

**Sustainable Rural Sanitation Services - Program for Results**  
**(SRSSP – P for R)**  
**Project Management Unit**

**Draft**

**Standard Operating Procedures for Land Acquisition**  
**(Land S.O.P)**

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## **Chapter (1): General framework for Standard Operating Procedures for Land Acquisition**

### **1. Introduction**

The Egyptian Government has devoted full attention to the provision of sustainable wastewater services in rural areas for the purpose of poverty alleviation and improvement of living conditions for the population in these areas. The national program for sustainable wastewater services in rural areas was launched in 2013 for the purpose of provision and improvement of sustainable wastewater services, thus putting an end to inappropriate discharge of untreated wastewater by covering 4,784 villages and about 27,000 kafr and hamlets with an estimated population of 45 million. Investment requirements for the program stand at about \$ 14 billion.

The government focused 769 polluted villages in seven governorates (Sharqiyah, Daqahliyah, Damietta, Giza, Menoufeya, Gharbeya and Beheira) that ultimately discharge untreated wastewater in Al-Salam Canal and Rosetta Branch. In its initial phase, the Bank-funded program will cover only villages that are close to Al-Salam Canal and Rosetta Branch in three governorates, i.e. Behiera, Daqahliyah and Sharqiyah. The program will provide wastewater services in the target villages including better hygiene services and care and -through putting an end to the discharge of wastes, untreated water or wastewater that has not been sufficiently treated into Al-Salam Canal and Rosetta Branch- control of pollution resulting from such discharge. The 5-year program starts from December 31<sup>st</sup>, 2015, and its outputs are as follows:

- Improving access to and provision of wastewater services
- Improving related operating systems and practices in water/ wastewater companies
- Enhancing the national framework for the wastewater sector

As part of Output (KRA) No. 3, a “Disbursement Linked Indicators (DLI)” has been designed to address issues related to acquisition of land. DLI (6) (Ministry of Housing’s Approval of the Program Standard Procedures) aims at ensuring better results for the environment and social protection through instructions and criteria specific to wastewater facilities and land SOP. The procedures are important to ensure and efficient and fair acquisition of land which may be needed for the new connections or expansion of treatment plants. Moreover, engaging and consulting with affected communities must be stressed. DLI (6) will be realized through development of Land SOPs, issuance of a memo of understanding between concerned ministers to adopt these SOPs and identifying and building capacities of relevant work teams. In addition, the Program includes several procedures to enhance and maximize community participation, which will, in turn, improve the process of land acquisition.

### **2. Effects and potential risks resulting from land acquisition**

#### **Program activities that may require land acquisition**

During the execution of the Program, activities may involve temporary or permanent acquisition of several pieces of land to set up, for example, pumping station or water treatment plants and networks.

## Land acquisition-related Effects

Building pumping stations and treatment plants require acquisition of different pieces of land. The Project needs 15 pieces of land for the new treatment plants with areas ranging from 8,400 m<sup>2</sup> to 29,000 m<sup>2</sup>, it will also need approximately 63 pieces of land for the new pumping stations with areas ranging from 175 m<sup>2</sup> to 625 m<sup>2</sup>. There might also be a need for other areas for storage of equipment and other stuff. Therefore, it must be taken into consideration that no damage is done to any of the users of such lots of lands, which may be different in size and the duration of acquisition as need be.

In that sense, if the issue of access to land is not carefully addressed, it may have negative socio-economic negative impacts on the people affected by the program as well as on the implementation of the activities of the program itself, with the process having repeated disruptions. Affected people may include landlords, official or non-official users or squatters. Risks that affected persons may be exposed to as a result of land acquisition involve the following:

### a. Social risks (related to affected persons)

- Impoverish persons who make a living off the land.
- Proceeding with the process of donation of land without making sure it meets environmental, health and technical requirements.
- Compensations are estimated at amounts less than the market value.
- Non payment of the fair value for temporary acquisition of land or causing deterioration in land quality in a unsustainable manner.
- Disputes or disagreements over land (such as multiple owners or inheritance lawsuits) arise.
- Non-payment of compensation for squatters specially those who use state owned lands.
- Tenants are not compensated or are insufficiently compensated.
- There is no effective response to complaints and grievances related to lands and the efficiency of the existing complaint management system is poor.
- Affected persons are displaced due to land acquisition.

### b. Risks related to program execution

- No alternative pieces of land for proposed land given the lack of fixed technical criteria for selection of location of required land.
- Delay in implementing the projects due to the multiple approvals required and also there is no fixed schedules for receiving approvals
- Delay in issuance of allocation decisions
- Poor registration of contracts or negotiations including that related to voluntary donation or sale by mutual agreement and lack of any kind of duress.

## 3. Importance of Developing Land SOPs for Wastewater Sector

Since the results-based program covers 155 villages polluting Rosetta Branch and Al-Salam Canal, these SOPs have been developed for coordination and streamlining of the process of land access, which will have a positive effect on the wastewater sector. For the Rural Sustainable Wastewater Services Program is considered a pilot program for the national program for wastewater.

In order to make the SOPs smooth and responsive to changes that may occur during implementation or developments that may arise by lapse of time, they will be updated as necessary to ensure that they do not act as an impediment to the realization of the general interests of citizens and affected persons.

The SOPs will help in:

- Coordination among different parties and ministries concerned with the process of land acquisition.
- Documentation of the process of land acquisition
- Preservation of the institutional memory
- Providing timely compensation and support to affected persons

In addition, SOPs contain all processes of selection used to define appropriate criteria and options to be approved and taking agreed-upon decisions for enforcing / keeping in place these criteria that have been developed in a transparent manner and in consideration of social circumstances and needs.

- Institutionalization of all procedures. Standardization must go hand in hand with current and future social standards and changes while maintaining complete documentation of such procedures and associated processes in order to be used as a tool for training new cadres.
- Given the differences in the procedures followed in land allocation in the different water and wastewater companies and the importance of ensuring that such procedures have been or are taken while taking into account both the public and private interest.
- Stable and consistent steps and procedures for land acquisition must be put in place to avoid any negative impacts or future risks that may harm the parties involved in this operation while ensuring the regular update of such procedures based on any new developments.
- Such standard operating procedures will not only ensure timely implementation of the program but will also be a significant part of the supporting environment for upscaling these services. Developing standard procedures and raising awareness will help strengthen communication with stakeholders and those interested in controlling negative social impacts that may obstruct implementation of the program and reflect negatively on its results.

#### **4-Approaches based on the Best international practices**

These procedures have been developed on the basis of the best international practices and previous experiences in wastewater projects. Top on the list of such practices are the following:

**a- Avoiding land acquisition**

- Alleviating or avoiding impacts caused by resettlement through exploring all options available for the project.
- In case of opting for land acquisition through expropriation, care must be taken to ensure that procedures have been carried out in a manner that safeguards the rights, culture and customs of affected individuals and land users.
- Densely populated areas with low-income households or those living off the land must be avoided.

**b. Fair, Equitable and Timely compensation**

- Providing assistance in searching for another piece of land or a house, covering the relocation costs and offering support and guidance in respect of improvement and management of the compensation sum to improve its return.
- Providing advice on technically and economically feasible resettlement alternatives and holding consultations with affected persons regarding offered options.
- Ensuring fair assessment and compensation
- Collecting data about the current status as well as the situation of persons who may be affected by land acquisition through conducting a census and a study on the socio-economic situation. This baseline information can be used at a later stage to measure the efficiency of the process of the land acquisition or the development that the implementing company has added to the community or area.
- Compensating all squatters, illegal tenants or users of State-owned land against all damages they sustain as a result of the land acquisition, such as crops, trees or structures.
- Informing land owners, users and tenants (legal or illegal) of criteria of compensation
- Giving affected persons sufficient time to evacuate from the land or harvesting crops in the land.
- Providing assistance to affected persons during the transitional period -- prior to re-settlement: paving the land, training and providing job opportunities.
- Providing equitable compensation to land owners and users
- Compensating affected persons against losses sustained by their assets and resulting from the program (e.g. different types of land, crops and service facilities, if any).
- Improving ways of earning living and living conditions, or at least, restoring them to their state prior to the relocation.
- The right of the land owner to get back his land if the project is not implemented.

## 5- Monitoring impacts and results

Monitoring results of sale of land and providing assistance when needed and required.

### Participation and consultation

- Making sure to undertake community consultation all along the land acquisition process.
- Include the affected persons, community leaders, civil society organizations and other stakeholders into the consultation process.
- Making sure that the community is consulted about the project, its importance, reasons for donation of land. In case that that land is acquired by other means such as sale by mutual consent or expropriation of properties, there should be consultations on all the principles related to land valuation, compensation and grievances.
- The importance of documenting all this before the startup of any procedures.
- Consulting with the landowner and ensuring there is no coercion involved in sale or donation of land and that all procedures have been carried out voluntarily.
- Documenting all activities.
- Consulting with affected households regarding appropriate compensation and impacts on them and documenting the outcomes before finalization of procedures of land donation or purchase.

### Box 1: the basic principles of consultation and the practical steps for holding public meetings (Public sessions)

#### Main principles for consultation

- **Inclusion.** Engagement of all concerned parties regardless of socio-economic situation.
- **Transparency.** Setting up an open work relationship; clear-cut objectives of public (community) participation
- **Credibility.** Ensuring provision of feedback to participants on the basis of discussions held.
- **Adaptation to participants' needs.** Listening and responding to all questions and queries that may be raised.



#### **Key steps to be taken when preparing consultation sessions**

- Determining places and dates that are not problematic for concerned parties. Priority should be given to “neutral locations” so that everybody feels confident and safe enough to speak their minds.
- Widespread and early publicity about the dates and places of meetings through e-media and other means.
- Clear presentation of the matter to be discussed and its objective
- Paying due attention to issues and concerns of the project-affected persons, recognizing their problems and providing necessary answers and clarifications
- Endeavoring to strike a balance in discussions and avoiding control by influential parties over the behavior of other participants.
- Abiding by the timetable and agenda.
- Taking notes about issues and important answers provided.
- Ensuring equal participation of both men and women in public meetings and their contribution. (If necessary, separate meetings can be held for men and women to ensure sufficient participation).
- Notifying participants about how their comments would be taken into consideration
- Preparing credible reports about the process of consultation.

## **6 voluntary nature of land donation/ sale by mutual consent**

Voluntary land donation, community participation and sale by mutual consent are most common forms of land acquisition

- No specific location for the project is determined, that is, alternatives to the site must be in place.
- The process should not involve any coercion.
- A person or the owner of the house must not donate more than 10% of his land to ensure that impacts are insignificant.
- A land donor should not be displaced as a result of his donation to the project.
- Determining the required land must be made by the affected community and not the authority in charge of project supervision or branch agencies.
- The voluntary nature of the donation of land by every land donor must be verified or ascertained (via documented data or certificates, for example).
- If income loss or physical displacement is expected, confirmation of voluntary acceptance of community mitigation by entities or individuals who may be adversely affected.
- Grievance mechanisms must be in place.
- An owner must have the right to select (ability to refuse the proposed resettlement offer)
- The sale value must be commensurate with the relocation cost.
- A prior agreement must be reached between land owners and users.
- There should not be any adverse impact on a person's income or livelihood.
- Land owners or land users must receive the full compensation before starting any works.

