

## Appendix 11.1

### Comparison Table between Egyptian Laws and International Standards for Involuntary Resettlement

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**Appendix 11.1 Comparison Table between Egyptian Laws and International Standards for Involuntary Resettlement**

Egyptian Laws	International Guidelines
<p>Egypt's Law 10/1990 mandates the Egyptian General Survey Authority EGSA to handle property acquisition at the central level together with other ministries or local governmental bodies. The executing agency is responsible for paying the compensation to affected groups through EGSA or under its supervision, offering alternative resettlement options. The law presents detailed procedures for acquisition, compensation and grievance methods.</p> <p>No legal reference to economic and social assessment of impacts resulting of involuntary resettlement in Egyptian laws and regulations.</p>	<p>World Bank Operational Policy 4.12 - Involuntary Resettlement</p> <p>This policy covers direct economic and social impacts that both result from Bank-assisted investment projects and are caused by:</p> <p>(a) the involuntary taking of land resulting in:</p> <p>(i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or</p> <p>(b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</p>
<p><b>Required measures for involuntary resettlement</b></p>	
<p>No legal reference to any specific measures for addressing involuntary resettlement in Egyptian laws and regulations.</p>	<p>World Bank Operational Policy 4.12- Involuntary Resettlement</p> <p>To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:</p> <p>(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are:</p> <p>(i) informed about their options and rights pertaining to resettlement;</p> <p>(ii) consulted, offered choices among, and provided with technically and economically feasible resettlement alternatives; and</p> <p>(iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p>

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(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are:

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also includes measures to ensure that displaced persons are:

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.

In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which:

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

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To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

Payment of cash compensation for lost assets may be appropriate where:

(a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable;

(b) active markets for land, housing, and labour exist, displaced persons use such markets, and there is sufficient supply of land and housing; or

(c) livelihoods are not land-based.

Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible Grievance Mechanisms are established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in pre-existing communities and groups are honoured.

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#### Eligibility for benefits

No legal reference to specific criteria of World Bank Operational Policy 4.12- Involuntary

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eligibility. However, legal aspects of requisition of property described above comply with IFC criteria.

Resettlement

Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the <http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocument> Annex A, para. 6(a), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance.

The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies Grievance Mechanisms.

*Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

(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 country or become recognized through a process identified in the resettlement plan (see <http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocument> Annex A, para. 7(f)); and

(c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the Project Area prior to a cut-off date established by the borrower and acceptable to the Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other

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form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

#### Resettlement planning, implementation and monitoring

Law 10/1990, Chapter one, Articles 1-4, Chapter Two, Articles 5

Procedures start with a 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 provides that the Prime Minister issues the decree. The decree and the accompanying memorandum must be published in the Official Egyptian Gazette. A copy for the public should also be sited in the main offices of the concerned local government unit.

Operational steps are explained as follows:

The delegate of the entity in charge of the procedures of acquisition shall immediately upon publication, have the right to access the land which have been resolved as necessary for the public interest works in order to conduct technical and surveying operations, and to set down bordering signs in preparation of obtaining necessary information concerning the land or real estate. However, concerned parties (owners) should be informed thereof via confirmed registered mail letter prior to having access to land.

The real estate and establishments which have been resolved to be necessary for public interest shall be assessed by a Committee of delegates of the entity in charge of acquisition, and also one officer of the local administration and the cashier.

Prior to any assessment of the properties, the date of assessment shall be announced and sited in the main offices of the concerned local government unit, premises

World Bank Operational Policy 4.12- Involuntary Resettlement

To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A); and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.

The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

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**of the City Head (Mayor).**

**In addition, all concerned parties shall be informed about the said-time limit via confirmed registered mail letter. All owners or property holders shall have to attend before the Valuation Committee has started any action.**

**Main actions involve preparing list of properties subject to acquisition, and names and addresses of each owner or property holder. After authenticating this information, committee members as well as owners and property holders shall sign the lists.**

The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them.

Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument.

Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring.

