Land Acquisition for Public Benefit

Standard Operating Procedures for Land Acquisition for Public Benefit

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**Definitions**

**Correction Maps**

Are detailed maps when updates are carried out on the basins villages or governorates boundaries, on the basis of government decisions or changes in the boundaries of the Cadastral parcels based on judicial rulings or complaints.

**Valuation Maps**

Are the type of maps that indicate the value of parcels that were valuated before and the projects that previously acquired land for public benefit.

**M Maps**

Are maps that are established specially for the path or location of expropriation, showing the project path, the project's specific geographical coordinates, the boundaries of the overlapping properties of the project path and some natural features around the project in areas not covered by the cadastral maps or by the old area maps that have not been updated.
Standard Operating Procedures for Land Acquisition for Public Benefit

1. Introduction

Pursuit of activities necessary to promote public benefit sometimes requires the Government of Egypt to acquire private land or property and/or infringe upon the livelihoods or living standards of private citizens. Use of government authority to acquire private land or property in a manner that efficiently promotes public benefit while at the same time providing for fair and equitable treatment of those losing land or property represents currently a challenge for Egyptian development practices.

Acquisition of land or property, whether owned by private interests or by the State, often results in various problems or challenges, including:

a) Delay in implementing projects in the various sectors financed by the Government, often reflecting social or legal uncertainties arising in the acquisition process, including disputes regarding ownership or property rights or court challenges to proposed compensation arrangements.

b) Lengthy and complex procedures and approval processes required to acquire land or property, even if the required land or property is small in area or in value.

c) Lack of clear and consistent standards to establish the value of various kinds of land or property for compensation purposes.

d) Additional procedural requirements for acquiring land or property may be necessary for projects supported by external development agencies or firms.

Expropriation of land or property also can cause risks or hardships to the persons affected. These risks or hardships can include:

a) Failure to receive compensation, or sufficient compensation, or timely compensation, resulting in impoverishment of individuals whose livelihoods are connected with the acquired land or property.

b) The presence of lessees, occupants or other informal users of land, especially State-owned lands, and failure to consider, in most cases, the negative impacts on such individuals and the means to compensate them fairly.

c) The limited effectiveness of the current system to address complaints raised by persons affected by expropriation.

d) The occurrence of financial damage or imposition of declining living conditions to persons whose houses or other residential facilities are expropriated, in whole or in part, or whose community relationships are severed as a result of expropriation.

e) Temporary acquisition that may result in disputes, including the failure to pay a fair rent or property damages or deterioration of the property during its temporary use.

f) Disputes or conflicts related to multiple ownership claims or unresolved inheritance cases.
Communities adversely affected by loss of, or loss of access to, schools, clinics, mosques, churches, markets, or other local facilities or services.

In response to such problems and challenges, the Government of Egypt has undertaken legal reforms to promote efficient and fair land acquisition rules and systems. These measures include amendments to Law No. 10 of 1990, Expropriation of Property for Public Benefit, and issuance of Decree No. 24 of 2018, Promulgating the Executive Regulations of the Law on Expropriation of Property for Public Benefit. To translate the new or revised provision of law and regulation into practice, this document sets out detailed Standard Operation Procedures (SOP) to guide the technical and procedural work of the Egyptian Survey Authority (ESA) and other governmental agencies involved in expropriation of land or property. Objectives of the SOP include:

a) Establish and define key fundamental principles and objectives that should guide ESA (and other relevant authorities) in expropriation of land or property.
b) Establish prerequisite actions or measures to be undertaken prior to ESA’s engagement in expropriation of land or property.
c) Identify consistent and properly sequenced planning steps and measures to be taken by various ESA employees (or others) while performing land acquisition activities.
d) Ensure transparency in consideration of social conditions and requirements.
e) Promote mutual coordination between the ESA Provincial Offices (survey EPOs), and between ESA and other governmental entities, when applying the land acquisition procedures.
f) Provide a basis for confirmation that procedures are undertaken in an appropriate and lawful manner in reconciling public and private interests, or a basis for challenging whether all actions have been undertaken in an appropriate and lawful manner.
g) Identify appropriate means for responding to unanticipated impacts or contingencies that arise during the expropriation process.
h) Formalize all procedures and documentation of procedural application to train new cadres and staff.

The SOP guidance generally refers to minimum steps, procedures and actions necessary to achieve the requirements and objectives of Egyptian law and regulation regarding expropriation of land or property. Annex A provides additional technical and procedural guidance to address supplemental requirements that may arise for projects supported by external financing, to bring expropriation of land or property into alignment with international policy or practice. Of course, the guidance in Annex A may also be useful in promoting good practice in domestically financed activities as well.

2. Key Principles and Objectives Regarding Expropriation of Land and Property

Actions involved in planning for, and conducting, expropriation of land and property are intended to be consistent with these key principles and objectives:

a) Expropriation of land or property should be avoided or minimized, to reduce the likelihood that harm to individuals or communities may result.
b) Through payment of compensation or provision of other warranted assistance, all persons affected by expropriation of land or property should be assisted in restoring their livelihoods and living standards.

c) Compensation for land or property should be paid at replacement cost, defined in Egyptian law as existing market price plus an additional 20 percent. Compensation should be sufficient to replace the lost land or other assets under current local conditions.

d) Normally, as stated in Egyptian Civil Code, compensation should be paid in full to the affected persons prior to taking their land or property, so that they are able to take actions necessary to restore their livelihoods or living standards in a timely manner.

e) All persons losing land or property, or access to land or property, as a result of expropriation should receive compensation or other appropriate forms of assistance regardless of their legal status.

f) Special measures may be necessary to assist persons if compensation alone for land or property is unlikely to result in restoration of livelihoods (for example, if replacement agricultural land is not available, or if new skills or employment is necessary under changed conditions).

g) Special measures may be necessary to replace or restore community facilities or services that are damaged or destroyed as a result of expropriation.

h) Special measures may be necessary to assist the elderly, the disabled, women? or others who may be vulnerable to hardship as a result of expropriation (or impacts on affected communities).

ESA staff are instructed to conduct all aspects of the expropriation process in a manner consistent with the above key principles and objectives. When local circumstances require ESA staff to exercise their judgment in determining an appropriate course of action, that judgment is rendered in a manner consistent with these key principles and objectives.
Chapter One

Obtaining Public Benefit Decision

The formal expropriation process begins only after issuance of a presidential decree establishing that land or other property is required for the public benefit. In many instances, however, a project developer may request ESA to carry out survey activities for the project site (in case of site-specific projects) or to establish an alignment (in case of linear projects) as preliminary works in preparation for obtaining a public benefit decree. Under such circumstances, ESA may:

a) Assist the project developer in placing stakes or other markers tentatively identifying the proposed site of, or alignment for, the project.

b) Monitor the site marking process and link the same with each other on the ESA grid.

c) Identify legal and apparent landowners (whose lands are involved in the project) and provide description of land and property conditions and current usage.

d) Prepare survey maps on which the project site or alignment is identified, grid statements describing the project marks, statement of apparent owners and their pieces of land involved in the project, as a statement of the names of areas, villages and basins and of the original size and number of the pieces of land that would be required for the project.

e) At the request of the project developer, the General Valuation Authority shall prepare an advisory report describing, inter alia, the preliminary estimated existing market value of the acquired land and other property plus 20% for compensation as set forth by Law No. 24/2018. Such value shall be determined based on previous reports and after carrying out an on-site inspection.

f) Provide the project developer with the information obtained through the steps above, which is then used as evidence supporting the issuance of a public benefit decree.

If ESA is not requested to obtain this information, the project developer obtains the necessary data and documents through other means and provides it to ESA as a prerequisite to ESA’s engagement in the expropriation process.
Chapter Two

Keeping Projects Registers

Article 1

Applications submitted by ministries, public authorities or other entities for a decree to expropriate land or property required for public benefit shall be kept in a projects register, maintained by the General Department of Valuation in the archiving section at the central department of regionals surveying affairs, and shall be handled on a first-in-time priority basis and kept based on the governorate names.

Article 2

As for the projects, each entity has a sequence according to the type of the project. All the road projects at the Egypt level take sequential sequence such as Project No. 1 roads in Cairo and Project No. 2 roads in Qalyubia, etc.; Project No. 1 drainage in Assiut and Project No. 2 drainage in Qena. The files of these projects are kept in order according to the order of the project number for each governorate and separately in the archives section at central department of regionals surveying affairs.

