned acts were performed in order to acquire higher compensation. The legislator has provisioned that every act taken to this regard, after the publication of the decision for expropriation for public benefit in the official newspaper, shall be considered as an act performed for increasing the compensation value. Accordingly, these acts should be ruled out in the assessment of the compensation amount (Article 25: Law No. 577 of 1954, and Article 7: Law No. 27 of 1956).
 - b. If the compensation amount for the un-expropriated part, in projects other than urban planning, increases or decreases (due to activities causing general public benefit), the increase or decrease in amount should be taken into consideration so that the amount to be added or reduced shall not exceed 50% of the compensation value of the expropriated property (Article 19: Law No. 577 of 1954).
 - c. If the value of the property subject to expropriation for the upgrading or re-planning of districts /cities is increased as a result of the implementation of a

public benefit project, the increase in value shall not be calculated in the compensation assessment if the property expropriation is performed within 5 years from the date of implementation in the previous project (*Article 20: Law No. 477 of 1954*).

d. For real estate subject to improvement due to public benefit works (district/city re-planning and upgrading projects), the owners shall be obliged to pay for the improvements, provided that the payment does not exceed 50% of the actual expenses for establishing or expanding the street or square which resulted in the improvement. This provision shall also be applicable if only part of the property within the district/city re-planning/upgrading projects is expropriated, and the authority in charge has deemed that that keeping part of the real estate by the owner does not conflict with the purpose of the intended project. The assessment of the aforementioned charges made by the authority in charge of organizing affairs shall not be subject to any appeal (*Law No. 577 of 1954*).

In order to avoid delays, which may prevent owners from acquiring their compensation in due time, Law No. 14 of 1962 has provided for a new provision in Article 21', which states that "Half of the value of the expropriated property that has entered into the improvements areas shall be disbursed, while the second half of the value shall be deposited in the trust funds of the competent authority, until the owner submits a certificate issued from the competent authority that demonstrates the payment in return for the improvements made to the property.

Disputes

The procedures for expropriation are administrative by nature and usually rapidly implemented. Accordingly, the abrogation proceedings, compensation disputes, and all actions related to the expropriation property will not stop the expropriation procedures nor prevent its consequences; rather, the owner's right for compensation is

Addressed (*Article 26: Law No. 577 of 1954*). However, the rapidity of these procedures should not prevent the owners and concerned persons from claiming and ensuring their rights. Accordingly, the legislator has distinguished two different the redress mechanism:

1. For compensations not related to the compensation assessment: Such as those pertaining to the actual right of the expropriation. In this case, the authority in charge of the expropriation process shall be responsible for investigating these disputes in order to pay the due compensation value (*Article 11: Law No. 11 of 1954 and Law No. 11 of 1956*).
2. Disputes over compensation assessment: These disputes are subject to legal jurisdiction as follows: The authority in charge of the expropriation procedures

shall refer the disputes over the compensation assessment submitted to court. The court shall examine the complaint quickly and its judgment shall be conclusive.

Temporary Expropriation of Real Estate

The right of the public authority to expropriate needed real estate property also includes the right to temporarily occupy / take over this privately owned property. Law No. 577 of 1954, Law No. 27 of 1956, and the new Law No. 10 of 1990 pertaining to property expropriation, include provisions regarding temporarily occupying property:

Summarized below are the legal provisions for particular cases:

1. Occupation of Real Estate Property Prior to Expropriation: If the administration resorts to interim or temporary occupation of privately owned real estate, the time frame should be identified. However, if the temporary occupation is conclusive, the administration shall resort to the regular expropriation procedures (mentioned above). In order to save time, the new legislation has allowed the administration to occupy prior to the completion of the expropriation procedures (*Article 16: Law No. 577 of 1954*). According to the amendment of Law No. 252 of 1960, “except in emergencies and hasty cases that require the occupation of real estate to perform necessary preparation works, upgrading, and other work, temporary occupation of real estate for public benefit is subject to a Presidential Decree (to be published in an official newspaper). **The legislator has included some provisions guiding this case:**