## **7 Protection of land and limiting illegal claims by owners or affected persons after agreement and payment of required compensations**

One of the common challenges that may arise in the course of implementation of wastewater projects is the emergence of illegal claims about the land after the process of its acquisition is finished. Hence, it is imperative that the government must protect the land from deliberate opportunism and ensure, at the same time, consideration and fulfilment of any legal rights. The key principles for land protection are as follows:

- Setting deadlines for finalization of land acquisition procedures

- Using sensitive mechanisms and clear methods in publication of deadline for acquiring the land to make sure that land owners or affected persons are notified of the project implementation date.
- Providing protection for the implementation site (land) including building fences and/or putting signs to indicate ownership and project name..etc.

#### **8. Ensuring that suitable institutional arrangements are in place for dealing with land acquisition**

- Providing suitable human resources for management of land acquisition and proactive approach to dealing with probable socio-economic impacts that may arise. Human resources should deal with the following:
- Consultation with affected persons in respect of land acquisition and involving them in all stages.
- Informing individuals of their options and maintaining rights ensuing from resettlement
- Participating in the time schedule for the project implementation
- Making available a transparent and culturally appropriate mechanism for filing grievances and complaints.

These procedures must comply with the following:

- Legislations, laws, executive regulations and implementing decisions in force inside Egypt as regards lands and associated procedures.
- Discussions held with members of water/wastewater companies participating in the workshop related to discussing the draft standard procedures for land acquisition.
- Experiences, lessons learned and best practices in some projects in the same field.
- Discussions held with some community members who donated land for the project.
- Discussions with some members and heads of local units and the relevant properties officials
- The project loan agreement and terms of reference for the project loan
- Several visits and discussions with members of project implementation units in the three companies (Sharqeya- Daqahleya- Beheira), and directors of departments of properties and legal affairs in the three companies
- Discussions with members of the PMU in Ministry of Housing, Utilities and Urban Communities.
- Technical criteria for selection of land according to Egyptian criteria and specifications

## **Chapter 2: Legal, technical and institutional framework for standard procedures for land acquisition**

There is a large arsenal of laws, legislations and technical requirements related to land acquisition, which can be categorized into the following:

### **1 Legal framework**

All the laws, legislations and decrees below contain some articles (provisions) that help in regulation of the land acquisition, donation and sale by mutual agreement. These legislations are also related to the technical requirements related to the land and necessary for the wastewater-specific infrastructure. More details about those laws and specific provisions through searching for [information] about them.

#### **Laws and articles on citizens and property rights**

- Article No. 33 in the Egyptian constitution providing for protection of both private and public property
- Article No. 34 in the Egyptian constitution providing for protection of both private and public property
- Article No. 35 in the Egyptian constitution providing for protection of private property and the right to inheritance
- Article No. 63 in the Egyptian constitution providing for prohibition of coercive displacement of citizens
- Law No. 131 for 1948 on rights of private property

#### **Laws on procedures and criteria for donation and allocation**

- Civil code regulating sale, assignment and gift procedures.
- Law No. 84 of 2002 on establishment of community associations and organizations
- Law No. 43 of 1979 on the system of local administration and its executive regulations
- Regulates procedures for allocating state-owned lands for establishment of projects for the public benefit and competent entities responsible for issuing decisions for land allocation.
- Agriculture Law No. 116 of 1983 and its executive regulations on the exception of public benefit projects and the entities mandated to issue land allocation decisions. This law adjusts some of the provisions of the Law on Agriculture No. 53 of 1966, which provides in Article 152 therein that it is prohibited to build on agricultural land or dividing it up for constructing buildings thereon with the exception of public benefit projects set up by the government subject to the approval of the Minister of agriculture

- Law No. 119 of 2008 on standardized building system and its executive regulations, which provides in Article (2), paragraph (b) that it is prohibited to set up any structures or facilities outside the boundaries of the urban zones approved for villages, cities or areas without an approved strategic masterplan or to take any decisions on partitioning such lands. Agricultural lands lying outside urban zones for villages or cities where a private house or service building are built in accordance with controls to be promulgated per a decision issued by the Minister of Agriculture shall be exempted from this prevention.
- Minister of Agriculture's decision NO. 1863 of 2011 as adjusted by Decision No. 615 of 2016, which regulates terms and conditions for licenses for setting up buildings or facilities in exceptional cases on agricultural land in the Valley, Delta, new lands, reclaimed land, cultivated lands and the like subject to compliance with technical, health and environmental requirements.
- Presidential Decree No. 135 of 2004, on establishment of the Holding Company for Water and Wastewater and its subsidiaries. This decree specifies the financial resources for companies including acceptance of donations.

#### **Laws on cases of expropriation**

Law No. 10 of 1990 adjusted by Law No. 1 of 2015 regulating expropriation procedures and method of compensation.

#### **Laws regulating criteria for land selection**

- The Environment Law No. 4 of 1994 and its amendments (Law No. 9 of 2009; Law 105 of 2015)
- Minister of Environment No. 20 of 2009 on environmental requirements for wastewater plants
- Requirements and criteria promulgated by a decision from the Agency for Environmental Affairs regarding wastewater plants
- Law No. 12 of 1984 on Irrigation and Drainage
- Housing Law No. 93 of 1962 and its Executive Regulations No. 44 of 2000 and amendments
- Securing approval of concerned entities (defense- antiquities- civil defense- roads and bridges)
- Law No. 117 of 1983 regarding protection of antiquities
- Law No. 114 of 1946 on regulation of the Real Estate and Notarization Department

- Law No. 102 of 1982 on natural reserves
- Law No. 84 of 1982 on protection of the Nile and waterways from pollution
- Ministerial Decree No. 168 of 1997 on the Egyptian Code
- Egyptian Code No. 169 of 1997 on locations of treatment stations
- Egyptian Code No. 101 of 1997 on locations of pumping stations
- Minister of Health's Decision No. 27 of 1997 on health requirements for establishment of wastewater treatment plants

## **2 Technical Framework**

### **Planning for wastewater programs**

When planning for a wastewater project (i.e. setting up pumping stations and wastewater treatment plants) in rural areas, this requires acquiring land which is essential for the project implementation. Such land acquisition may result in social impacts due to resettlement and associated costs or loss of main income for the family. Therefore, the best option is to acquire state-owned land that is free of any occupations so as to avoid any adverse impacts. If no state land is available, then private land will be the answer.

The role of the Holding Company for Water and Wastewater and its subsidiaries did not involve in the past substantial participation by the community in the processes of planning and preparation of wastewater projects in rural areas and their official role was concerned more with maintenance and operation. Thus, there was no systematic mechanism for assessment of needs of communities for wastewater projects. Neither was there a mechanism for engaging communities in project planning especially when there is a need for acquiring private land for setting up pumping stations or treatment plants. Water/ wastewater companies play more of a technical and legal role. Social aspects related to land are not taken into consideration as required. Awareness and measurement of satisfaction of the local community (which is a core task under project monitoring) and mechanisms for dealing with grievances are considered key opportunities for community participation during project operation.

### **Site examination and testing**

Focus should be made on available state-owned lands for establishment of pumping stations and treatment plants in order to avoid wasting agricultural lands as much as possible and to obviate impacts and risks involved in donation or purchase of private agricultural land. Such land should be free of any housing buildings for individuals and should not be used by any individual for agricultural or commercial purposes (that is, a land with no occupancy issues).

The required area for any plant is estimated on the basis of the size of population, discharge, water quality, requirements for units planned to be set up, quality and proposed method of treatment for the study area until the target year or the saturation phase. A detailed study must be conducted on how to supply service to all clusters lying within the service area of a treatment plant, and whether there will be centralized linkage where other existing systems for the clusters, especially the small ones, within the service area of the proposed treatment plan will be included. It is absolutely prohibited to start a new treatment plant or expand existing ones without a detailed study in place on how to serve the other clusters within the study area so much so that there should be a final, integrated masterplan approved for the study area. The socio-economic, environmental dimension for the study area should be taken into consideration.

### **Criteria for selecting pumping station, treatment station and the relevant alternatives**

Selection of sites for pumping stations and treatment plants requires a technical process involving a set of criteria as shown in more details in Annex (1). Availability of alternatives is a prerequisite for assurance of the existence of a methodology for donation and the above-mentioned principles being complied with when donations are made. Without alternatives, access to land cannot be done in a voluntary manner. Alternatives to land must be proposed by the community to choose from among them according to technical criteria required for proposed pieces of land. Proposals related to such pieces of land must be made by the community since there is a possibility that both parties may not agree on the sale and purchase; a donor may go back on the donation; or [alternatives to the pieces of land] may not meet the conditions and criteria (based on the same previous conditions and criteria), [may not be compatible with] the design or [fail to pass] technical inspection that should be conducted on the land. They should also fulfil environmental and health requirements.

### **3. Institutional framework**

#### **Project Management Unit**

Given the critical national role undertaken by the national program for rural sanitation and being one of the main presidential programs, a PUM was set up in the office of Minister of Housing, Utilities and Urban Community with the following mandate:

- Ensure the program and strategy of rural sanitation keeps on moving forward. This strategy should include clear instructions and guidelines as well as policies on service delivery forms, development of the infrastructure and selection of technologies. It should also cover delivery of services taking into account poor families, finance, cost recovery and mechanisms for engaging the local community. This strategy will seek to

- widen the institutional scope of the service provision nationwide, which is being piloted through this program in the selected three governorates.
- The PMU also develops a work plan to improve performance and the Holding Company for Water and Wastewater and water/wastewater companies will implement them to the extent of their institutional roles.
  - The PMU will monitor, assess and contract with investment companies to support implementation

The PMU reports directly to the Minister's Office to ensure close control by the Minister and the Cabinet over the program implementation phases and roles undertaken by different entities. At the same time, given the priority given to the program by the President of the Republic, it submits reports to him on an ongoing basis. The President follows up on the program.

The social worker in the unit shall undertake the following tasks:

- Ensure that companies support the community in respect of donation of land according to principles and criteria of donation, sale and purchase.
- Assure, through social workers at companies, convention, observation and follow-up documentation of project presentation meetings and provide necessary support.
- Support, clarify and ensure that complaint and grievance mechanisms are applied at the level of the Holding Company for Water and Wastewater, companies and project areas.
- Monitor formation of community committees in cooperation with the community and ensure they perform the duties entrusted to them.
- Assure, through social workers at companies, the conformance of such companies to land selection criteria and provide relevant support as necessary.
- Support, assure and verify that proposals for alternatives to pieces of land are followed up.
- Follow up on dissemination of information about the program through periodic meetings.
- Ensure that Land SOPs are applied.

### **Project Implementation Unit**

The PIU is the main unit responsible for implementing the program inside water/wastewater companies. Its functions include the following:

- Implementing the project policies on the ground
- Introducing the project to authorities and institutions in the governorate and local leaders
- Participating in all land-related processes and procedures through
  - Supporting the community in donating lands and according to the

- Holding meetings for introducing the project
- Clarifying and ensuring application of grievance and complaint mechanisms
- Forming local committees in collaboration with the community
- Clarifying land selection criteria
- Following up on proposed alternatives to land
- Dissemination of information related to the project through periodic meetings
- Submit periodic reports on the current situation to the PMU.