A special file shall be kept for each project. This file shall include the project application, approved maps illustrating the project planning, decisions regarding property acquisition and explanatory notes, along with three copies of the Egyptian Gazette issue where the decree was published. After ESA assesses the project for its necessary costs for the developer (according to the financial circulars applied by ESA) and after the project developer pays the charges due, ESA assigns a project number to the project. The Survey EPO shall be notified of this number to conduct the cadastral and technical processes, place project marks and obtain all required data on the land and property to be expropriated.

Article 3

The technical office in the general department of valuation shall prepare, for each governorate, a register to record the projects implemented in its jurisdiction. The register records describe all valuation and compensation measures as they are formulated and undertaken.
Chapter Three

Developing Survey Lists, Maps, Registered Transactions and Compensation-Valuation Data

Article 4

Project Identification Procedures

After notice is served on the relevant ESA Provincial Office (Survey EPO) regarding a project official form, such form shall be transferred to the drawing office at the Survey EPO. The drawing office shall prepare four full copies of the project form and send one each to the Traverse Department, projects valuation department, and technical archiving department to undertake the following procedures:

a) The relevant Survey EPO (Projects Office) shall place survey marks identifying the project site (in case of on-the-ground projects) or along an alignment (in case of linear projects) according to the drawing received from the project owner, in which the project marks are identified, in a cadastral manner as described in the ESA grids, and the project number is added.

b) The project markers, after having been monitored, are delivered to the project owner.

c) The project office, while identifying the project course on site, shall draw sketches (and make a photographic record if possible) describing the pieces of land to be acquired for the project, the names of known legal and apparent landowners, and their places of residence.

d) The project office, in collaboration with relevant governorate authorities, uses the information obtained above to notify communities about the extent and timing of expropriation, and to establish that any further property purchases or improvements occurring after the date of notification will not be deemed eligible for compensation.

Article 5

After identifying the project, the project office in the relevant Survey EPO shall develop survey maps, survey lists, registered recent transactions, applications and data as required by the Inspection and Valuation Committees, as follows:

a) For linear projects, the areas and basins that the project passes by and the adjacent basins shall be surveyed. An overall brief shall be prepared for all contracts and applications related to these areas and basins existing at the time of issuance the expropriation decree. Otherwise, the transactions registered during the year preceding issuance of the expropriation decree may also be considered.

b) For site-specific projects, the project office at the Survey EPO shall survey the areas and basins or streets where the project is located or those surrounding it. An overall brief shall be prepared for all contracts and applications, as stated in paragraph (a) above.
c) The drawing office at the Survey EPO shall draft the recent transaction registers as specified in paragraphs (a) and (b) above, according to the various references of the survey EPO such as survey book, mutation forms, form 300 and all registered contract exist at technical archiving section.

d) In the course of preparing such lists, sales shall be registered chronologically. Moreover, the registration dates and numbers, the names of the contracting parties, the surface area and the price and type of the transaction unit shall be specified. In the comments’ column, the status of the land subject of the contract shall be specified, i.e., whether subject to common\(^1\) or sorted-out\(^2\) ownership. It shall also include the terms and reservations specified in the contracts, the submitted applications, and the date of the preliminary contract, if any, as these may affect the price specified therein.

e) The data specified above shall be collected and inscribed precisely in the transactions registers and approved by the Survey EPO director.

**Article 6**

The drawing office at the Survey EPO shall identify the project benchmarks and numbers as well as recent transactions, contract dates and numbers and sale price on the maps prepared for valuation.

**Article 7**

Property recently expropriated for public benefit projects previously implemented or located near to the current project shall be drawn on the map, and the previously valued compensation categories and date of valuation shall be specified.

**Article 8**

The drawing office at the Survey EPO shall review the map prepared for valuation in light of similar corrective maps. The map shall also clarify any new amendments made to the borders of areas, division and borders of basins, number of plots, and surface areas.

**Article 9**

On the maps, the technical archiving office at the Survey EPO shall indicate any State properties involved in the project, the lands acquired pursuant to Law No. 178 of 1952 on the Agrarian Land Reform, as amended, and the lands exempted from tax or subject to special tax. Each type of these parts shall be identified on the map in a different colour, and colours shall be defined in the drawing notes. The technical archiving office also should indicate current usage, and identify current occupants or users, of State properties required for the project.

**Article 10**

\(^1\) Common ownership refers to the land that is owned by several owners with each has a share but the usage is common.

\(^2\) Refers to the ownership is clearly divided among more than one owner.
The projects’ office at the Survey EPO shall prepare lists (one original and one copy) of all structures and other fixed assets (e.g., storage sheds, fencing, walls, irrigation or drainage canals, wells, palm trees, fruit or nut trees, or crops). Each identified category of structure or asset, shall be specified in a separate list with a column to include valuation methods and standards, as follows:

a) Lists of the buildings and establishments shall include a description of the building in terms of its use, components, contents, type, construction materials, building dimensions, area inside and outside the project borders, plot number, basin name and number, and area name, or the building number, street and neighbourhood name and the owner’s name. For structures used as shops or other commercial purposes, the list shall include the nature of the business being conducted, the number of workers employed on the premises, and an estimate of annual sales or profits (from tax records or other sources).

b) Lists of all other fixed assets, describing purposes and current usage, and specifying type, dimensions, construction materials, plot number, basin name and number, area name, and the owner’s name.

c) The lists of trees shall include the number, type, height and age if known, whether they are productive, the level of productivity at the time of operation, the number of the plot, the name and number of the basin, the name of the area, the name of the owner and the total surface area where trees are cultivated.

d) The lists of crops (or other economically valued plants) shall describe the type of crop, area of cultivation, inputs or investments involved in production (e.g. fertilizers or irrigation), estimate of yield (which can be based on previous annual yield if known), market gate value, as well as the name and number of each land parcel involved in crop production, the name of the area, and the name of owners or cultivators.

This information is obtained in consultation with legal owners, apparent owners, or other relevant persons within the affected communities. The present owners and apparent owners are asked to sign the survey lists in acknowledgement of the accuracy of data inscribed beside their names. If any legal owner or apparent owner refuses to sign the lists, such refusal shall be documented with the reasons for refusal. Efforts to address issues associated with refusals will be undertaken in accordance with complaints procedures, as described in law No 10 as amended (Article 5). The projects office of the Survey EPO, in collaboration with local governorate officials, also examines the project development plan for potential impacts on community facilities or services (e.g., schools, clinics, infrastructure, mosques, churches, markets, or other). If such potential impacts are identified, the projects office prepares a list identifying each potential impact, the facility or service that may be affected, the location of the facility or where the service is provided, the nature and extent, of the damage or disruption that may occur, and the entity or entities that would be responsible for replacement or restoration of facilities or services.
Article 11

Relying on its map, the area calculation office at the Survey EPO shall prepare a statement of the approximate surface areas involved in the project. Such statement shall describe each basin and village separately and shall further indicate the total surface area required for the project.

Article 12

a) The traverse office at the Survey EPO shall be assigned to monitor the project marks that were previously identified by the projects’ office. Such marks shall be linked with each other on the Egyptian Coordinates Grid (which were previously called Triangle Points and are currently called GPS “Global Positioning System”) by the Geodesy Department or the Update Department at the Survey EPO.
b) The project shall be drawn on the detailed cadastral maps (in numerical, converted and gramound forms).
c) If no detailed maps are found, special maps for the project shall be prepared. Such maps shall be called the Map Project (M.P.).
d) All plots involved in the project are to be drawn on the map and described in the margin by either the drawing office or update office.
e) The original plots involved in the project and their change forms shall be partitioned, and new open mutation forms shall be prepared, where the project’s number shall be inscribed. (Drawing Office – ESA District Office (EDO)).
f) The parcel areas involved in the project shall be calculated, and Form\(^3\) 158-Survey shall be prepared by the area calculation office.
g) All the above documents shall be sent to the General Department for Valuation for inspection and valuation of compensation.

Article 13

With regards the projects located in residential areas in villages and cities, the valuation maps shall be at a scale of 1:500 or 1:1000 and be of the most updated print. If they are not available, cadastral maps shall be prepared at a scale of 1:2500.