- a. The administration cannot resort to this before the issuance of the decision that the expropriation of this specific property is considered to be of public benefit.
- b. The real estate owner has the right to compensation for not being able to get access or use his / her property, starting from the date of actual occupation until the payment of the due compensation as a result of the property expropriation.
- c. The owner of the real estate has the right to dispute / contest the value of the assessed compensation, for preventing him/ her from using or gaining access to his / her property, through the same process for grievance redress on the assessed compensation for property expropriation. In this case, it will not be allowed to remove any structures or buildings (which have been occupied) until the re-estimation of value has been conclusively made.
- d. In the case of expropriation of districts, the property and buildings will not be expropriated until alternative dwellings have been provided for those who lost their homes.
- e. Temporary Occupation: If the administration needs to manage a real estate for an interim / temporary period that does not justify the expropriation of the property,

and accordingly the administration takes over only the management while the ownership remains with its official owner.

Summarized below are the legal provisions for two particular cases:

- **Necessity (Hastiness / Rapidity):** As stated in Article 17 “...in case of sinking, or severing of a bridge, or the outbreak of an epidemic, and in all emergency cases, it is permissible to temporarily take over / occupy the needed real estate to perform reparation works, prevention, or other kinds of work”.
- **Public Benefit Project:** Law No. 577 of 1954 states that the occupation decision in both cases aforementioned shall be issued by the “Director” or the Governor (Article 17), while Article 2 of the previous law concerning the occupation decisions identified the Governor as the person in charge issuing temporary occupation decisions in case of emergency / hastiness. In any other case, the aforementioned law designates a Presidential Decree for the implementation of temporary occupation.
- **Procedures:** Real estate temporary occupation only requires that a representative from the competent entity to identify the type of real estate, size, and condition upon occupation. If this is done, the competent entity is then able to occupy the real estate without having to take other measures.” To simplify the procedures to the previous figure, that could be justified in the occupation case for emergency or rapidity.
- **Compensation:** Within a week of the occupation date, the competent authority shall determine the compensation value for the concerned persons / owners in return for losing access and use to their property temporarily. The owners shall have the right to dispute the assessed compensation as previously noted.
- **Occupation Period:** The maximum period for temporary occupation is 3 years, beginning from the actual occupation date. If the administration deemed it necessary to extend the occupation period for over 3 years, this may be done through agreement with the owner. However, if no agreement is reached the property shall be expropriated and the administration shall be responsible for returning the property to the owner in its original status, at the time of occupation, along with compensation for any of spoilage or decrease in its value.

Expropriation Procedures

According to the Law 10, 1990 the expropriation procedures involves (i) declaration of public interest pursuant to a Presidential Decree accompanied with a memorandum on the required project and a complete plan for the project and its buildings (*Law 59/1979 and Law 3/1982 provide that the Prime Minister issues the decree*) and, (ii) the decree and the accompanying memorandum must be published in the Official Gazette. A copy for the public is placed in the main offices of the concerned local government unit. Based on these procedures, the operational steps go as follows:

1. The entity requesting the expropriation of the ownership of a real property for public interest (“Expropriating Entity”) submits a memorandum with the request to the

President or the Prime Minister (if a delegation of authority by the President is granted). The Egyptian General Authority for Land Survey ("ESA") has been defined as the Expropriation Entity, except for projects handled by other entities pursuant to a law to be issued in this respect.