### **Community participation and its role in awareness raising**

- Community participation is an integral part of the project design and implementation and, as such, the community participation process must be in tandem with the project cycle to give voice to affected persons or communities. It includes disclosing information to affected persons and consultation with them (as well as others) with the purpose of sharing information.
- Information must be disclosed and the affected persons must be directly notified of the project site.
- Consultations is considered as an efficient means of communication between the project advocates and affected persons. To note, it is an open process and cannot be limited to or considered to be just a set of formalities. The first stage of consultation may come after announcement of the project and must be official in form in order to communicate about the project design and identify issues that may be related to the project site. The process for arrangement of consultation must allow for the project owner or the implementing entity or affected persons to initiate the communication process when either party thinks something needs to be discussed. The purpose is to act as an early warning system to detect any implementation-related issues that may hinder the progress of the project.
- Through social workers and outreach and community participation specialists, PIUs in the governorates shall undertake the following functions in the field of information dissemination, notification as well as consultation procedures as indicated in table no. (1):

**Table no. (1): Community participation and role in raising awareness**

Activity	Procedures	Responsibility
<b>Dissemination of information and notification</b>	<ul style="list-style-type: none"> <li>• Disseminate information about the project and the land among the community</li> <li>• Clarify land selection criteria and procedures involved in donation and allocation.</li> <li>• Highlight the voluntary nature of donation or sale and that there is no coercion involved in donation or sale</li> <li>• Follow up on any land proposed by the community in accordance with criteria and requirements</li> <li>• Support the community in respect of procedures of donation and allocation by providing it, associations or local units with any required and available data or information.</li> <li>• Follow up progress of procedures for land allocation</li> </ul>	Social workers; awareness and community participation staff- PMU
<b>Consultation</b>	<ul style="list-style-type: none"> <li>• Hold meeting for giving an orientation on the project and introducing the project concept to the community with the purpose of highlighting roles of the community in all project phases.</li> <li>• Form local committees in collaboration with the community to raise awareness and disseminate information about the project.</li> <li>• Promote the significant role of the community in respect of donation of land</li> <li>• Provide efficient means of communication between the project advocates and affected persons. To note, it is an open process and cannot be limited to or considered to be just a set of formalities. The first stage of consultation may come after announcement of the project and must be official in form in order to communicate about the project design and identify issues that may be related to the project site. The process for arrangement of consultation must allow for the project owner or the implementing entity or affected persons to initiate the communication process when either party thinks something needs to be discussed. The purpose is to act as an early warning system to detect any implementation-related issues that may hinder the progress of the project.</li> </ul>	Social workers; awareness and community participation staff-PMU

### **Land Committee in the Governorate**

In order to avoid any possible delay in land allocation procedures or any impacts that may occur as a result of donation or sale of land, a committee should be formed at the level of each governorate by virtue of a decision from the respective governor.

(Annex 2) contains a copy of the proposed Governor's decree to form a land committee in the Governorate



The Committee comprises the following members:

- Director of land protection in the governorate agriculture directorate
- Director of preventive medicine
- Director of governorate properties
- Director of environment department in the governorate
- Director of irrigation department in the governorate
- Whoever is necessary to join the committee for performance of its tasks and is deemed necessary by the governor.
- Whoever is deemed appropriate by the committee to assist with completion of its tasks

The functions of the committee are as follows:

- Inspecting sites of lands according to laws and conditions
- Technical approval of such lands
- Removing any obstacles hindering the land allocation process

### **Chapter 3: Methods for land acquisition and procedures in force**

#### **1- Introduction:**

- State-owned lands must be considered a first priority for implementation of rural sanitation projects in villages in order to avoid simple adverse effects that may produce direct impact on people in individual cases where individuals or households run economic or social activities on such land. Land for establishment of sanitation projects can be acquired in the following ways:
  - Allocation of state-owned lands
  - Donation of private land
  - Buying land from owner
  - Expropriation
  - Temporary acquisition

#### **State-owned lands (falls under the governorate mandate)**

This kind of land is owned by the State and is located within the jurisdiction of the governor of the region where the project will be implemented. This land lies within the scope of local administration units in the governorate and is registered in a special record designated for the governorate lands. Such land must be vacant, that is, there must not be any tenants, occupants or users there to avoid any adverse impacts (social or economic), as a result of land acquisition and they must be compensated in an equitable manner by the owner or the project implementing entity.

#### **Procedures for allocation of state-owned lands**

- The project owner or implementing entity communicates with local administration units regarding provision of land for pumping stations and the treatment plants that are planned to be implemented.
- The local unit should respond if such land is available for setting up a pumping station or a treatment plan. The proposed land should be technically inspected within five workdays from the date of receipt of the communication.
- In case of lack of land, community participation staff shall hold meetings with the village community to provide the required lands. Based on proposals by the community the project owner or implementing entity shall conduct a technical inspection no later than five days from the date of receipt of the response of the local unit.

- In case of technical approval of the land, the local unit shall address the concerned entities for inspection and approvals.
- Competent entities (environment, health) shall conduct the inspection and respond within 10 workdays from the date of receipt of the communication through the lands committee formed in the governorate. Provided that the agriculture authorities shall be addressed through the competent governor or the Minister of Housing in order to approve the land exemption.
- In case that the land is not approved technically or it does not meet health and environmental conditions, it is rejected and an alternative is sought subject to the same criteria and conditions.
- In case the land is technically suitably and meet health and environmental conditions, the local unit shall proceed with the allocation procedures according to relevant regulatory rules (local administration).
- The local unit prepares a complete file of the land and hands it over to the respective governor no later than a week as a maximum from the date of receipt of health and environmental approvals. Then, it proceeds with the allocation process.
- The governor shall refer the file to the legal affairs department for feedback and consultation and then secures the approvals of the implementing committee to give the green light to go ahead with the allocation.
- The respective governor sends all documents related to the land along with a memorandum explaining reasons and the kind of allocation to the Minister of Local Development to secure a decision for allocation from the Prime Ministers after submission of the same to the Cabinet in accordance with the exception stated under Article (14) of the Local Administration Law. This should be done within thirty days from the date of sending the file to the Minister of Local Development.

#### **Documents required for proceeding with procedures for state-owned land allocation**

- A memorandum signed by the governor (Annex 3) for allocation of required land.
- An original copy of the minutes of inspection including boundaries and dimensions and indicating vacancy of the land (that is, there is no occupation or encroachments)
- A certified sketch to be published in the official gazette
- Naming the purpose of the land allocation
- Naming the land owner
- Naming the recipient of the land allocation according to Article (14) of Law No. 43 of 1979 on Local Administration.

- Stating the kind of allocation (free of charge, official rent value, or rent value less than current rent for a similar parcel of land)
- The original copy of the donation agreement if the land is donated to the local unit.
- Proposed draft decision for allocation
- Any document or correspondences deemed necessary by the governorate to be included

#### Entities concerned with approvals for allocation of state-owned lands

- Approvals of the governorate land committee including representatives from various entities (environment, health, properties, agriculture, other entities) should be secured regarding allocation requirements or other entities that may have lands in their possession that are suitable for setting up projects (such as Ministry of Awqaf, Ministry of Agriculture, Ministry Irrigation, etc.).
- Approval of the Land Protection Agency
- Approval of the Supreme Committee for Water
- Approval of the National Center for Land Uses Planning if the land in question is out of command area (the village agricultural land use zone).

**Table no. (2): State-owned land allocation (falls under the governorate mandate)**

Action required	Procedures	Department/ responsibility
Providing land for setting up stations	Communication is established with local administration units regarding provision of land in areas where pumping stations and treatment plants are planned to be implemented. The local unit should respond if such land is available or not within five workdays from the date of the communication. If such land is not available, private parcels of land are considered	Project owner/ implementing entity
Land inspection	If land is available, technical inspection of the land is requested within five days from the date of receipt of the response of the local unit.	Project owner/ implementing entity conducts a technical inspection no later than five days from the date of receipt of the response of the local unit
Securing approval of concerned entities	In case of technical approval of the land by the implementing company or project owner, concerned entities (i.e., environment, health) are addressed to conduct the inspection and approvals. - In respect of the approval of Health, a preliminary approval is prepared until the decision of the Supreme Committee for Water is issued on the basis of inspection visits paid to the site.	Local unit/ owner/governorate land committee



	<p>Such approval is issued within 21 days from the date of inspection.</p> <ul style="list-style-type: none"> <li>- In respect of the approval of Environment, response will be within one week maximum from the date of inspections.</li> <li>- In respect of Agriculture (in the case of agricultural land outside the urban space), the competent governor or Minister of Housing, will address the Land Protection Agency for approval of the land within one week maximum. In the event of approval, the allocation procedures are initiated, and in case of rejection for technical reasons or for failure to meet health and environmental requirements, the land is not approved and an alternative is sought.</li> </ul>	
<p>Preparing a file for processing the allocation decision</p>	<p>A complete file about the land is prepared after the receipt of approvals of concerned entities including the following documents:</p> <ul style="list-style-type: none"> <li>- A memorandum signed by the governor for allocation of required land.</li> <li>- An original copy of the minutes of inspection including boundaries and dimensions</li> <li>- A certified sketch to be published in the official gazette</li> <li>- Naming the purpose of the land allocation</li> <li>- Naming the land owner</li> <li>- Naming the recipient of the land allocation according to Article (14) of Law No. 43 of 1979 on Local Administration.</li> <li>- Stating the kind of allocation (free of charge, official rent value, or rent value less than current rent for a similar parcel of land)</li> <li>- Approval of Ministry of Agriculture</li> <li>- Approval of the National Center for Land Uses Planning if the land in question is outside the command area.</li> <li>- The original copy of the donation agreement if the land is donated to the local unit.</li> <li>- Proposed draft decision for allocation</li> <li>- Any document or correspondences deemed necessary by the governorate to be included</li> </ul>	<p>The local unit</p>
<p>Securing land allocation decision</p>	<p>After the file is delivered to the governor's office, it is submitted to the legal affairs [department] for feedback after approval of the executive committee and the governor issues either decision:</p> <ul style="list-style-type: none"> <li>- , a decision allocating land for setting up a wastewater treatment plant or a pumping station without identifying a specific recipient according to the local administration law. This should be done within five working days from the date the approval of the executive committee and giving the legal opinion.</li> <li>- Allocating the land in favor the project owner and the implementing entity. The respective governor should send to</li> </ul>	<p>The Governor</p>

	<p>the Minister of Local Development all documents related to the land along with a memo explaining reasons and kind of allocation to secure an allocation decision from the Prime Minister after submission to the Cabinet within 30 days from the date the file was sent to the Minister of Local Development.</p>	
<p>Delivery of land to start implementation of the project</p>	<ul style="list-style-type: none"> <li>- A copy of the allocation decision is delivered to the project owner/ implementing entity.</li> <li>- A committee is formed from the project owner/ implementing entity, the contractor and a member from the local unit.</li> <li>- The said committee delivers the land to the project owner/ implementing entity within one week from the date of receiving the decree.</li> <li>- Minutes of delivery of land is made and signed by all parties. Each party keeps a copy of such minutes.</li> <li>- The project owner/ implementing entity delivers the land to the contractor to start implementation.</li> </ul>	<p>Project owner</p>

### Private land

#### Community donation (part of community contribution)

- This kind of donation is subject to provisions for mutual consent of all parties. The principles of the voluntary nature of the donation, lack of coercion and the right of the donor to appeal in case a dispute arises are stressed.
- The owner donates the land directly to the project owner/ implementing entity (individuals, associations) providing evidence of deed of title and a contract of donation or assignment documented at the real estate and notarization office.