Schedule 1: Maps Drawing and Survey Lists Preparing Procedures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Procedures</th>
<th>Entity in Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Lists</td>
<td><strong>Linear Projects:</strong></td>
<td>Project office at The Survey EPO by which jurisdiction the project passes</td>
</tr>
<tr>
<td></td>
<td>a. The areas and basins by which the project passes, and the adjacent basins shall be surveyed.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. An overall brief shall be prepared regarding all recent contracts and applications related to such areas and basins, which were issued or submitted at the time of acquisition. If no such contracts or applications are found, the transactions of the</td>
<td></td>
</tr>
</tbody>
</table>

\(^3\) This form is in the area calculation at concerned EPO (ESA Provincial office). The area taken for the project is calculated and the remaining part, if exists, is also noted in this form.
<table>
<thead>
<tr>
<th>Maps Drawing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site-Specific Projects</strong></td>
</tr>
<tr>
<td>c. The areas, basins or streets on which the project is established, or which are adjacent to or surrounding the project shall be surveyed.</td>
</tr>
<tr>
<td>d. An overall brief shall be prepared regarding all recent contracts and applications related to such areas and basins, which were issued or submitted at the time of acquisition. If no such contracts or applications are found, the transactions of the year preceding the date of the public benefit decree shall be considered.</td>
</tr>
<tr>
<td><strong>Maps Drawing</strong></td>
</tr>
<tr>
<td>e. On the maps drawn for valuation, the project marks and numbers, the recent transactions, the contract numbers and dates and sales price shall be clarified.</td>
</tr>
<tr>
<td>f. On the map, the projects for which properties were acquired and the projects adjacent to the current project shall be described. Moreover, the previously valuated compensation categories and date of valuation shall be inscribed.</td>
</tr>
<tr>
<td>g. The Survey EPO shall review the map prepared for valuations and compare the same with the corrective maps, provided that such maps shall clarify up-to-date amendments to the borders of the areas, basin divisions and borders, plots numbers, and the private and public tax on every basin and surface area.</td>
</tr>
<tr>
<td>h. Maps shall describe the parts of State properties involved in the project, the lands acquired under Law No.178 of 1952 on Agrarian Land Reform, as amended, the lands exempted from tax or subject to special tax. Each type of these parts shall be identified on the map in a different colour, and colours shall be defined in the drawing notes.</td>
</tr>
<tr>
<td>i. Lists shall be prepared (one original and one copy) of all structures, fixed assets, and trees and crops to be affected by the project. Each type of these items shall be specified in a separate list with a column to include the compensation category.</td>
</tr>
<tr>
<td>The Drawing Office at the Survey EPO by which the project passes</td>
</tr>
<tr>
<td>Technical Archiving Office at the Survey EPO</td>
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<tr>
<td>Project Office at the Survey EPO</td>
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</tr>
<tr>
<td><strong>j.</strong> Relying on the project’s map, a list shall be prepared regarding the approximate surface areas involved in the project. Such list shall describe each basin and village separately and shall further indicate the total surface area required for the project.</td>
</tr>
<tr>
<td><strong>k.</strong> The project marks, which were previously identified, shall be monitored and linked with each other on the Egyptian Coordinates Grid (previously called Triangle Points and currently called GPS “Global Positioning System”) by the Geodesy Department or the Update Department at the Survey EPO.</td>
</tr>
<tr>
<td><strong>l.</strong> The project shall be drawn on the detailed cadastral maps (in numerical, traverse and gramound forms).</td>
</tr>
<tr>
<td><strong>m.</strong> If no detailed maps are found, special maps for the project shall be prepared. Such maps shall be called the Map Project (M.P.).</td>
</tr>
<tr>
<td><strong>n.</strong> All plots drawn on the map, which are involved in the project, shall be described in the margin by the drawing or update office.</td>
</tr>
<tr>
<td><strong>o.</strong> The original plots involved in the project and their change forms shall be partitioned, and new open change forms shall be prepared, where the number of the project shall be inscribed. (Drawing Office – Engineering Office).</td>
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<tr>
<td><strong>p.</strong> The parcel areas involved in the project shall be obtained, and Form 158-Survey shall be prepared by the Surfaces Office.</td>
</tr>
<tr>
<td><strong>q.</strong> All the above documents shall be sent to the valuation Department for inspection and valuation of compensation.</td>
</tr>
</tbody>
</table>
Chapter Four

Inspection and Valuation of Compensation

Section One

Preparatory Committees

Article 14

By a decision of the head of the Central Department for Surveying regionals affairs, preparatory committees shall be formed. Such committees shall consist of engineers from the General Department for valuation, to appraise based on the location, nature and use of the project land.

The preparatory committee shall consist of three members from the General Department for valuation, who shall be chaired by the senior member, provided that his rank shall not be less than Level 2 A.

Section Two

Duties of Preparatory Committees

Article 15

Once the preparatory committees receive the project paper from the technical office at the General Department for valuation, they shall study the project and ensure that the valuation maps and transaction lists are complete and accurate. A date shall be set for on-site inspection and review of the data received from the Survey EPO. The committee may revert to the Survey EPO to obtain whatever data and transactions are required to help the committee establish fair valuations.

Article 16

The committee shall prepare a preliminary valuation report listing categories of land and other assets, basis of valuation, justifications, and data used by the committee for valuation. The report shall be made in three copies and the initial valuation(s) shall be raised to the Technical Office at the General Department for Valuation for submission, after having been reviewed from the survey point of view and recorded in the valuation register, to the higher-level compensation valuation committee of the Governorate where the project is located.

Section Three

Inspection and Valuation procedures

Article 17

The compensation valuation committee shall be formed within each relevant Governorate by a decree of the Minister of Water Resources and Irrigation, as follows:
1- A representative from ESA from the General Department for Valuation - Chairman.
2- A representative from the Department of? Agriculture in the Governorate - member.
3- A representative from the Department of? Housing and Utilities in the Governorate - member.
4- A representative from the Department of? Property Tax in the Governorate - member.

The job rank of each member shall not be less than Level 1 B. Committee members shall be subject to replacement every two years, according to the provisions of Law No 10, as amended.

**Article 18**

Once the project is raised to the compensation valuation committee, it shall review the valuation documents and maps, the transaction lists and the preliminary report prepared by the preparatory committee. Then the compensation valuation committee shall move to the project site to carry out field inspection and inspect the locations of the registered transactions and the related applications. It may revert to the Survey EPO and the EDO offices in order to review what it deems necessary to make a fair valuation. It may also rely on all or part of the advisory report or disregard same.

**Section Four**

**Compensation Valuation Standards**

**Article 19**

The compensation valuation committee shall apply the procedures stated below in the course of inspection and valuation:

a) With regards to agricultural lands, a committee’s minutes shall be drawn up for each area separately indicating the names and numbers of basins and parcel and the valuation shall be made per Feddan.

b) With regards to agricultural lands that are adjacent to the village houses, the valuation category shall be per Kirat.

c) The committee shall indicate in its minutes the structures and other fixed assets present on the agricultural lands (e.g., livestock sheds, storage and other outbuildings, walls or fences, irrigation or drainage improvements, and others). The valuation category for each structure or other fixed assets shall be square meters for buildings and linear meters for linear improvements, making note of the amounts and types of construction materials used.

d) The committee shall indicate in its report its remarks on the different categories of trees and crops that are present, especially for the data of the survey lists referred to in Article 10. The valuation category for trees shall be one tree and for palm trees shall be one
palm tree and for nurseries shall be the number of seedlings planted in each Kirat. The valuation shall be according to the categories indicated in Ministerial Decree No. 80 of 1987 and the relevant subsequent decrees.

e) The compensation for crops shall be valued for each Feddan and with regards to flowers and vegetables, the valuation will be for each Kirat.

**Article 20**

When valuating compensation of lands used for buildings, the committee may, if required, contact the Survey EPO to verify if decisions are issued from the local councils for building villas, houses, shops, factories or other types of structures that are present, including whether authorizations for subdivision of the land have been granted. If the committee found that the data received from the Survey EPO are consistent with the information found upon inspection, the committee shall then make the valuation and contact the local council and the Engineering Department to verify the accuracy of the data found in the field. If the data received from the Survey EPO are not consistent with the information found upon inspection, and subdivision plans have been issued from the local council without notifying the Survey directorate and the Commission must take into account the value of the compensation, where it differs in urban areas from agricultural areas.