2. The memorandum would explain the reasons for the request, stating the compensation to be offered to the concerned owner of the property, together with evidence that the compensation amount has been issued in the form a bank check in favor of Egyptian General Authority for Land Survey "ESA.
3. The compensation is usually determined in accordance to the prevailing price for land surrounding the expropriated land (the market price). These prices are taken from recorded contracts in the Real Estate & Authentication Offices. However, usually this entails a crucial problem that always faces such expropriation projects, as these prices are, in most cases, not real, since the parties to the contracts usually state lower prices in order to reduce charges and fees decided on the basis of data recorded in the contracts. Also it should be noted that the representatives of Egyptian Survey Authority (ESA) are assumed to be experts in evaluating land prices.
4. If approved, the President or the Prime Minister would issue the required decree declaring the property in question appropriated in the public interest and authorizing taking the property pursuant to direct enforcement procedures by the Expropriating Entity.
5. Once the authorizing decree is published, the concerned Expropriating Entity is authorized to enter into the property in question in the case of long-term projects and after giving notice of its intention to do so for other projects. The objective of such immediate authorization is to conduct necessary technical and survey operations, position landmarks, and obtain information on the property.
6. The Expropriating Entity shall communicate the authorizing decree to ESA, together with the information on the project to be executed and a drawing of the full project and the real property needed in order to take procedures for expropriating the property in question.
7. A committee will be formed to determine the properties required for the public interest. The committee is to be composed of:
 - a- A representative of ESA,
 - b- A representative of the local government unit within which jurisdiction the project is located,
 - c- The treasurer of the local area in question.
8. The committee shall declare its activities to the public 15 days prior to the commencement of its works.
9. The land survey department shall verify the information collected by the committee referred to in the preceding paragraph by comparing such information with that found in the official records.
10. The General Department for Appraisal within ESA shall inspect the property of the project in question, examine and complete the appraisal maps and lists of transactions concerning the property within the area of the project. It shall also prepare a

consultative report with the estimated compensation for consideration by the Compensation Estimation Committee within ESA.

11. After depositing the compensation amount by the Expropriating Entity within ESA-the concerned local office—lists of all real properties and facilities being identified shall be prepared, their areas, location, description, names of their owners, and holders of property rights therein, their addresses, and the compensation determined by the Compensation Estimation Committee.
12. ESA shall thereafter officially notify the property owners, other concerned parties and the Expropriating Entity with the dates on which the lists prepared in accordance with the preceding paragraph shall be presented to them, at least 1 week prior to such presentation. These lists will be posted for a period of 1 month in the offices of the concerned local government unit and shall also be published in the Official Gazette and two widespread daily newspapers.
13. Owners of the properties and holders of rights therein shall be officially notified with an evacuation request within a period not to exceed 5 months from the date of their notification.
14. The holders of rights include: owners of beneficiary rights, using rights, housing rights, mortgaging rights, concession rights, hekr right holders.
15. Court of Cassation decisions have resolved that rights holders are those who hold rights on the tenement and that, accordingly, the holders of leasing rights are regarded as right holders since they are holders of personal rights.
16. It is further resolved that lease agreements are terminated upon expropriation. Examples are: Court of Cassation, session of 1 January 1981 Technical office year 32 and Court of Cassation, session of 25 May 1967 Technical office year 18 no. 167.
17. Article (26) of Law 577 of 1954 states, “All the real suits shall not stop the procedures of the expropriation and shall not stop its results. The rights of the right holders are transferred to the compensation.”

Valuation and Compensation Methods

Determination of the valuation methods and compensation to be given to PAPs is made at two separate levels:

- The first is made by the Expropriating Entity in order to meet the requirement that the estimated compensation amount is deposited with ESA prior to proceeding with the remaining formalities as described in the preceding section.
- The second level is a review of that estimated compensation by the Compensation Estimation Committee within ESA.

The first level, as stated in Article 6 of Law 10/1990, requires the Minister of Public Works and Water Resources to form a Committee within each governorate to be charged with the determination of compensation (this contradict with Article 47 of Law 3, 1982 which authorized the concerned Governor to formulate this committee!). The Committee shall be composed of a representative of ESA as chairman and the membership of representatives of certain departments within the governorate: The

Agricultural, Housing and Infrastructure, and the Real Estate Tax Departments (in law 3, 1982, the committee is headed by the representative of Housing department and includes representative of Surveying Department, Real Estate Tax Department, Land Registration Department and local unit).