There are two cases for acquiring the land through community contribution:

#### First case: Donations and contributions by the local community

- Under this arrangement, a community development association, or any community association active within the community, collects money contributions for cases of purchase of land to establish a project through community participation. This is done against documents, receipts, lists of payees indicating the share of each person or household in the donation (paid amount) (Annex 4) and a payment voucher to be given to the donor (Annex 5). The association in turn donates the land to the project owner or implementing entity. The lists of land donors should be made available through boards displayed at the company's premises or the local municipality or association (or through more than one channel).

- The association prepares minutes of meeting of the general assembly regarding approval of the project and indicating that the procedures of the land donation by the community would begin. The minutes are approved by the Directorate for Social Affairs (Associations Department) so as to include the activity (i.e. collecting donations for purchase of land) for setting up a wastewater project in the bylaws of the association and its activities, which would entitle it legally to collect donations for purchase of land or receiving the land.
- In collaboration with the community, the association organizes the sale process through appraisal of the land price by mutual consent with the owner, presents the price to the community and determines the share of each participant in the price of the land (diving the price of land by each household, individual or house).
- Minutes of meetings with the general assembly of the association are used to document the above activities and such funds are collected for the land purchase against documented cash receipts and serial lists of payees including the name, amount paid and date. The whole process is done in complete mutual consent between the community and its members. To note, some households or individuals cannot contribute to the price of the purchased land. Therefore, one of associations or community members will pay for them instead or their share is divided among the whole community by way of solidarity. Thus, the association becomes the owner of the land purchased or donated.
- The legal rationale for the association is that the resources of the association include gifts and donations according to the laws related to the establishment of community associations.

The purpose of this procedure is:

- Ensure that the land is returned to the seller or donor in case the project is not implemented or rejected due to non-compliance with technical, health and environmental requirements.
- In case of using the land in other projects, this should be subject to the willingness and approval of the community and through accurate documentation of the community desires. In case of failure of documenting the acceptance of the community or sellers or donors for other projects, the land should be returned to the seller/sellers/donor/donors.
- Protecting the physical rights of individuals in case that the community (whether individuals or households) wish to take back what they have paid. Accordingly, the minutes of meeting designated for selection of the land and the minutes of meeting for forming the committee established for this purpose should provide that, if the community wishes to take back paid amounts, such amounts should be paid back

- against the cash receipts through which payments were made and which are submitted to the committee formed to collect required amounts for the land or to the association that organized the process of collection of money required for the land.
- Following legal methods and means to collect donations as a protection against legal liability.

**Second case: If there is no community association involved in the process, the process should be as follows:**

- If there is no community association to undertake the process, a community committee is formed from among community members subject to consent of all community members, which is documented through minutes of a customary session (Annex 6) to be signed by all those present. The formation of the committee is publicized in a public place (e.g. mosques, cooperatives, local units) including names of committees formed and dates due for startup of collection of contributions along with a copy of the minutes of formation of such committee.
- A committee originating from this committee (Annex 7) should undertake the organization of the process of the land purchase through selecting from this committee a community representative to conclude contracts for purchase of land and donate it in his name in his capacity as a representative for the community in favor of the project owner or implementing entity. Contributions are collected (Annex 8) and lists are made indicating names of payees and the share of each individual's or household's contribution (i.e. paid money) against a payment receipt delivered to the donor.

**Third case: Community association buying land directly from owner with own funds, then donating the same to the project**

- If an association does not have a parcel of land suitable for setting up the project and the community is incapable of purchasing the land and if the association has funds, it purchases the land and donates it to the owner entity/ implementing entity. It should be confirmed that the sale was voluntary and that the owner was not coerced into the sale. This should be documented in a minutes of meeting where the owner acknowledges that the sale was voluntary without duress. In addition, the same should be provided for in the sale contract.
- The same steps should be followed as in the case of collecting contributions (i.e. documenting and advertising)..etc.

- The community development association directly donates to the project owner/ implementing entity by virtue of a donation contract or after submitting a request including proof of deed of the association's title to the land (sale contracts- certificate of entry – certificate of entry and verification )
- The association's representative concludes a donation agreement with the project owner/ implementing entity and should have this agreement officially notarized or should make a direct assignment to be registered in the real estate and notarization office.

### **Donations by individuations**

#### **Landowner's direct, individual donation of land to the project owner or implementer**

- The land owner could be one of the holders of large pieces of land. He donates a part of his land for implementation of the project thereon while ensuring that he is fully aware of his rights and duties regarding voluntary donation. It should be confirmed that the donation is done without pressure or duress; and that all members of his family approve such donation. All this must be documented during the consultative meetings and a written declaration must be made by him and his family acknowledging therein the voluntary donation. Those documents are attached to the contract of donation.

#### **The Landowner donates land to a community association which donates it to the project**

- The landowner could be one of the holders of large pieces of land He donates a piece of land for implementation of the project thereon. Often, the donor expresses his wish to donate the land to one of the associations without making the donation direct to the project owner or implementing agency. This is done through a contract of donation with evidence of seller's title to land attached. A final notarized contract of donation or assignment is executed including the association's proces-verbal signed by the donor and his family recognizing their agreement while ensuring the right of the owner to go back on his donation and the absence of duress in the process of donation. Then the association in turn donates the land to the project owner or implementing agency.

### **Procedures for donation by community or individuals**

- A donor having a legal capacity files a request with the project owner/ implementing entity) indicating the purpose of the donation and declaration of voluntary donation.
- The water and wastewater company in the governorate inspects the land and sends its response to the applicant no later than a week from the date of receipt of the request.



- A preliminary agreement for assignment or donation of the land is drafted (Annex 9) with attachments of photocopies of the originals of documents proving the title to the land after the originals are examined and the required documents are submitted.
- The project owner/ implementing entity communicates with the lands committee in the governorate in order to conduct an inspection of the proposed land after receipt of the technical approval from the water and wastewater company.
- In respect of approval of Health, a preliminary approval is prepared by the Governorate Land Committee until the decision of the Supreme Committee for Water, which is formed by a decree from the Minister of Health and Population, is issued on the basis of the inspection visits made to the site. The Committee's decision of approval is issued within 21 days from the date of inspection.
- In respect of the approval of Environment, the response comes in within two work week maximum from the date of inspections.
- In respect of Agriculture (in the case of agricultural land outside the urban space), the competent governor or Minister of Housing, will address the Land Protection Agency for approval of the land within two work weeks maximum. In the event of approval, the allocation procedures are initiated, and in case of rejection for technical reasons or for failure to meet health and environmental requirements, the land is not approved and an alternative is searched for.
- The Governorate Land Committee shall complete all required approvals and respond to the communication of the owner no later than a month from the receipt thereof. If there is no response, another communication is made allowing for another work week for a response. If no response is received either, this is considered an approval of the land and the competent minister is informed accordingly through an official communication from the owner company.
- The project owner/ implementing entity should provide approved cadastral maps showing the parcel of land. Attachments should include approvals of the irrigation, drainage and any entity related to the land (electricity, roads, .... etc.) within five work days from the date of the technical inspection.
- In case the land is not approved technically or if it does not meet health and environmental conditions, the donation is rejected; any process involving the land is stopped; and an alternative is sought subject to the same criteria and requirements.
- If the land is approved technically by all competent entities, an agreement for final assignment or donation is to be concluded and then officially notarized. Such agreement should provide that the owner is entitled to recover his land if the project to which it has been donated has not been implemented within the period set out in the agreement, that is, the period through which the project will be implemented.
- Legal procedures for notarizing the assignment or donation agreements shall be initiated by the company's legal affairs department.

- The community participation units and the social workers at the water companies shall follow up on the progress of the process to address any obstructions that may arise.

Table no. 3 indicated the procedures of donation by individuals or by the community

#### **Documents required for community or individual donation**

Owner of the land (individuals or associations) should provide the following documents upon donation:

1. A notarized deed of title (Annex 10); or
2. Certificate of registry from the real estate and notarization department; or
3. A certificate from the competent court's docket indicating that an action for contract validity and enforceability has been brought to the court.

#### **Entities concerned with approvals for community or individual donation**

- Approvals from the Ministry of Agriculture, irrigation, drainage, health and environment as well as any relevant entity
- Approval of the Land Protection Agency
- Approval of the supreme committee for Water
- After finalization of the procedures of the donation of the land to the project owner/ implementing entity and documentation of approval in the minutes of meeting of the board of directors of the project owner/ implementing entity, a copy of the chairman's letter is delivered to the local unit according to the donation documents or a copy of the decision of the board of directors (individual donation – community donation).
- A committee comprising the project owner/ implementing entity, the land owner (the donor), the contractor (if any) if implementation is underway, and the local unit is formed to deliver the said land as is to the project owner/ implementing company.
- A joint proces-verbal is written to that effect and is signed by all parties. Each party should keep a copy of it.
- The owner company takes necessary action to protect the land after being delivered.
- Then the land is delivered to the contractor.