The valuation category for lands used for buildings and for lands where a decree is issued for its subdivision will be the square meter. As for the lands that are eligible for building and that may be part of the urban extension, the valuation category will be per Kirat or Feddan as per the rule prevailing in the area.

**Article 21**

Lands involved in the project shall be valuated as per its status and at the market prices prevailing at the time the public benefit decree is issued.

**Article 22**

When valuating compensation for agricultural lands, the committee shall consider the type of soil, its fertility, irrigation and drainage method, its utilization, amount of production, distance to the markets and important cities, railway stations, river ports, public roads and availability of labor. It shall also take into consideration the rental value per each feddan, advantage and disadvantage surrounding the land, such as the level of urban service level, centrality proximity or dimension of the residential blocks, the local selling prices customarily applied by inhabitants by virtue of registered contracts or applications included into the transactions lists as a guide. The committee shall make sure that the prices included in such transactions are not exaggerated to avoid preemption or to intentionally decrease the price to avoid the fees of the Real Estate Publicity Department. The committee shall also take into consideration the benefit or damage ensuing to the neighboring land after implementing the project.

**Article 23**
When valuating the compensation for construction lands located within the residential areas, the committee shall take into consideration the location, advantage and disadvantage of the location, the ease of transportation, the population density and rental value of houses. It shall also take into consideration the geometric shape of the land to be acquired with regards to its dimension and facades, its validity for constructions and its level (e.g. the elevation or decline in the ground) relative to the level of streets surrounding it, the availability of public utilities and width of the streets surrounding the lands.

**Article 24**

When valuating prices of large area construction lands, the following shall be duly considered:

a) In case that the area could be subdivided, the committee shall do a presumptive division project as per the provisions included in Law No. 52 of 1940 as amended.

b) The value of presumptive division parcels shall be assessed as per the area of each parcel and its elevations according to the engineering rules. The division expenses indicated thereafter shall be deducted from the total price of the subdivided land.

**Article 25**

The subdivision expenses shall include the cost of developing the streets and the expenses of providing public utilities. The due compensation shall be the result of the value of the subdivided parcels after deducting the division expenses while deducting a certain percentage to be assessed by the committee in return for the sale of the land as a whole in one deal and the cost incurred by the owner as a result of the subdivision project. Such percentage shall be assessed according to the purchasing power in the city and the advancement of urbanization in the project area.

**Article 26**

If the value of a part of a parcel of land to be expropriated was subject to increase or decrease due the public benefit works associated with other projects in the same vicinity, the compensation valuation committee factors such increase or decrease into valuation and compensation, as per Article 17 of Law No. 10 of 1990, as amended, and the Executive Regulations thereof.

**Article 27**

Once the compensation valuation committee finishes its work, it shall inscribe the valuations made in valuation report forms prepared for this purpose. It shall also attach a memorandum on the justifications used as a basis for valuation. In case of divergent opinions, the majority votes shall be considered and in case of a tie vote, the side supported by the Chairman shall prevail.

The committee members shall sign the valuation report and justification memorandum, which shall be issued in one original and two copies. The committee shall also make a total cost valuation of the project according to the prices appraised, supplemented with an additional 20% as set forth by Law No. 24 of 2018 and the costs incurred by the Survey EPO to perform its activities, as provided under the Survey EPO’s financial circulars.
Article 28
In case that the entity requesting the acquisition expresses its wish to keep the buildings, plantation and trees, the valuation committee shall take such wish into consideration. This does not the value of compensation, as in some projects, especially for school buildings, the project owner would wish to keep the school buildings and only want to transfer the property of the land.

Article 29
After the compensation valuation committee is done with the inspection and valuation process, it shall send the inspection and valuation report along with the survey lists of structures, fixed assets, trees and crops to the Survey EPO in order to review them from the survey point of view and to make sure that all the parcels and basins involved in the project and indicated on the maps are included into the inspection and valuation report.

Article 30
The entity requesting the expropriation shall deposit the compensation, plus the percentage of 20%, as set forth by Law No. 24 of 2018, with a governmental bank in order to gain interest in favor of the persons to be affected by expropriation. Moreover, the costs of the Survey EPO’s activities, which are - based on its internal circular, shall be deposit in a special account. The compensation shall be disbursed in the manner set forth by Law. No. 24 of 2018
Chapter Five

Preparation of Public Exposure Lists

Article 31

a) After finalization of the project’s field survey activities, all data recorded by the compensation valuation committee shall be reviewed in light of all survey references and real estate tax registers, and the surface area data, basin’s name and number (for every surface area involved in the project) shall be inscribed.

b) The survey lists data shall be inscribed in the public exposure lists and the value of compensation shall be inscribed beside the description of each plot in the basin.

c) The surface areas data inscribed in the public exposure lists shall be reviewed in light of Form 158-Survey. Such data shall then be collected for review in order to confirm that all surface areas described in Form 158-Survey (Attachment No3) are those inscribed in the public exposure lists.

d) The price is multiplied by the involved surface area in order to calculate the entitlements of every person of concern separately.

e) All appraised surface areas involved in the project shall be reviewed in light of the valuation memorandum.

f) The review list and project file shall be delivered to the preliminary reviewer at the land expropriation office and appointed by the head of that office for review in light of all references contained in the project file. Such review shall start with a review of the original plot involved in the project and shall further include a review of the plot division newly created for implementation of the project, the data of Form 300-Survey, the mutation Form with the registered contracts, and the land register data. Moreover, the reviewer shall confirm the validity and soundness of the public exposure lists. After such review is finalized, each document shall be signed and delivered to the final reviewer in the same office.

g) The final reviewer shall perform all activities previously performed by the preliminary reviewer and shall sign every document at hand.

h) The land expropriation Office Head shall review all the data contained in the review list (within review limits of 50%). Moreover, the competent department secretary or department head shall make a further review of the public exposure lists (within review limits of 25%).

i) The public exposure lists shall then be signed by the Office Head, Department Secretary, Department Head, and every copy shall be imprinted with the official seal of the State.

j) A date shall be scheduled for public exposure and publication of the project’s data (Attachment No 4) in two daily widespread newspapers and in the Egyptian Gazette. On such date, an advertisement shall be published regarding the places where and dates on which the lists and maps will be subject to public exposure.

k) The places of advertising the project shall, as stated in Law 10 of 1990 as amended, shall be specified. Moreover, the data of the advertisement to be posted on buildings shall include a warning that no construction or plantation shall be made after issuance of the
public benefit decree, according to Article 22 of the Law. Moreover, a signboard shall be placed in the project course, i.e., in every road by which the project passes (with respect to linear projects) and on buildings (with respect to site-specific projects). The advertisement shall further include a notice stating that a project will be established and the other related warnings. The entity which owns the project shall determine the specifications of the signboard and shall construct the same at its expense in order to be used for posting all project advertisements set forth by Law 10 of 1990, as amended.

1) The property owners, right holders, project developers and all other concerned authorities, including the Ministry of Endowments (Wakf), the Ministry of Agrarian Reform, the Real Estate Tax Department and the Real Properties Authority shall be served notice on such public exposure lists.
Chapter Six

Challenging Acquisition Data

Challenging the public exposure and published data with regards to ownership and valuations:

Law No. 10 of 1990, as amended, determines the legal methods and channels to be adopted for raising objections or challenges against the public exposure list data, and scheduled dates for raising such objections and challenges and other dates for response thereto. In this context, the law further determines the objections that should be submitted to the relevant Survey Directorate in which jurisdiction the project is located and the other objections for which cases may be filed before the competent court for review thereof.

Article 32

The entity requesting expropriation shall prepare special registers for the challenges filed against the valuations as per Article 9 of Law No.10 of 1990. The entity shall handle such challenges before courts and experts, and shall, for this purpose, use the contents of the valuation memorandum and the justifications sent to the entity in this respect.

Article 33

1) If an objection is related to a property right stated in the public exposure lists, such objection shall be raised by the persons of concern, including the property owners, right holders, or persons seeking status as apparent owners, within fifteen days from the expiry date of the period scheduled for public exposure of the lists.

2) The objection shall be submitted to the relevant Survey Directorate in which jurisdiction the project is located. The objection application shall be accompanied by all documents and papers supporting the claimed right, the publicity date and number of such right, and the address to which the persons of concern shall be notified of the procedures undertaken with respect to such objection.