Compensation is determined pursuant to prevailing prices at the time the expropriation decree is issued and the estimated compensation amount shall be deposited with ESA within one month from the date of such decree. It is possible, if approved by the property owners or right holders to obtain in-kind compensation either in full or in part.

The second level is conducted by ESA. The Compensation Estimation Committee within ESA makes a final administrative determination of the compensation to be granted to property owners and rights' holders after having received a consultative report from the General Department for Appraisal within ESA.

All concerned parties, including the Expropriating Entity, have the right to object to the compensation determined in accordance with the foregoing rules before ESA and, thereafter, to ESA' ruling on the objection before the competent court. The following section describes the objection procedures.

The following rules concerning the determination of the compensation for expropriation of ownership are worth noting:

- Should the value of the un-expropriated part of the expropriated property increase or decrease due to the public interest works in projects other than zoning projects within cities, such decrease or increase shall be taken into consideration when determining the compensation amount.
- Compensation is determined in accordance with Article (20) of Law 10/1990 on the basis of prevailing prices at the date of issuance of the expropriation decree in question. The committee and the courts would look to expert opinion in determining the prevailing prices, taking into account prices stated in recorded contracts.
- Should the value of the expropriated property increase due to prior public interest works in a previous project, such increase shall not be calculated in determining the compensation value if expropriation is exercised within 5 years from the date of executing the previous public interest project.
- Compensation under Law 3/1982 can be in one of two ways: (i) taking the value of the property; or (ii) postponing the taking of such value in full or in part until all or part of the area in question is sold. In such event, the owner or holder of rights deserves compensation equal to the said value in proportion to the total value of the properties in question together with on behalf of the difference between the two values after deducting the costs of executing the project.

Grievance & Redress Procedures

The current Egyptian laws and regulation stated that the concerned owners and holders of rights have the right, within 30 days from the date of posting and publishing the lists

and information of the expropriated properties, to object to the information contained in such lists. The objection is made to the main offices of the Expropriating Entity or the administration to which it is attached within the governorate in which the property is located.

In case of dispute between several individuals or parties on a single property, each party should present all evidences or documents that proof his/her rights within the next 90 days from submitting the memorandum of objection/ grievance. In case of failing to submit those required evidences, the grievance would be considered as not submitted. The responsible body for expropriation has the right to request additional documents deemed necessary and define proper period for submitting these documents. Usually in cases of informal settlements or illegal positions these documents might include:

- Registered contracts
- Cadaster registers, to determine source of ownership (or the history of the properties)
- Real estate tax registers (the compilation of these registers depended on the cadaster registers)
- "Forms of Change," which enabled the authorities to determine the changes in ownership of each property before the date of completing cadastral.
- Any official documents recognizing the rights of the claimers such as court decision "Seha wa Nafaz".

The ruling of the Expropriating Entity on the grievance can be appealed to the court of first instance within whose jurisdiction the expropriated property is located. The appeal must be made within 60 days from the date of notifying the concerned parties with the Expropriating Entity's ruling on their objection.

1. The Expropriating Entity and the concerned owners and holders of rights have the right within 4 months from the last date on which the lists and other information are posted (1 month after the posting date) to object to the determination of compensation by ESA before the competent court of first instance.
2. A list of properties for which no objection or appeal is made shall be prepared. No objection or dispute may thereafter arise with respect to these particular properties. Payment made to the owners and holders of rights in these properties shall be conclusive as to the fulfillment of the Expropriating Entity's payment obligations.
3. Non-objecting concerned persons shall execute and sign transfer of title forms in favor of the Expropriating Entity. For properties for which signed forms cannot be obtained, a ministerial decree declaring such transfer shall be issued in lieu thereof. The signed forms and the ministerial decree shall be deposited with the concerned Real Estate Office. The deposit thereof shall result in the full transfer of title ordinarily associated with a recordation of a deed of sale.
4. The non-deposit of the executed forms or ministerial decree with the concerned Real Estate Office for a period exceeding 2 years from the date of publishing the

expropriating decree shall render the decree as null and void with respect to the properties for which the executed forms or the decree have not been deposited.