**Table no. 3 community and individual donation procedures**

Required action	Procedures	Responsible department/ entity
Request for donation of land	A donor files a request with the project owner/ implementing entity) indicating the purpose of the donation and declaration of voluntary donation and a proof of ownership.	Donor (individual/ association) having legal capacity
Technical inspection of land	The project owner shall conduct technical inspection of the proposed land and issue technical approval and responds within one week from the date of receiving of the application. If no response is made to the applicant within one week from submitting the application, he shall have the right to withdraw the application and grant another one week period for inspection	Project owner/ implementing entity
Drafting a preliminary donation contract with attachments of photocopies of documents in proof of ownership after the originals are reviewed.	The donor provides photocopies of photocopies of the originals of documents in evidence of title to the land after the originals are reviewed. A preliminary contract of assignment or donation of land is drafted.	Donor- Project owner/ implementing entity
Securing approval of the Environment, Health and Agriculture	<ul style="list-style-type: none"> <li>– The land committee formed per a decision from the respective governor is addressed within three days as a maximum from the technical approval on the land.</li> <li>– In case that the land has been technically approved by the implementing agency or the project owner, the concerned entities (agriculture, health and environment) shall be addressed in order to make inspections and issue their approvals.</li> <li>– In respect of approval of Health, a preliminary approval is prepared by the Governorate Land Committee until the decision of the Supreme Committee for Water, which is formed by a decree from the Minister of Health and Population, is issued on the basis of the inspection visits made to the site. The Committee's decision of approval is issued within 21 days from the date of inspection.</li> <li>– In respect of the approval of Environment, the response comes in within two work weeks as a maximum from the date of inspections.</li> <li>– In respect of Agriculture (in the case of agricultural land outside the urban space), the competent governor or Minister of Housing, will address the Land Protection Agency for approval of the land within two work weeks</li> </ul>	Project owner/ implementing entity Governorate land committee/competent governor/Minister of Housing

	<p>maximum. In the event of approval, the allocation procedures are initiated, and in case of rejection for technical reasons or for failure to meet health and environmental requirements, the land is not approved and an alternative will be sought.</p> <ul style="list-style-type: none"> <li>- The Governorate Land Committee shall complete all required approvals and respond to the communication of the owner no later than a month from the receipt thereof. If there is no response, another communication is made allowing for another work week for a response. If no response is received either, this will be considered an approval of the land and the competent minister is informed accordingly through an official communication from the owner company.</li> <li>- Authenticated cadastral maps showing the location of the parcel of land are provided. Attachments will include approval of the irrigation and drainage entities as well as any entity related to the land (electricity, roads, ...etc.) within five working days from the date of technical inspection</li> </ul>	
Seeking an alternative to the land in case of rejection	In case the land is not approved technically or if it does not meet health and environmental conditions, the donation is rejected; any process involving the land is stopped; notifying the donor and the community accordingly and an alternative is sought through the community.	Project owner/ implementing entity Governorate land committee Community
Drafting the final contract	Upon the issuing the technical approval on the land, the final contract shall be issued within one week from the date of receiving the technical approvals. All the legal procedures and the registration in the real estate and notarization office shall be done within 30 days from the date of issuing the contract.	Project owner/ implementing entity Land owner
Delivery of land	<ul style="list-style-type: none"> <li>- The land is delivered through an ad-hoc committee; minutes are prepared and a copy of the minutes is delivered to each party.</li> <li>- The project owner/ implementing company delivers the land to the contractor to start implementation.</li> </ul>	Land owner Local unit Implementing contractor Project owner/ implementing entity

### **Purchase of land from owner by mutual consent**

Under this arrangement, the project owner purchases the land according to appraisal of a committee from the Egyptian Survey Authority. The price estimated by the committee is only indicative and based on the current market prices and recent transactions on lands in the same region. The sale is effected by a contract of mutual consent (Annex 2) without any duress involved, which should be acknowledged in an authenticated procès-verbal or a declaration by the seller while confirming the right of the seller to reject the sale or not to complete the sale

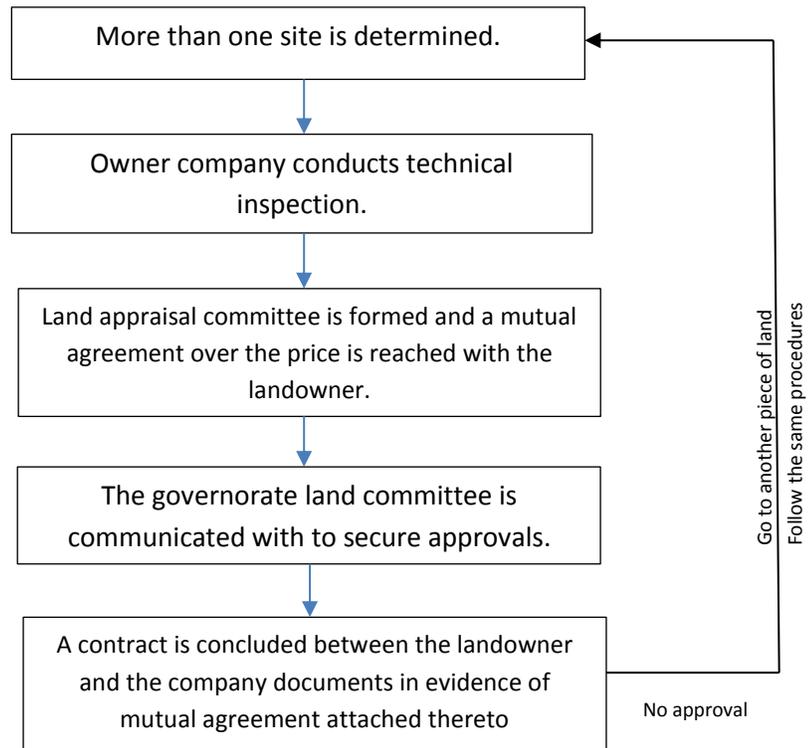
process. The procès-verbal should be attached to the sale documents and the project owner shall look for another alternative/or another site in case that the landowners rejected the sale process.

### **Procedures of Purchase of land from owner by mutual consent**

The project owner / implementing entity purchase the land according to the following procedures:

- Selecting alternative sites and communicating with the owners to check their willingness to sell.
- The owner should have the right of choice; he must be able to accept or reject the sale.
- The sale value must be commensurate with the cost of relocation.
- A prior agreement must be reached between land owners and users.
- There must be no adverse impact on the income and livelihood of affected persons.
- Grievance mechanisms must be in place.
- The land must meet technical, health and environmental criteria.
- The Egyptian Survey Authority is communicated with to inspect the land and estimate an indicative price (appraisal) in line with the current market prices.
- Both parties agree on the price of the land by mutual consent in light of the indicative price set by the Survey Authority and the prevailing market price in the region.
- The price of the land must be paid no later than 3 months from the date of execution of the contract.
- Initiation of the contract registration process is not initiated until after an advance of the agreed-upon price of the land (50%, for example) is paid.
- In the event of lack of mutual consent, a search for an alternative piece of land subject to the same criteria and technical conditions is initiated.
- The community participation units in the water companies follow up on the progress of the process to address any impediments that may arise.

Figure (1): Procedures for purchase of land by mutual agreement



**Table no. 4: procedures for purchase of land from owner by mutual consent**

Objective	Procedures	Responsible entity
Finding land for the project	<ul style="list-style-type: none"> <li>Holding introductory meetings about the project to announce the project and its objectives and raise awareness.</li> <li>An announcement is made about intention to purchase land to set up a pumping station or a treatment plant in the project area.</li> <li>More than one site and alternatives are identified in consultation with the community.</li> <li>Notify the local unit through a formal letter</li> </ul>	Owner or implementing agency, social workers- community participation- community
Inspection of the project land	<ul style="list-style-type: none"> <li>The project land is checked for conformity to technical, health and environmental criteria. If the land did not fulfill such criterial, an alternative proposed by the community should be sought. This should be announced in the community</li> <li>The documents of the land are verified.</li> <li>Technical inspection is performed no later than one week from the date of receipt of the response of the local unit that the land is suitable for the project.</li> </ul>	Project owner/ implementing entity Community- owner It is preferable that neighbors should be present on the land.
Setting an indicative price for the project site	The Survey Authority is addressed to prepare a consultant's report to define an indicative price for the land according to criteria used by the Survey Authority and current market prices. The Survey Authority shall do the inspection and respond within 10 working days from the date of the letter received from the applicant entity. If the seller did not accept the proposed price, he shall have the right to sell and renegotiate the land price until they reach a finally agreed upon price or an alternative should be sought.	Project owner/ implementing entity Survey Authority - community- owner. The agriculture association should be
Securing approvals of the environmental, health and agriculture departments	<ul style="list-style-type: none"> <li>The land committee formed per a decision by the governor should be addressed.</li> <li>Representatives of health, environment and agriculture within the committee shall inspect the land and send their responses no later than a work week from the date of receiving the correspondence. If the committee did not respond within the stipulated period, it shall be readdressed and given another week to respond. In case of no response, this shall be considered an approval to sell the land. A relevant notification shall be sent to the competent governor through an official letter.</li> <li>Authenticated cadastral maps with the piece of land plotted thereon are provided along with approvals of irrigation, drainage and any other entity related to the land (electricity, roads, ...etc.) within five working days from the date of technical inspection.</li> </ul>	Project owner or implementing entity Governorate land committee
Looking for an alternative	<ul style="list-style-type: none"> <li>If the land is not approved on technical grounds or it does not meet health and environmental requirements, the land will be</li> </ul>	Project owner or implementing entity



piece of land in case the land is rejected.	rejected and a search for an alternative piece of land is started through the community and in cooperation with the social worker and the community participation officer.	Governorate land committee Community The social worker and the community participation officer.
Executing a sale/purchase contract on basis of mutual consent	<p>In case of issuing a technical approval on the land</p> <ul style="list-style-type: none"> <li>• Documents proving title to land are checked to make sure there are no disputes in case the land is registered at the real estate and notarization office. This process should be done within one working week.</li> <li>• If it is not registered, an announcement about sale of the land is posted in public places to make it known for the public to come forward to the project owner in case there is any existing dispute related to the land set out for the project.</li> <li>• An agreement is reached between the landowner and the project owner regarding the price of the land on the basis of mutual consent. Such sessions shall be recorded and document in order to prove the status of mutual consent without any pressure or coercion.</li> <li>• An authenticated procès-verbal or an acknowledgement by the landowner indicating mutual consent in the process of the transaction should be attached to the sale documents. In addition, the land owner should acknowledge in the contract that there is no duress or pressure involved in the sale.</li> <li>• A sale/ purchase contract is executed based on mutual consent.</li> </ul>	Project owner/ implementing entity
Paying the price of the land	<p>Making sure that sale and purchase by mutual consent are complied with.</p> <p>The price of the land is paid no later than three months from the date the contract is executed.</p>	Project owner/ implementing entity The owner
Conveyance of title to land	<ul style="list-style-type: none"> <li>• Filing an application for registration of the land in the real estate and notarization office and attachment or any other legal form such as an action for validity and enforceability of contract (Annex 12)</li> <li>• Following up on the progress of the registration procedures</li> <li>• Addressing any obstacles that may arise</li> </ul>	Community participation units and social workers
Delivery of land to start implementation	<ul style="list-style-type: none"> <li>- A copy of the decision is delivered to the project owner along with a copy of the contract to the local unit as well as the owner</li> <li>- A committee is formed from the project owner/implementing company, the land owner, the contractor, if any, in case of starting the implementation and a member from the local unit.</li> <li>- Said committee delivers the land to the land owner/ implementing company.</li> <li>- The proceedings of the delivery of the land is documented in a proces-verbal to be signed by all parties. A copy of the proces-verbal is kept by each party.</li> <li>- The project owner/ implementing company delivers the land to the contractor to start implementation.</li> </ul>	Project owner/ implementing company Local unit Implementing contractor, if any.

## **Expropriation**

This action is taken if no agreement is reached with landowners by mutual consent while there are no alternatives to the selected land and the project is necessary and inevitable for the public benefit.

### **Expropriation procedures**

These procedures are carried out according to Law No. 10 of 1990 as amended by Law No. 1 of 2015.

The project owner/ implementing entity has to avoid proceeding with the expropriation process and shall prefer to purchase by mutual consent in order to avoid the adverse impacts for affected landowners. Such adverse impacts may entail lengthy procedures that may cause the following:

- ✓ Difference in the price of land as a result of the time gap between appraising the land and paying the compensations to eligible persons.
- ✓ Possibility of existing occupiers, squatters, or users on the land, though illegally, and their vulnerability to manipulation, which could delay implementation of the project in case that they are not compensated.
- ✓ Emergence of some encroachments on the land due to delay in payment of compensations
- ✓ Delay by the project owner in depositing the compensation money, which cause delay in the progress of the procedures.