3) Persons whose remaining land or property may be unsafe or unfit for use following partial expropriation may apply for compensation for the remainder. This application must be submitted within four months from the date of expiry of public exposure of the list. The Survey EPO reviews the application and, as warranted, assists the owner and project entity with completing appropriate expropriation procedures.

4) Every Survey EPO shall create a register to record all objections and challenges raised against the publicly exposed data in serial numbers together with the dates of raising objections. A Grievance Management Committee shall then be formed by a decision of the central department of one survey region manager to be issued based on a memorandum submitted by the Survey EPO manager to request formation of such committee. Such committee shall consist of three members, one of which shall be a legal practitioner. The committee shall review the objections within a period of 60 days
starting from the date of raising the objection, provided that the person of concern shall be served notice regarding the committee’s decision by virtue of a letter with acknowledgment of receipt.
Chapter Seven

Reviewing and Signing Contracts and Drawing up Disbursement Form

Article 34

- After finalization of the period prescribed for raising objections, two sale forms (Attachment No. 4) shall be drawn up based on the public exposure lists. The two forms shall be identical with regards to data, shall be signed by the competent employees from land expropriation office beside every clause therein, and shall be approved by the Survey EPO manager.
- The persons of concern shall place a clear signature on the sale form, which signature shall be based on their personal identification cards.
- The sale forms shall be sent to the Central Administration for Survey Affairs, land expropriation and Contracts Department, for technical review and in case there are legal problems will be presented to the Central Department of Legal Affairs in the Authority to give a legal opinion and then send to the Directorate.
- The sale form shall then be deposited with the competent Real Estate Publicity Department.
- The disbursement form shall then be drawn up (Form 50-AH, Attachment No 1.) Such forms shall be conformed to have a number based on the disbursement forms book kept with the Acquisition Office, shall be signed by the employee who prepares the publication list, the head of office and the head of department, and shall be approved by the Survey EPO Manager.
- The compensation value stated in the disbursement form (form 50 – AH) shall be confirmed by the preliminary reviewer and head of land expropriation section to be valid and correct.
- The final reviewer at the Survey EPO shall review the disbursement form in order to confirm the original value of compensation and name of the persons entitled thereto and to ascertain that the amount stated in the form is identical to documents. After confirming the validity and soundness of the data, the final reviewer at the Survey EPO and the EPO Manager shall sign the form.
- The form shall then be sent to the head of the central department of the competent Regional Survey to approve disbursement.
- The form shall, thereafter, be send to the accounting office at the Survey EPO to draw up a payment order of the compensation value and serve notice on the bank to disburse the compensation.

Article 35

The relevant Survey EPO shall serve notice on the General Tax Authority containing the names stated in the list and the value of compensation they are due. Within 40 days of this notification, the Tax Authority shall notify the Survey EPO of any outstanding tax debts owed by persons
to receive compensation. If no response is received regarding the tax due, the full compensation value shall be disbursed to those who are entitled.

**Article 36**

The relevant Survey EPO shall serve notice on the Governorate or the competent local unit containing data on the real estates from which parts were taken for public benefit and the other parts of real estates for which improvements were made. The Governorate or local units shall valuate such improvements and collect the value.

**Article 37**

**Temporary Acquisition**

If the Survey EPO is assigned to undertake temporary acquisition procedures, the Survey EPO in which jurisdiction the project is located shall undertake the same procedures applied for public benefit expropriation, provided that such procedures shall include the following:

a) The acquisition office at the Survey EPO shall prepare lists relying on the survey process and valuation documents. Such lists shall include the names of owners or apparent owners, survey data on the temporarily acquired real estate, and value of compensation covering the period scheduled for acquisition.

b) The persons of concern shall be served notice regarding the compensation decided to be granted to them.

c) The said lists shall be delivered to the project owner in order to undertake the compensation disbursement procedures.

d) The project owner enters into a contract for temporary property use, specifying terms of compensation and requiring that the property be cleared or restored to its prior condition after use.

e) The persons of concern shall have the right to raise objections and challenges against the value of compensation in the manner set forth by Law No. 10 of 1990, as amended, and the Executive Regulations thereof.
ESA organization diagram for land acquisition at EPO and central level
Additional Measures to Achieve Consistency with International Good Practice

Introduction

The Standard Operating Procedures for Expropriation and Land Acquisition (SOP) specify how the Egyptian Survey Authority (ESA) can effectively and efficiently achieve the objectives of Law 10 (as amended in 2015 and 2018) and its accompanying Executive Regulations (2019). The primary focus of this law, in line with the Egyptian Constitution, is on payment of fair compensation to those losing land or other property for state-authorized activities for public benefit.

For projects or other activities to be supported by development partners’ agencies or other international financial organizations, additional measures relating to expropriation and land acquisition may be required. This is because the fundamental objective of international policy and practice extends beyond compensation for land or other property, to include other actions necessary to avoid imposition of other forms of impoverishment or hardship on any persons affected by the siting of the proposed project.

This broader objective significantly expands the scope of the land acquisition process. It may mean that many persons other than those legally entitled to compensation as a result of losing land or property also may be considered adversely affected and may thereby need assistance, and it may mean that compensation for assets may not be sufficient to address all relevant impacts. In comparison to the process incorporated into the SOP, projects involving external support are likely to have additional requirements relating to information-gathering, planning, and implementation phases of land acquisition. This annex identifies and summarizes the additional steps or actions that may be necessary and suggests organizational means by which these steps or actions may be best undertaken by ESA or other relevant agencies involved in the land acquisition process.

Phase I: Information-Gathering

For the SOP, the focus of the initial information-gathering stage of the expropriation process primarily is upon identifying and demarcating land required for the proposed project, gathering data about the land and fixed assets to be affected, gathering information necessary for land or property valuation, and identifying rightful owners or “apparent” owners who are to be compensated.

For projects involving external support, additional information will be required to assess whether siting of the proposed project may create other adverse impacts and, if so, to identify the individuals, families, firms or communities who may be affected. To gather this
information, a social assessment, conducted at the proposed site and in consultation with the people potentially affected by the project, may be required (See also Annex C).

The scope of a social assessment is expected to vary from project to project, in line with the scope and scale of the land acquisition and the range of impacts that may be involved. Normally, the external entity supporting the project and the project sponsor (or other authorized governmental agency) will agree on a “terms of reference” specifying the scope of coverage and methods to be used in conducting the social assessment. Typically, the range of relevant topics or issues relevant to land acquisition and project siting may include:

a) Identification of informal users or occupants of the proposed project lands (including areas officially deemed State land) who are not eligible for compensation but whose livelihoods or living standards may be adversely affected by dispossession.

b) Assessment of availability of replacement land or housing within the vicinity of the project, to determine whether those receiving compensation for land or housing will be able to obtain a suitable replacement in the general vicinity.

c) Assessment of livelihood alternatives or opportunities within the vicinity of the project, for the benefit of affected persons who may want to use compensation (or other assistance) to seek employment or to start a business.

d) Identification of formal or informal renters or lessees whose livelihoods or living standards may be adversely affected by dispossession.

e) Estimation of shop or business profits, and employee wages, that may be lost because of temporary or permanent disruption of operations.

f) Identification of elderly persons living alone, disabled persons, female-headed households, religious or ethnic minorities, nomadic groups, or others who may be vulnerable to hardship because of the project, or who may not be able to adapt to changed circumstances without additional forms of assistance.

g) Identification of damage or disruption to community facilities or services (such as schools, clinics, mosques, churches, market areas, or community infrastructure).

h) Identification of opportunities for enhanced development: In some instances, land acquisition and project siting may create opportunities for improvement, rather than merely attempting to restore status-quo conditions. Examples include improving or updating local infrastructure that is already insufficient or obsolete; improving local housing conditions in areas presently characterized by substandard housing; or improving availability or access to community facilities and services.

The social assessment process should be initiated in tandem with the process of inventorying potentially affected land and property, and social assessment results are likely to be a necessary input in preparation of a resettlement plan (discussed in the following section). The external agency involved in the project may require that the social assessment process include consultations with potentially affected communities as a means to solicit their views and concerns and may require public disclosure of the social assessment results.