If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

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**Resettlement instruments**

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<p>No legal reference to resettlement instruments. Only operational steps are described within Law 10/1990</p>	<p>World Bank Operational Policy 4.12- Involuntary Resettlement Resettlement Plan Resettlement Policy Framework Process Framework</p>
<p><b>Valuation of compensation</b></p>	
<p>Law 10/1990, Chapter Two, Article 6-7</p> <p><b>The value of properties subject to land acquisition for public interest shall be assessed by a Valuation Committee. This committee is formed in each Governorate by a decree from the Minister of Public Works and Water Resources and constitutes of delegates from:</b></p> <ul style="list-style-type: none"> <li>- Egyptian General Survey Authority EGSA, chief of committee</li> <li>- Agricultural directorate, member</li> <li>- Housing and Utilities directorate, member</li> <li>- Real Estates' Taxes Directorate, member</li> </ul> <p>Compensation shall be evaluated according to market value at the time of acquisition, where the entity requesting acquisition shall deposit the amount of determined compensation within a period not exceeding one month of the date of issue of the decree to the entity in acquisition charge.</p> <p>Upon owners' agreement, full or part of compensation can be received in kind.</p> <p>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, the premises of EGSA at the Governorate capital, and the city or village</p>	<p>World Bank Operational Policy 4.12- Involuntary Resettlement</p> <p>With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is 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, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is 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.</p> <p>For houses and other structures, it is 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, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.</p> <p>In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.</p> <p>Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, para. 6.</p> <p>Provision of health care services, particularly for pregnant women, infants, and the elderly, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being</p>



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council for one month. All partners, owners and property holders shall be informed via confirmed registered mail letter.

A week prior of this, an announcement shall be published in the official Egyptian Gazette and two daily widespread newspapers including all information about the project and time limits for hanging up the lists and maps.

Owners and property holders are then informed about eviction in a maximum time of five months via confirmed registered mail letter.

uprooted, and the increased risk of disease.

Negative impacts that should be anticipated and mitigated include, for rural resettlement, deforestation, overgrazing, soil erosion, sanitation, and pollution; for urban resettlement, projects should address such density-related issues as transportation capacity and access to potable water, sanitation systems, and health facilities.

Experience has shown that local NGOs often provide valuable assistance and ensure viable community participation.

**OPN 11.03, Management of Cultural Property in Bank-Financed Projects.**

In case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

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**Grievance Mechanisms**

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**Law 10/1990, Chapter Three, Articles 8-13**

The concerned owners and holders of rights have the right to object to the information contained in such lists within 30 days from the date of posting and publishing the lists and information of the expropriated properties.

The objection is made to the main offices of the Acquisition 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

**World Bank Operational Policy 4.12- Involuntary Resettlement**

Grievance procedures:

Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such Grievance Mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

An abbreviated resettlement plan covers the following minimum elements:

– institutional responsibility for implementation and procedures for grievance redress;

The resettlement policy framework covers the following elements, consistent with the provisions described in OP 4.12, paras. 2 and 4:

– a description of grievance redress mechanisms

When a resettlement policy framework is the only

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case of failing to submit those required evidences, the grievance would be considered as not submitted.

The responsible body for acquisition has the right to request additional documents deemed necessary and define proper period for submitting these documents.

Usually these documents include:

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

The ruling of the Acquisition 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.

- The Acquisition 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 EGSA before the competent court of first instance.

- 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 fulfilment of the Acquisition Entity's payment obligations.

- Non-objecting concerned persons shall

document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

Specifically, the process framework describes participatory processes by which the following activities will be accomplished.

*Potential conflicts or grievances within or between affected communities will be resolved.* The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

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execute and sign transfer of title forms in favour of the Acquisition 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.

The non-deposit of the executed forms or ministerial decree with the concerned Real Estate Registrar 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.

- No objection or appeal shall prevent the property owner or holder of rights therein from collecting the estimated compensation amount.

- 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. 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.

- 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

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amounts due to them from the titleholders,  
if any.

**Additional comment:**

In Egypt, Court cases are known to require long periods of time before settlements can be reached. It is therefore proposed here to make available a first tier of grievance management mechanisms, which will be taken care of by the Project, and which will provide aggrieved people with an avenue for amicable settlement without necessarily opening a Court case. Aggrieved people would however remain free to open a Court case without having registered their grievance with this first-tier mechanism.