This action is taken when it is difficult to reach an agreement by mutual consent with owners of the land that has been selected for establishment of a pumping station or the treatment plant given the lack of alternatives for the selected site and the necessity of implementation of the project. Accordingly, the procedures for expropriating the required land for establishment of the project are applied subject to Law No. 10 of 1990 as amended by Law No. 1 of 2015. However, it is worth mentioning that compensation here, which is the value of the land as determined by the land appraisal committee from Egypt Survey Authority and formed per Law No. 10 of 1990 on expropriation. The time of the issuance of the expropriation and appraisal decision, must be fair and in line with the current market price. It must be stressed that the compensation amount should be deposited by the claimant within one month from the issuance of the decision and care should be taken to deposit the compensation in a timely manner.

Law No. 10 of 1990 as amended by Law No. 1 of 2015 regulating all expropriation procedures for lands required for projects for the public good (e.g. water/wastewater projects) lists the cases eligible for expropriation. The start is a decision issued for expropriating land required for a specific project based on a memo presented by the competent minister and a sketch showing the project site and whether the project is related to certain location , e.g. wastewater plants, or the project route is longitudinal, such as projects for roads and bridges. The memo is presented to the Prime Minister who is authorized by the President of the Republic to issue a decree for the public benefit. Once the decree is issued, it is published in the official gazette and is sent to the entity mandated with the expropriation procedures, i.e. the Egyptian Survey Authority, according to Law No. 10 of 1990 and its amendments, along with three photocopies of the newspaper where it has been published, three photocopies of the project site and the explanatory memo.

An ad hoc committee formed by virtue of Law No. 10 of 1990 chaired by the general director of the Appraisal Department of Egyptian Survey Authority and the membership of representatives from the housing directorate, agriculture directorate and tax authority in the relevant governorate undertakes the process of appraisal of the land of the project once the decree is issued. The land will be valued according to market value at the time the public benefit decree is issued. It shall also indicate the project on the maps of the Survey Authority in order to identify the properties adjacent to the project site and prepare lists for posting and publishing including names of persons eligible for compensation, the area expropriated from the property or the whole expropriated property and the compensation due for the land, buildings, crops and plants (if any). The project owner must deposit the due compensations in the safe of the entity responsible for the expropriation process within one month from the issuance of the decision.

These lists are posted and publicized for 15 days from the date of the announcement at the headquarters of the local unit in the governorate where the project is located, the headquarters of the Survey Directorate in the concerned governorate, the police station, the Mayor's headquarter and the Central Department for Survey Affairs in Regions (Egypt Survey Authority).

The period of posting and publishing shall be followed by a 15-day period for appeals against the data posted and publicized. Then compensations are paid to the eligible person(s) if there is no objection. The sale form is signed conveying title to the property to the State/ the project owner. These forms are kept at the competent real estate and notarization where the project is located.

The law has regulated the complaint mechanism and since the disbursement of compensations to eligible person(s) is subject to laws and decisions from other entities in the State, the process takes time until responses from relevant entities are received.

In the event of occupiers or illegal squatters on the land, their names are listed and an agreement is reached with them by mutual consent regarding compensations for crops or structures (if any) by the project owner/ implementing entity in order to alleviate the adverse impacts that may follow from expropriation.

### **Temporary acquisition**

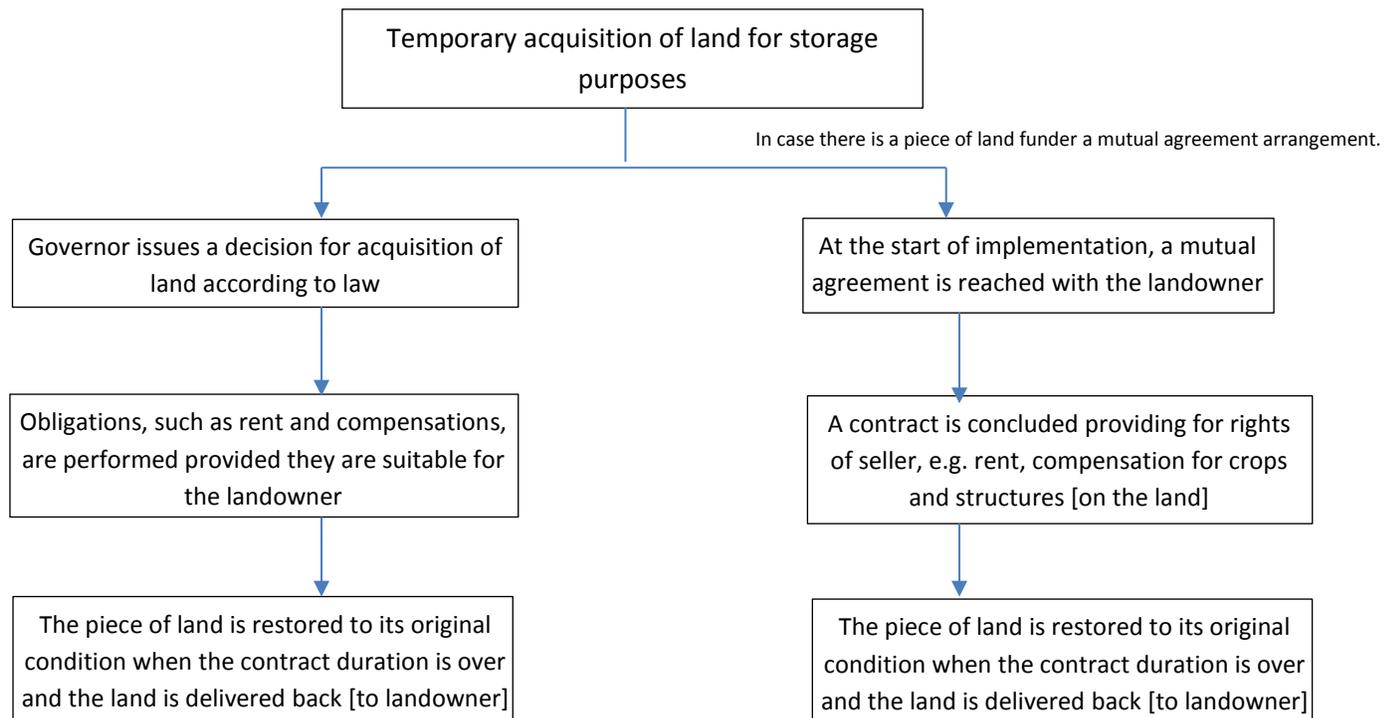
Temporary acquisition means that the implementing company acquires the necessary piece of land temporarily for storage purposes. Such acquisition is terminated once implementation of the project is completed or earlier as required.

### **Temporary acquisition procedures**

- In the absence of an agreement with mutual consent and lack of alternatives to the land, a decision is secured and the project owner/ implementing entity acquires the land temporarily for storage purposes during the project implementation. The acquisition process can take either of the following two ways:
  - A lease agreement with mutual consent is reached with the land owner for the required duration (i.e. completion of implementation). Such contract includes the rent duration, rental value and compensation for damaged crops existing at the time the land is handed over. Determination of such values is guided by local market prices and through the agricultural cooperative in the area. The whole process is governed by mutual consent of both parties; or
  - A decision is secured from the competent governor to the effect of temporary acquisition and payment of an amount in consideration of non-use of the land for the period of acquisition of the land. This period will be determined by the committee formed by Law No. 10 of 1990. Such amount must be suitable for the landowner and compensation must be paid for damages caused to any existing crops or service facilities.
- A photocopy of the decision is delivered to the local unit.
- A committee is formed from the water/wastewater company, the landowner, the contractor (if any) in case there is implementation, and the local unit in order to deliver the land to the implementing company (the contractor) in the field.
- A joint proces-verbal is made and signed by all parties, each keeping a copy thereof.

- The landowner is given the agreed-upon compensation according to the authenticated contract concluded between the landowner and the implementing company. The contract shall include the duration of the acquisition, the amount in consideration of the use of the land during the period of acquisition and compensations for damage caused to crops (if any) and any service facilities.
- The land is delivered to the implementing company (the contractor).

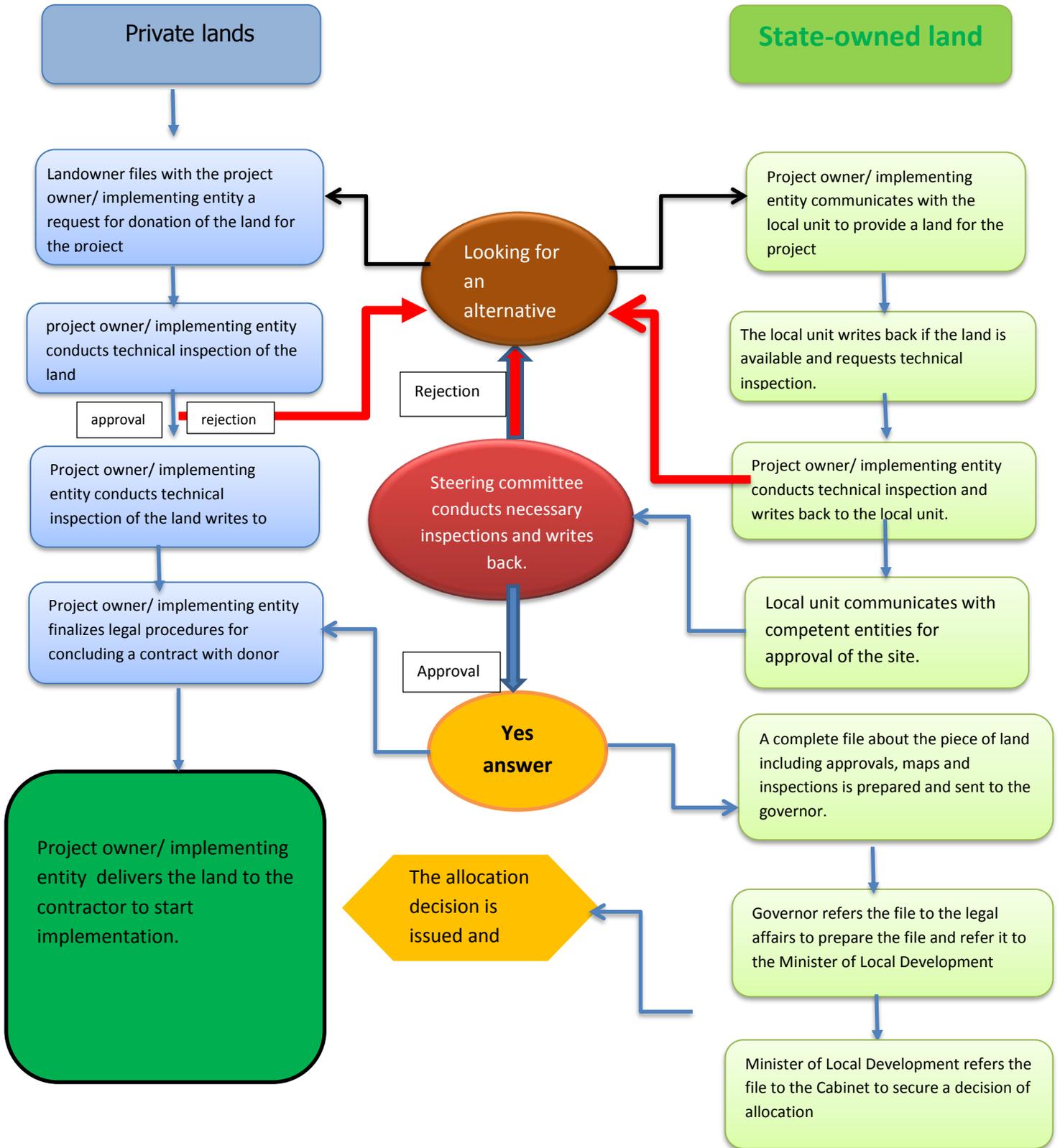
**Figure (2): Procedures for temporary acquisition**



### An overview of procedures in rural areas

- Figure (3) lays out an overview of SOPs to be followed for acquisition of land required for implementation of projects under the national program for rural wastewater.
- This illustration divided procedures into two main types (State property- private land). The steps for each case have already been explained in this Chapter.