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4 In some instances, the scope of the social assessment may include other social topics or issues not related to land acquisition or project siting. For the purposes of this annex, however, the focus is solely on issues or topics relevant to land acquisition and project siting.
Normally, the project sponsor will be responsible for conducting the social assessment. Unless the project sponsor has in-house capability and expertise, it may seek to subcontract with ESA or a qualified consulting firm to undertake the social assessment process. At minimum, the social assessment process is likely to require close coordination with ESA staff as they follow the SOP, to achieve efficiencies in on-site information gathering, to avoid duplication of effort or unnecessary confusion over results, and to convey consistent and accurate messages to those potentially affected.

**Phase II: The Resettlement Plan**

While the Egyptian SOP requires advanced planning as part of the expropriation and land acquisition process, there is no requirement for the preparation of a stand-alone resettlement plan. Because the scope of potentially relevant issues and impacts is potentially broader for externally-supported projects, the land acquisition process is potentially more complex in scale and in duration. Accordingly, external agencies typically require preparation of a formal, documented resettlement plan.

The resettlement plan generally brings together all of the information obtained through the SOP processes relating to identification of land and property to be affected, and owners or apparent owners involved, with the supplemental information obtained through the social assessment process referenced above, and from other relevant sources. Based on the information and the project context, the resettlement plan describes all actions to be taken, all forms of assistance to be provided, eligibility conditions for all forms of assistance, and roles and responsibilities for all entities involved.

Typically, the resettlement plan required by an external support agency will include some or all of the following:

a) A description of the project, its siting requirements, its potential impacts, and consideration of design measures to avoid or minimize adverse impacts.

b) A review of the results of the inventory of land and other property that will be acquired, destroyed or otherwise lost to use or occupancy as a result of project siting.

c) A review of social assessment or other survey results, identifying impacts on livelihoods and living standards, as well as the persons potentially affected by them.

d) A full description of valuation methods and criteria for various categories of land and property, and a listing of compensation standards (at replacement cost) and procedures for each category.

e) Any additional assistance measures deemed necessary to aid persons in restoring their incomes or livelihoods.

f) Any additional assistance measures deemed necessary to aid persons in relocating their residence, to obtain access to resources, or to otherwise restore their living standards.

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5 The term “resettlement” as used here refers comprehensively to the range of impacts associated with the land acquisition and project siting process as well as the range of assistance measures to be provided to those who are to be affected, whether or not the impacts include physical displacement from residences or business premises, and whether or not the assistance measures include or support relocation into alternative residences or premises.
g) Any measures necessary to support replacement or restoration of community facilities and services, or access to facilities or services.

h) Any necessary assistance measures to help the elderly, the disabled, women? or other groups found in the social assessment process to be potentially vulnerable to hardship in their efforts to adapt to changed conditions resulting from the project.

i) An entitlements matrix establishing eligibility criteria for all categories of compensation and for all other forms of assistance.

j) A description of measures to inform potentially affected persons about the project, its impacts, the forms of compensation or other assistance to be provided, and terms of eligibility for them.6

k) A review of legal and regulatory provisions pertaining to expropriation and land acquisition at national and relevant governorate levels.

l) An assessment of organizational arrangements, establishing clear roles and responsibilities for undertaking all necessary actions, or establishing coordination procedures where multiple agencies or jurisdictions must work together to achieve effective action.

m) A timetable (linked to the project construction timetable) indicating when all actions are to begin and when they must be completed.

n) An estimation of all costs associated with land acquisition, compensation and the provision of all other forms of assistance, with clear assignment of responsibilities for payment (including contingency arrangements for unanticipated or unbudgeted expenses arising during implementation).

o) A description of arrangements for receiving and reviewing complaints from affected persons regarding eligibility, valuation, compensation standards or procedures, or other aspects of the land acquisition process.

p) A description of arrangements for monitoring progress in implementing various aspects of the resettlement plan.

In some situations, it may be impossible to prepare a full resettlement plan prior to the external agency’s approval of financial support for the project because the siting may not be fully specified, or because some project activities will not be determined until the implementation phase of the project. In such circumstances, the external agency requires preparation of a “resettlement policy framework” that focuses on the nature of the project and its likely impacts, the legal and regulatory framework involved, available information regarding organizational and financial arrangements, and arrangements to be followed in making information available to the public and in responding to complaints. This “framework” serves as the basis for external agency review and approval of the project, while subsequent preparation of a full resettlement plan is required when the necessary site-specific information becomes available.

The external agency involved in the project normally expects the project sponsor (or another authorized governmental entity) to be responsible for preparation of the resettlement plan. Unless the project entity has in-house capacity or expertise in resettlement planning, it may

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6 This usually includes formal public disclosure of a “cut-off date” indicating that the project area is to be acquired for public benefit. The proposed site is posted so that any investments or improvements made after the formally disclosed cut-off date would normally not be deemed eligible for compensation or assistance.
subcontract for preparation of the resettlement plan with ESA or a qualified consulting firm. As a practical matter, close coordination with ESA will be necessary, as many of the steps requiring description in the resettlement plan are already covered in the SOP. Because it is largely responsible for most aspects of the expropriation and land acquisition process, and otherwise plays a key coordinating role in other aspects, ESA is very well situated for engagement in preparing and implementing the resettlement plan. But ESA’s role likely will be negotiated with the project sponsor on a case-by-case basis.

**Phase III: Implementation, Monitoring and Responding to Complaints**

The SOP generally considers the land acquisition process complete with payment of compensation (though that payment may be delayed under circumstances such as pending court appeals). The implementation period for externally supported projects often is longer in duration, continuing until all of the actions specified in the resettlement plan are completed, and until all forms of assistance required under the plan are provided in full. (In some instances, if the resettlement plan fails to mitigate the adverse impacts imposed on affected persons, the external agency may even propose supplemental measures to achieve appropriate outcomes.)

The terms of the resettlement plan typically require the project implementing entity to undertake one or more forms of implementation monitoring as a means to assess progress and to identify implementation problems. Additionally, the mechanism established to receive and respond to land acquisition-related complaints is a valuable tool for tracking implementation effectiveness.

**Monitoring**

External agencies typically ask the implementing agencies to make arrangements for two types of monitoring:

“Process monitoring” tracks progress toward completion of the land acquisition process. This may include tracking such variables as percentage of land parcels acquired and available for project use, percentage of overall compensation paid, or number of parcels involved in court appeals. Project implementing agencies often have incentives to track such variables, since progress on such issues is essential to awarding of contracts, mobilizing of contractors, and starting construction. These factors directly reflect progress toward completion of the project itself.

“Impact monitoring” often is of greater importance for the external agency. This form of monitoring tracks the scope, scale or severity of land acquisition-related impacts against that envisioned in the resettlement plan, the progress in delivering compensation and other assistance to affected persons, the effectiveness of assistance measures in mitigating observed impacts, and the effectiveness of the complaints mechanism in addressing complaints received from affected persons. For projects with large or complex potential impacts, the external agency may require the implementing agency to hire a qualified consulting firm (or, perhaps, ESA) to conduct impact monitoring.

The resettlement plan usually specifies the timing, frequency and scope of monitoring. Generally, monitoring should begin early in the land acquisition process to ensure that emerging problems and issues can be identified while there is still sufficient time and money to deal with them. Sometimes, monitoring will indicate that the resettlement plan itself is
inadequate because of erroneous assumptions or because of unanticipated changes in the project environment. Timely monitoring can be helpful in adapting the resettlement plan to such conditions.

Regardless of whether ESA plays a direct role as a monitoring agent, the cooperation of ESA in gathering and providing monitoring information may be essential. The resettlement plan should clarify responsibilities relating to monitoring and should establish a basis for cooperation between ESA and other entities involved in the monitoring process.

**Receiving and Addressing Complaints**

For any project involving expropriation of land or property, complaints commonly arise regarding ownership claims or use rights, valuation standards, compensation amounts, property damages, or other aspects of the land acquisition process. Current practice, in Egypt and in many other countries, allows some limited scope for affected persons to pursue complaints informally through discussion with local officials or project agencies, but requires affected persons to otherwise seek remedy through court action. External agencies, by contrast, may require that the resettlement plan specify a more elaborated complaints management system, involving intervening access points before affected persons resort to court action as a last resort.