5. No objection or appeal shall prevent the property owner or holder of rights therein from collecting the estimated compensation amount.
6. Under current law and practice, the Government has wide powers in determining whether a project is a public interest project. This falls within the full discretion of the Government. Accordingly, objections to an expropriation decree cannot interfere with or limit the Government powers in this respect except where there is a clear misuse or abuse of this right that amount to bad faith on the part of the Government. An example of this bad faith is a case where a property is merely expropriated to harm the owner of the property. Allowable objections are usually based on whether the amount of compensation is sufficient or whether the property falls within the area defined under the expropriation decree.
7. The involvement of right holders usually results in one of the following scenarios with respect to objection procedures:
 - The holders of rights may object to the amount of compensation in the event that they are of the opinion that the decided amount is not fair and that the title owner has not taken any objection. In such case, the holders of rights may use the right of their debtor (the titleholder) to preserve their interest.
 - If the holders of rights decide not to object to the amount of compensation on behalf of the titleholder, they effect an attachment of the compensation amount to repay amounts due to them from the titleholders, if any.

Administrative Mechanisms and Appeal to Court

The Egyptian constitution allows any aggrieved person the right of access to Court of law as described by Law 10/1990 as follows:

1. The concerned owners and holders of rights have the right, within 30 days from the date of posting and publishing the lists and information of the expropriated properties, to object to the information contained in such lists. The objection is made to the main offices of the Expropriating Entity or the administration to which it is attached within the governorate in which the property is located.
2. The ruling of the Expropriating Entity on the objection can be appealed to the court of first instance within whose jurisdiction the expropriated property is located. The appeal must be made within 60 days from the date of notifying the concerned parties with the Expropriating Entity's ruling on their objection.
3. The Expropriating Entity and the concerned owners and holders of rights have the right within 4 months from the last date on which the lists and other information are posted (1 month after the posting date) to object to the determination of compensation by ESA before the competent court of first instance.
4. A list of properties for which no objection or appeal is made shall be prepared. No objection or dispute may thereafter arise with respect to these particular properties. Payment made to the owners and holders of rights in these properties shall be conclusive as to the fulfillment of the Expropriating Entity's payment obligations.

The following are principles set by the Administrative Courts:

- The competent administrative authority has freedom in selecting the appropriate property for expropriation. Accordingly, it was ruled that as long as the administration is not abusing its powers, its decision to select a particular plot to build a hospital is not subject to review. Similarly, the administration selection of a particular site to build a water treatment plant is not subject to review.
- The determination of the exact area (in square meters) to be expropriated is subject to the discretion of the administration and not subject to judicial review.
- Expropriating the ownership of land to extend sewage pipelines underneath it does not prevent the administration from appropriating the surface of the same land for public use.
- Courts have asserted their judicial review authority whenever the administration's exercises of its discretionary powers are for political or personal objectives aimed at spite.

The State Council opined that the administration might not expropriate property for merely achieving monetary gains. Accordingly, it opined that the expropriation act by the local council of an area adjacent to the location where a new station will be relocated aiming merely at making a profit was void.

Legal Requirements for Disclosure

The Egyptian legal requirements for disclosure as stated in Law 10/1990 can be explained in the following steps:

1. After depositing the compensation amount by the expropriating entity with ESA -the concerned local office- lists of all real properties and facilities being identified shall be prepared, their areas, location, description, names of their owners, and holders of property rights therein, their addresses, and the compensation determined by the compensation estimation committee.
2. ESA shall thereafter officially notify the property owners, other concerned parties and the expropriating entity with the dates on which the lists prepared in accordance with the preceding paragraph shall be presented to them, at least 1 week prior to such presentation. These lists will be posted for a period of 1 month in the offices of the concerned local government unit and shall also be published in the official gazette and two widespread daily newspapers.
3. Owners of the properties and holders of rights therein shall be officially notified with an evacuation request within a period not to exceed 5 months from the date of their notification.