Figure no. 3: flow chart of standard procedures of Land acquisition according to the national Sanitation program in Rural areas



## Chapter Four: Grievances and complaints

[A complaint management system] is one that ensures complaints, grievances and queries by users are received, verified and efficiently and effectively handled, then a response is given to the complainant and the complaints or grievances are resolved in a good, fair and a timely manner.

A complaint management system in place is important for the following:

- Provide channels to build trust and constructive relationship, thus promoting credibility in the services provided by a company
- Promote a sense of responsibility among staff members and make them more transparent and responsive to users.
- Maximize participation of citizens in the services delivered and projects to be constructed.
- Help in evaluation of performance of the environment and social management and promote the different operations of the projects by informing a company about necessary improvements.
- Control risks by addressing issues before they become more serious and their scope expands.
- Considered to be an integral part of community participation systems and one of the pillars for engagement of concerned parties along with related concepts of disclosure, transparency and social accountability

### Procedures for complains about the project throughout its different phases

- A grievant/ complainant registers his/her complaint through one of the specified channels of communications, e.g.:
  - Hotline service (125)
  - Website of the water/wastewater company of which the grievant/complainant is a customer.
  - Customer service centers using complaint forms (Annex 13)
  - Calling community participation employees through the phone numbers listed on the websites of the company and leaflets distributed about the project or through numbers posted on bulletins in public places in the project areas.
  - The local committee in the village formed for the wastewater project
- The complaint is examined by the complaints department in the water/wastewater company of which the grievant/complainant is a customer. Community participation employees follow up on the complaint and document the satisfaction of the complainant/grievant about solution of his complaint.



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### **Appeal and escalation**

- If no solution is found for the complaint, it will be escalated to the Holding Company for Water and Wastewater by the regional water/wastewater company. Community participation employees will study the complaint and refer it to the concerned department for solution.
- If it is difficult to find a solution for the complaint through the Holding Company for Water and Wastewater, the complaint will be escalated according to the procedures of complaints and grievances indicated in the community participation manual.

## Chapter Five: Monitoring and Support in Water/Wastewater Company

1. The main objective of the follow-up and support process is to ensure progress is made on the procedures followed for land acquisition and to communicate with affected persons in order to maximize positive impacts of the project and alleviate any emerging adverse effects.
2. In order to avoid the above-mentioned impacts and risks, the project implementation units in the governorates will take the necessary actions to ensure that social criteria for donation or sale are applied. This will be done by the social workers and the community participation specialists in the company. They also have to make sure that the impacts that may occur to donors or seller that are based on mutual consent are either insignificant or not existing.

Therefore, the project implementation units in the governorates will, through the social worker in the project management unit and the community participation specialists, make sure that:

- Document all events, meetings and papers related to the piece of land where implementation will take place, including minutes of meeting, declaration or memos, right from the introduction of the project to the community and up to the issuance of the allocation decision on this particular piece of land.
- There should be evidence that the price of the piece of land is in line with the prevailing market prices and that the seller is fully satisfied with this price and that he has not been under any pressure.
- There is no duress in the donation or sale (minutes of meetings, acknowledgment, survey forms).
- Articles in the donation contracts provide that the donor is entitled to back out on the donation and recover the land in case the project is not implemented within a specific period of time to be set out in the contract.
- There are receipts of money donated by the community for the land indicating the amount of the donation and its purpose.
- The receipts of the value of the purchase should clearly indicate a date that precedes the startup of implementation of any physical activities on the land.
- There should be evidence that no person has been displaced due to his donation of the land for the project without a suitable compensation for relocation.
- There should be evidence that there has been no decline in income or physical displacement.
- There should be evidence that an effective complaint management system is in place.

- Land-related complaints must be separated from other complaints and must be followed up on a monthly basis. The percentage of resolved complaints must be generated.
- Local committees are periodically monitored to receive any queries or grievances.

Evaluation is performed at or near the end of the project. The aim is to check if the objectives have been achieved or not. In some cases, objectives may not be achieved properly or may not produce the intended impact.

**Table no. 5: Monitoring and Support through Water/Wastewater Company**

Activity	Procedures	Responsibility
Monitoring methods in place	<ul style="list-style-type: none"> <li>● Ensure that social criteria for donation or sale are applied</li> <li>● Ensure that impacts that may occur to donors or seller whose donation or sale is based on mutual consent are either insignificant or absent altogether</li> <li>● Facilitate securing the required approvals for the land</li> <li>● Monitor and evaluate progress in the project implementation procedures</li> <li>● Ensure that all events, meetings, papers related to the project starting from the moment when the project was first introduced to the community to the time when the land allocation decision is issued are documented.</li> <li>● Ensure that the seller is completely satisfied with the price he got.</li> <li>● Ensure that the land record is maintained and that it shows the status of each individual piece of land in all stages of donation and allocation</li> <li>● Ensure there is no duress involved in the donation or sale process</li> <li>● Ensure that the donation contracts include an article that ensures that the donor is entitled to back out on the donation and recover the land in case the project is not implemented within a specific period of time to be specified in the contract.</li> <li>● Ensure that there are receipts of the money donated by the community for the land indicating the amount of donation and its purpose.</li> <li>● Ensure that all the best practices set out in the standard procedures are implemented.</li> <li>● Ensure that the donor has not donated the land or the house which is his only source of income.</li> <li>● Ensure that no individual is displaced as a result of his donation of the land for the project without being paid an appropriate compensation for relocation.</li> <li>● Ensure that no income loss or no physical displacement has occurred. Community alleviation criteria in respect of potential vulnerable entities or individuals are adopted.</li> <li>● Ensure that grievance/ complaint mechanisms are implemented and that the community is fully aware of the such mechanisms and</li> </ul>	Social worker in project implementation unit & community participation specialists in the company



	<p>how to use them and the right of the donor to appeal via clear, known channels</p> <ul style="list-style-type: none"><li>• Follow up with local units about any queries or grievances</li></ul>	
Evaluation	<p>All project procedures are evaluated to determine whether the intended objectives have been achieved or not.</p>	<p>Social worker in project implementation unit &amp; community participation specialists in the company</p>

## ANNEXES

### Annex 1: Criteria for selection a site for a pumping and treatment stations and the alternatives

Criteria for selection a site for a pumping stations

A site for a pumping station must meet the following requirements:

- Soil test must be conducted to select a suitable site for cost-effective construction.
- The area of the site must be sufficient for the service area taking into account future or target population growth in such areas.
- There must be no obstacles at the site (gas pipeline, subsurface drainage, high voltage power lines, etc.).
- The site must meet health requirements according to laws and decisions of Preventive Medicine at the Ministry of Health as well as environmental requirements of the Environmental Affairs Agency (i.e. a distance of 10 meters from all directions away from the nearest housing location).
- Agricultural lands should be avoided as much as possible. It is preferable to use state-owned land to avoid any future disputes. However, agricultural land can be used when necessary.
- Pump station with technologies that do not need a wide footprint (online pump station, for example) can be used in accordance with design requirements and the geographical and social nature of the site.
- Drainage Stations must be tightly sealed and may not be opened during operation. They can be opened only during maintenance.
- Formation and emission of odors must be taken into consideration.
- The spaces specified for the cemetery frontage (200 meters from all directions) should be taken into consideration).

#### Criteria for selection of a treatment plant site

A site for a treatment plant must meet the following conditions:

- The site must be away from housing clusters of a village, at a safe distance of no less than 500 m according to regulatory requirements and laws. If such distance is not possible due to urban expansion or as a result of the population number in the study area, odor and emission control systems must be used for units preceding biological units as well as for facilities handling all types of produced sludge. In addition, no ventilation equipment should be used in such cases since they may create a mist in the

air such as that caused by surface aeration units or trickling filters. Treatment units can be covered so that no undesirable substance can be dispersed in the surrounding area.

- There must be a road to access the plant with a width of no less than 6-8 m, which is wide enough for the passage of current and future force mains linked to the treatment plan and which can accommodate a reasonable traffic of heavy trucks.
- The site must be as close as possible to the site for final disposal of treated water (i.e. a drain, land for cultivation). This should be taken into consideration when designing the disposal or reuse system.
- The site must be under the wind prevailing in the adjacent urban area. If that is difficult, there should be a scenario on how to control odors, especially for primary treatment works and sludge handling units.
- Future expansion of the plant must be taken into consideration. The area of the site must be sufficient for expansions of the service coverage area to accommodate for future or target population growth for such areas.
- There must be no obstacles at the site (gas pipeline, subsurface drainage, high voltage power lines, etc.). The site must meet health requirements pursuant to laws and decisions of Ministry of Health and environmental requirements of the Egyptian Environmental Affairs Agency.
- Agricultural lands must be avoided as much as possible. Uncultivated or desert lands are preferred but without prejudice to the economic study of the project. It should be taken into consideration that if it is necessary to use agricultural land, systems requiring relatively small space whether for water treatment or sludge handling systems should be considered.

### **Selection of alternatives**

The availability of alternatives is a prerequisite for confirming that there is a donation methodology and that the previously mentioned principles are applied when the donations is done. Without having alternatives, no voluntary acquisition can be effected. Alternatives to lands must be proposed by the community according to technical criteria required for proposed lands. Proposals for such land must be made the community given the possibility of lack of mutual consent in sale of purchase, backing down on the donation, or its non-conformity with conditions and criteria based on the same previous conditions and criteria. Alternatives should also be selected pursuant to the design or the technical inspections and if the land fulfills the environmental and health requirements and criteria.

## **Annex 2: Photocopy of the Governor's decree to form Land Committee in the Governorate**

### **Beheira Governorate**

#### **General Department for Legal Affairs Fatwa and Legislation Department**

### **Decision No. 1518 of 2016 Issued on 20/11/2016**

#### Governor of Beheira

- Having regard to Law No. 43 of 1979 on Local Administration System and its Executive Regulations and amendments;
- Law No. 81 of 2016 promulgating Law on Civil Service;
- Delegation of some functions to the deputy to the governor;
- Annotations made on 9/11/2016 on the minutes of meeting dated 29/10/2016 regarding the report on the sustainable sanitation projects, ...etc.; and
- The public good and the benefit of work as sought by us,

#### **HAS DECIDED THAT**

##### **Article (1)**

.....