A functioning complaints management system serves several purposes. Most directly, it helps affected persons bring particular problems or extenuating circumstances to project management attention; if well-founded, raising such complaints creates opportunities to avoid imposition of undue hardship or impoverishment. Such a system also helps to keep disputes within the purview of project entities, potentially diminishing the likelihood of costly controversies or delays that occur when complaints are taken to the media or courts instead. And, as the point to be elaborated upon here, a functioning system provides an important source of information regarding progress toward achieving project objectives. Identifying patterns of recurring complaints provides an opportunity to adjust project management practices relating to land acquisition.

The resettlement plan typically specifies a ladder of two or more venues for registering complaints. At least one venue likely will be directly associated with the project, while another may be an existing formal or customary method for addressing complaints within local communities. Recourse to legal action remains available as a last resort. The resettlement plan also may specify procedures and performance standards for each venue. This includes making information available to affected communities regarding how and where to lodge complaints, who will be involved in review of complaints and how the review will proceed, and the expected duration of the review process before a reply is issued to the complainant. The resettlement plan may incorporate measures to ensure that the complaints management system is physically and culturally accessible to affected persons, is available at little or no cost to complainants, is structured to promote impartiality and objectivity in the review process and has sufficient authority and resources to resolve complaints when warranted.

The role that ESA may play in a complaints management system will be determined on a project-by-project basis. In many cases, it may be advisable that a relevant ESA representative participate directly in the complaints review process. To address many, if not most, complaints, ESA’s involvement may be important because it has been directly involved in assessing ownership, conducting valuations, and determining the compensation rates that are often
contested. At minimum, coordination arrangements should be in place so that ESA is responsive to complaints that may involve some aspects of its preparatory work and may participate in any field review activities.

**Evaluation**

For projects requiring supplemental assistance for restoring livelihoods, for aiding identified vulnerable persons, or for restoring the functionality of community facilities or infrastructure, or for other purposes, the supporting external agency may also require some form of evaluation. The purposes of such an evaluation are to assess whether the resettlement plan has been fully implemented, and to assess whether fundamental objectives – restoration of livelihoods and living standards of affected persons – have been achieved. Generally, the project entity is responsible for the evaluation, but may contract with ESA or a qualified consulting firm to conduct the actual research and prepare the evaluation report.
ANNEX (B)

Complementary Activities that ESA Conducts as an Advisory Authority

First: Revaluation of Land Price Required for Project

After the Survey Directorate, in which jurisdiction a project passes through, undertakes announcement/notice procedures, according to the provisions of Law No. 10, as amended, (which procedures include final and conclusive data), a number of affected persons refuse to leave the piece of land allocated for the project. Therefore, the Survey Authority fails to place the project marks, finalize the survey procedures and hand over the project to the project proponent in order to implement the project. The project proponent, accordingly, expresses its readiness to satisfy the inhabitants' claims instead of resorting to courts.

1) In this case, the project proponent may resort to the Survey Authority and undertakes the following procedures:
   a. The project proponent sends a letter to the Head of Survey Authority, requesting that the piece of land, through which the project passes, be subject to valuation.
   b. The letter is addressed to the General Department for Valuation in order to prepare a new consultancy report, given the State’s urgent need for the piece of land in order to implement the project.

2) A committee then prepares a consultancy report stating the price proposed for the piece of land required for the project.

3) The project proponent has the right either to approve or reject the findings of the said report.
   a. If the project proponent approves the price stated in the report:
      - The project proponent will use a version, delivered by the Survey Directorate, of the announcements/notice that describe the name of the persons entitled to compensation and the amount of compensation mentioned in the notice.
      - The project proponent will then calculate the difference between:
         - the prices appraised for every Kirat and Fiddan (if the piece of land is of agricultural nature) or the price per square meter (if the piece of land is located in urban areas or cities, as described in the announcements/notice), and
         - the price appraised for the piece of land in the new report.
      - Such financial difference is paid by the project proponent or requested to be paid by the directorate in which jurisdiction the project passes through.
      - The persons of concern then sign sale forms, by which their ownership is transferred to the State.
      - The sale forms are then deposited with the competent real estate office located in the Governorate where the project passes through.
   b. If the project proponent does not approve, the owner will go to the court as stipulated by law.

Second: Implementation of Court Judgments issued on Land Price by ESA
Article No. (9) of Law No. 10 of 1990, as amended, stipulates that every entity claiming expropriation (hereinafter, expropriation claimant), concerned owners and right owners shall - within four months from the expiry date of the period prescribed for announcement/notice - have the right to challenge the compensation valuation set out by such notice. Such challenge shall be filed before the First Instance Court in which jurisdiction the respective property is located. In this challenge, the disputing parties shall be the entity claiming the expropriation, the concerned owners, and the right owners.

Such challenges shall result in the issuance of court judgments against the expropriation claimants. At the same time, the Survey Authority shall have disbursed the original compensations. As the expropriation claimants may have no experience to enforce court judgments and disburse the financial differences due to the persons in whose favor such judgments were rendered, the expropriation claimant is to request the Survey Authority to enforce such judgments and disburse such financial differences to the persons entitled thereto. In this respect, the Survey Authority makes a survey regarding the persons in whose favor court judgments were rendered and disburses the financial differences in consideration of 3% of the awarded funds. Such percentage represents the ESA activities expenses, as stated in an internal circular developed by the Survey Authority organizing the financial differences disbursement procedures.

**Third: Division of Projects into Phases**

The Egyptian Survey Authority disburses compensations for the properties expropriated under the provisions of Law No. 10 of 1990, as amended. Such disbursement takes effect after valuation of the compensations by high valuation committees located in every Governorate. Such committees are formed by a decree of the Minister of Water Resources and Irrigation. The value of appropriations and compensations are deposited with a governmental bank that provides interest according to Law No. 10 of 1990, as amended. In some instances, a number of entities fail to provide the entire appropriations of the project. Therefore, the project proponents send a letter to the Survey Authority to request a division of the project into phases in order to disburse the compensations within the limits of the available appropriations. Accordingly, the ESA divides the project.

At other times, the project proponent wishes to finalize the procedures of disbursement of the compensation in longitudinal projects where expropriation procedures require sometime due to the lengthy project duration and the large number of affected persons. In this case, the project proponent requests the Survey Authority to divide the project into areas, such that the areas for which technical procedures were finalized are to be announced. Meanwhile, the technical procedures of the remaining areas are to be finalized on a sequential basis.

The approval of the project proponent is a precedent condition to divide the project into phases, given that the project proponent will bear the costs of announcement/notices to be issued for every phase separately.
ANNEX (C)

Social Impact Assessment and Resettlement Assistance

At the request of the project entity, ESA may elect to conduct a social impact assessment in the proposed project area prior to, or at the same time as, identification of property and property owners. Terms for conducting the social impact assessment are negotiated between the project entity and ESA.

The primary purposes of the social impact assessment are to identify other adverse impacts that may be associated with land acquisition for the project that are not necessarily mitigated by compensation for land or assets, and to identify appropriate measures for avoiding or otherwise mitigating those potential impacts. Some form of social impact assessment is likely to be necessary for externally financed projects. And international experience demonstrates that some form of social impact assessment can be beneficial in minimizing risks of delay or controversy during construction or operation of the project.

To conduct a social impact assessment, the project design and proposed project site should be screened to identify potential risks and impacts. The screening results are used to determine the scope and scale of the assessment process. The persons subsequently conducting the assessment (such as persons from the project office of the Survey EPO) are expected to use the screening results to consult with persons or communities to be affected. The purposes of this consultation is to obtain from them additional local information about possible impacts, to identify the people who may be affected, and to get information from them about their preferences or concerns regarding potential mitigation measures.

For many projects involving land acquisition, the social impact assessment often identifies three categories of impact that may not be mitigated by usual patterns of compensation for land and assets. They are: other impacts on livelihoods, impacts on facilities and services that contribute to local living standards, and impacts on people who may be particularly vulnerable to hardship because of the project. Each of these three categories is considered briefly below.

**Impacts on Livelihoods.** Under some circumstances, compensation for land or assets may not be sufficient to restore the livelihoods of affected persons. This can happen, for instance, when agriculturalists are not able to obtain replacement agricultural land, or where production on available replacement land requires them to grow different crops or use different skills. This can also happen when factories or other businesses are to be demolished, where the owner receives compensation, but employees lose their jobs but receive nothing through compensation procedures. It may also be the case that some persons receiving compensation may want to use it to start some form of small business, but lack knowledge or skills about how to do so. Another common problem involves how to support informal business or shop operators operating without license on public land areas. When such impacts are identified, supplemental forms of assistance that may be provided typically include support for market
relocation or reconstruction, allowances to relocate equipment, or support for job training or new business development. If any such forms of assistance are found to be appropriate, a list should be prepared identifying persons or firms to be assisted, the form and extent of any supplemental assistance to be provided, the timing of delivery of assistance, and the entity or entities responsible for providing such supplemental assistance.

**Impacts on Living Standards.** Under some circumstances, compensation for private land or other assets will not mitigate impacts on services or facilities upon which local living standards may depend. Examples can include severance of, or disruption to, access to resources such as water or forest resources, destruction of public schools or clinics, disruption to roads or electricity, or destruction of religious or other community facilities. If such potential impacts are identified, the projects office of the EPO should prepare a list identifying each potential impact, the facility or service that may be affected, the location of the facility or where the service is provided, the nature and extent of the damage or disruption that may occur, and the entity or entities that would be responsible for replacement or restoration of facilities or services.

**Vulnerability to Hardship.** Under some circumstances, there may be persons who likely will be particularly vulnerable to hardship as a result of the project. These forms of hardship usually are not covered by compensation. Examples include difficulties imposed on the elderly, the blind, the physically disabled, or in some cases ethnic minority groups who will be disadvantaged by construction of the project, or who may not be able to take advantage of project activities. Early identification of any such hardships may make it possible to alter the project design to avoid them, or to include physical changes to mitigate them. In the social impact assessment, the projects office of the Survey EPO, in collaboration with local governorate officials and in consultation with potentially affected communities, should identify persons potentially vulnerable to hardship, should prepare a list identifying each person by name and location, identifying their sources of impairment or vulnerability, identifying the form and extent of any supplemental assistance to be provided, and identifying the entity or entities responsible for providing any supplemental assistance.
ANNEX (D)

Responding to Complaints from the Public

Given the complexity of land acquisition processes, complaints can be expected to arise throughout the course of project design and implementation. If the affected public lacks access to an effective means of raising their complaints, they may believe they have no other recourse but to initiate legal action, or to complain to the public media about the project, or to engage in some form of public protest. In Egypt, as elsewhere, the lack of such an effective grievance redress mechanism can result in long and costly delays in achieving land acquisition or construction and may result in cancellation of the project altogether. These complaints can arise at different points in the project process. As warranted, ESA assists the project entity and local governorate in addressing these complaints as follows.

Grievances Raised Prior to Publication of the Expropriation List

As stated in Article 10, during the process of inventorying land and assets, the present owners and apparent owners are asked to sign the survey lists in acknowledgement of the accuracy of data inscribed beside their names. If any legal owner or apparent owner refuses to sign the lists, the reason for their refusal is noted. To address these issues, a Grievance Management Committee is authorized by the project entity to reassess each issue and to seek through negotiation means to address the complaint prior to publication of the expropriation list and as an alternative to any subsequent legal action. The public period for examination of the published expropriation list is 30 days. If the complaint cannot be solved by negotiation through the Grievance Management Committee by the date of expiration of the expropriation list, the complainant has 30 days to initiate legal proceedings, as established in Law 10 of 1990. However, negotiations with the complainant can proceed, at the discretion of the Grievance Management Committee, even after legal proceedings are initiated.

Challenging the public expropriation list and published data as regards ownership and valuations:

Law No. 10 of 1990, as amended, determines the legal methods and channels to be adopted for raising objections or challenges against the public exposure list data, and scheduled dates for raising such objections and challenges and other dates for response thereto. In this context, the law further determines the objections that should be submitted to the relevant Survey Directorate in which jurisdiction the project is located and the other objections for which cases may be filed before the competent court for review thereof.

Article 32

The entity requesting expropriation shall prepare special registers for the challenges filed against the valuations as per Article 9 of Law No. 10 of 1990. Unless the project entity, through the Grievance Management Committee, has resolved the complaint through negotiation with the complainant, the complainant may choose to seek legal remedy. In such cases, the entity
shall handle such challenges before courts and experts, and shall, for this purpose, use the contents of the valuation memorandum and the justifications sent to the entity in this respect.

**Article 33**

1) If an objection is related to a property right stated in the public exposure lists, such objection shall be raised by the persons of concern, including the property owners, right holders, or persons seeking status as apparent owners, within fifteen days from the expiry date of the period scheduled for public exposure of the lists.

2) The objection shall be submitted to the relevant Survey Directorate in which jurisdiction the project is located. The objection application shall be accompanied by all documents and papers supporting the claimed right, the publicity date and number of such right, and the address to which the persons of concern shall be notified of the procedures undertaken with respect to such objection.

3) Persons whose remaining land or property may be unsafe or unfit for use following partial expropriation, may apply for compensation for the remainder. This application must be submitted within four months from the date of public exposure of the list. The Survey EPO reviews the application and, as warranted, assists the owner and project entity with completing appropriate expropriation procedures.

4) Every Survey EPO shall create a register to record all objections and challenges raised against the publicly exposed data in serial numbers together with the dates of raising objections. A Grievance Management Committee shall then be formed by a decision of the central department of one survey region manager to be issued based on a memorandum submitted by the Survey EPO manager to request formation of such committee. Such committee shall consist of three members, one of which shall be a legal practitioner. The committee shall review the objections within a period of 60 days starting from the date of raising the objection, provided that the person of concern shall be served notice regarding the committee’s decision by virtue of a letter with acknowledgment of receipt.

**Grievances Raised Following Design Changes or Because of Other Unanticipated Impacts**

For some projects, design changes are introduced after the initial survey, valuation and compensation processes are complete. This can be caused by changes of alignment, changes of construction design, damage caused to structures during construction, or other factors. In the normal course of events, approval of design changes should occur only after it is acknowledged that a new round of survey, valuation and compensation work is necessary. However, if that does not occur in a timely or effective manner, it is likely that those affected by loss of land or other assets will raise complaints. Similarly, those affected can be expected to complain about construction-related damage. In such cases, the Grievance Management Committee investigates grievances and responds to the complainant within 45 days of receipt of the grievance. Appropriate solutions may include: notification that a formal valuation and compensation process will be undertaken in accordance with law, or direct negotiation with the affected persons. For grievances relating to damages, appropriate remedies may include a
formal damage assessment process to determine an appropriate amount of compensation, or direct negotiation with the affected person raising the complaint.

**Structure and Operating Procedures of the Grievance Redress System**

Prior to initiating the field-based survey work for the project, ESA and the project entity agree on the structure and operating procedures of the project Grievance Redress System. The agreed system should be designed in consistency with the following considerations:

To perform the functions of the Grievance Redress System, a Grievance Management Committee is established. The committee consists, at minimum, of one legal representative from the EPO or ESA regional office, one technical specialist from the EPO, and one representative from the project entity. The representative from the project entity (which bears financial responsibility for any negotiated settlement) chairs the committee and has decision-making authority; the role of the lawyer and technical specialist is advisory. The project entity provides financial support and other facilitation for committee meetings and any necessary travel associated with assessing the validity of grievances.

Information about the Grievance Redress System is disseminated in the project area, as part of informing the public about the project. This information includes the process for submitting grievances and the process the Grievance Management Committee will use in reviewing or assessing grievances, including the expected response time. The information also includes the location (or website) at which grievances can be submitted, and the name (or names) of persons responsible for receiving grievances.

In undertaking assessment of any grievances regarding denial of compensation because of lack of clear title to land or other property, the Grievance Redress Committee accepts evidence of peaceful possession of such land or property prior to the field inventory process. Such evidence could consist of witness testimony from local authorities that the complainant has been a resident of the area, photographic evidence of prior evidence, or other means of demonstrating prior peaceful possession.
Disbursement for (50 AH)
**Attachment No 2**

**Publication list**

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<th>Year of Publication</th>
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<td>2</td>
<td>Jane Doe</td>
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<td>4</td>
<td>Robert Brown</td>
<td>My Fourth Book</td>
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**Notes:**
- This is a partial list; full publication list available upon request.
- Contact Information:
  - Email: info@example.com
  - Phone: +1 (123) 456-7890
Attachment No 3  
Areas calculation form

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الملف الإحالة: 11.5