An ad hoc committee shall be formed under our supervision and the membership of:

1. ....
2. Head of the local unit of Badr Markaz and City
3. Representative of the health directorate in Beheira
4. Representative of the environmental affairs department in the governorate.
5. Representative of general department for urban planning and development in the governorate

##### **Article (2)**

Functions of the committee shall be as follows:

- Coordinate with representatives from Ministry of Housing, Utilities and Urban Communities, Ministry of Water Resources and Irrigation, and entities responsible for



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implementation of sustainable sanitation services in order to come up with solutions for the lands planned for establishment of the projects and any other obstacles with the purpose of facilitating implementation of those projects given the need of the community for sanitation services.

- Develop a report on the results of its work to be submitted to us.

#### Article (3)

- The committee may seek the assistance of any person it deems necessary for the operation of its functions.

*// signatures and dates//*

### **Annex 3: Photocopy of Instructions of Daqahliya Governor on documents required for allocation**

#### **Circular No. 9/ 2016**

In light of the letter of the Ministry of Local Development No. 2225 dated 4/4/2016 about the final opinion of ..... ministers and General Secretariat of the Council of Ministers ..... Prime Minister, subject to Article (.... ) ..... is the one entrusted with issuance of decisions on appropriation of lands for public benefit projects since local popular councils were dissolved per Decree No. 121 of 2011.

*Accordingly, chiefs of local units for marakez, cities, districts, ..... directorates and all competent agencies are strongly advised that, when requesting a land appropriation decree for public benefit projects, and for the purpose of making things easier for all parties until required decisions are issued, they must ensure the following documents are in place when preparing the land appropriation file:*

1. A memo signed by the governor for submission regarding appropriation of the required piece of land.
2. The original copy of the minutes of meeting and inspection of the land required for appropriation .... in respect of area, boundaries and dimensions.
3. A certified draft site plan suitable for publication in the Official Gazette.
4. The purpose for the appropriation of land should be mentioned.
5. The landowner should be specified.
6. The entity for which the land designation is required should be specified subject to Article (14) of Law No. 43 of 1971 regarding the local administration system.
7. The type of land appropriation should be specified (free of charge, rental .....??)
8. The original copy of the approval of Ministry of Agriculture should be provided if the piece of land is an agricultural one.
9. The original copy of the approval of the National Center for State Land Planning and Uses if the required land is .....???
10. The original copy of the donation contract should be provided if the land required for appropriation is donated to the local unit.
11. Proposed draft of the required land appropriation should be provided.
12. Any document or correspondences the governorate deems necessary should be attached.



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..... Hossam El-Din .....

Daqahliya Governor

// signature & stamp //

.... / 4/ 2016

Cc.

- Assistant to Governor
- General Manager for Properties
- Chiefs of local units in marakez, cities and districts
- Managers of directorates
- Chairperson of North Delta Electricity Company for Electricity Distribution
- Chairperson of Water/ Wastewater Company



#### Annex 4: List of donations

List of contributions by inhabitants of ..... village for purchase of land for .... Plant

Ser.	Name	Job/ title	Phone	L.E	Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
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30					
31					
32					
33					
34					
35					



36					
Committee chairman	committee members		committee member in charge		



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**Annex 5: Template of Receipt for receiving donations**

**Ministry of Social Affairs**

**Association .....**

**Registration No. ....**

**Cash/ check receipt**

**Receipt No. ....**

**Date ..... / ..... / 20.....**

**I the undersigned have received from Mr. .... an amount of ..... (only .....) by way of .....**

**The above amount has been paid in cash.**

**Recipient**

***This receipt is not considered official unless it is stamped with the seal of the association.***

## Annex 6: Minutes of meeting of a local unit's meeting

### Minutes of local unit's meeting

Village ..... Markaz ..... Governorate .....

Date: ...../ ...../ 2017

Participants:

Ser.	Member's name	Phone	Job title	Signature
	Company officials invited from outside the village	Phone	Job title	Signature

Agenda of the meeting:

- 1.
- 2.
- 3.
- 4.
- 5.

Decisions taken by the committee

Ser.	Topic discussed	Executive action	Responsibility for implementation and follow-up	Signature
1				
2				
3				

Recommendations for next meeting:

---



---



---

Signature by



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Chairman of Local Committee    Committee's secretary    Committee's treasurer

## Annex 7: Minutes of meeting for formation of a local unit committee

### Minutes of meeting for formation of a local unit committee for management of sanitation project in ..... village

On ...../ ...../ ... , at ..... district ....., governorate ....., village elders, leaders, representatives of families and villagers met for consultation regarding formation of a branch committee for the sanitation project. This committee will represent .... Village in respect of management and follow-up of the sanitation project and will have the following functions:

- Management of the project within the village
- Forming a branch committee to collect contributions for lands
- Raising awareness of the community regarding the project
- Publicizing in public places the location and price of the land, share per individual and the community and way of calculating shares

Participants from the committee representatives were as follows:

Ser.	Name	Representative	Phone	signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				

A branch committee will be formed to collect contributions to the purchase of the land for the pumping station/ treatment plant and will have the following functions:

- Consult with the community regarding the site of the land in the presence of project officials
- Select the site to be purchased.
- Consult with the landowner about the price of the land on the basis of mutual consent
- Ensure that there is no duress or pressure exerted during the process of purchase from the owner
- Determine, in collaboration with the main committee, the share of each person in the community in the amount of contribution to the price of the land
- Determine households or individuals who cannot afford making contributions



The names of members of this committee are as follows:

Ser.	Name	Job	ID no.	Function in committee	Phone	signature
1.						
2.						
3.						
4.						
5.						
6.						
7.						

The minutes of meeting for formation of this committee has been approved and representatives of families and locals signed accordingly. Decisions by the branch committee will be subject to the main committee as shown in the minutes of meeting.

This minutes of meeting will be publicized in public places so that villagers are aware of the committee members.

The meeting was adjourned at .... o'clock, on [day] ....., [date]

**Annex 8: Minutes of meeting for a local contributions committee**

**Minutes of meeting for collecting local contributions**

Village ..... District : ..... Governorate: .....

Venue: ..... Date: .....

Chairman of the meeting: ..... (Committee chairman)

Mr. .... (committee secretary)

Village leaders, elders and mayors attended:

Ser.	Name	Job / title	Phone	signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				

The committee agreed to collect contributions from the community for the purchase of land for implementation of a pumping station/ treatment plant for the village to cover the following village(s): ....., ....., .....

It was agreed that the system for collecting contributions will be as follows:

1. Family: ..... Amount: .....
2. Household: ..... Amount: .....
3. Individual: ..... Amount: .....
4. Based on area of agricultural land in possession by contributor:

Family in possession of 10-50 feddans: .....

Families in possession of 1-5 feddans

Families in possession of less than 1 feddan

It was agreed that one system would be applied to the whole village and that a list would be made regarding those who cannot make contributions in order to decide on a way to handle this issue.

A branch committee was formed under the main committee to be responsible for collecting contributions, purchase, registration and assignment of the land to the company. It will comprise the following:

Signature

1. .... Chairman
2. .... treasurer
3. .... member
4. .... member
5. .... member

Meeting was adjourned at .... and participants signed accordingly.

Local committee chairman

Signature .....

Committee treasurer

Signature .....

**Annex 9: Model Donation Contract**

**Contract of Donation without Consideration**

This Contract is made and entered into this ....day of .../.../....., at ....a.m. /p.m., by and between:

First: First Party: .....Residing at: ....., District/  
Central City: ....., Governorate of .....

(First Party/ Donor)

Second Party: The Drinking Water and Sanitation Company (DWSC), with Head Office at .....,  
legally represented herein by Mr. Eng. DWSC Chairman and Managing Director, in his capacity as  
.....

(Second Party/Donee)

**Preamble**

**Whereas**, the First Party owns an area of ....., demarcated as follows:

Northern Limit: .....

Southern Limit.....

Eastern Limit: .....

Western Limits: .....;

**Whereas**, the First Party (Donor), with full capacity, wishes to donate, without pressure or coercion, the  
said area to and in favor of the Second Party (Donee) to establish..... in ....., Central  
City/District of....., Governorate of .....

**Whereas**, such donation is made without consideration and aims to establish the said project on the areas  
described hereinabove;

**Now Therefore**, after declaring their legal capacity to enter into contracts, the two Parties hereby agree to  
the following:

**First:** The above Preamble shall be deemed an integral part of the present Contract, complementary to the  
terms and conditions thereof, and binding on the Parties thereto.

**Second:** The First Party (Donor) hereby donates, waives and transfers, without consideration, an area of .....

**Third:** The First Party (Donor) shall provide the Second Party (Donee) with all actual and legal guarantees vis-à-vis third parties.

**Fourth:** The First Party (Donor) hereby undertakes to provide all the title deeds and to sign the present final official Contract whenever so requested by the Second Party (Donee). In case of delay, the First Party shall pay all the expenses incurred for rendering the present Contract valid and enforceable whether officially or unofficially.

**Fifth:** The First Party (Donor) hereby declares that the donated area is the First Party's sole property, that such property is transferred to the First Party by means of ....., that such property is encumbered with no mortgages, fines or debts and is subject to no judicial dispute, and that such property is free of occupants or lessees who may be negatively impacted by reason of the present donation.

**Sixth:** If the Second Party (Donee) fails to implement the project referred to in the Preamble of the present Contract within a period of ... years, the present Contract shall be deemed null and void and the piece of land shall be transferred to and inure to the benefit of the First Party without restrictions or conditions.

**Seventh:** The Second Party hereby undertakes not to use the piece of land subject of the present Contract for other than the purposes set forth herein. Otherwise, the present Contract shall become null and void ipso facto.

**Eighth:** The First Party (Donee) hereby declares that his signature on the present Contract shall be deemed as a waiver of all its rights to the area of .....subject of the present Contract and that the First Party shall not be entitled to create any rights on such area either at present or in the future unless the Second Party (Donee) fails to comply with his obligations set forth in Clause Sixth herein. The First Party further declares that the area, subject of the present Contract, shall become in possession and under the disposition of the Second Party.

**Ninth:** In the event a dispute arises (God save) from the present Contract, .....Court shall have the competence to review such dispute, and the First Party shall bear the expenses and fees related to such dispute.

The present Contract has been drawn up in duplicate, for each Party to receive on original to act accordingly whenever required.

First Party (Donor)	Second Party (Donee)
Name:	Mr. Eng. CWSC Chairman and Managing
Signature:	Director (acting in his capacity)
National I/D:	The Drinking Water and Sanitation Company of .....Governorate

**Witnesses**

First Witness:  
Name:

Second Witness:  
Name:



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Signature:  
National I/D

On ...../.../20....



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Signature:  
National I/D



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**PMU**  
Program Management Unit

**Annex 10: Copy of a Final Contract Duly Notarized by the Real Estate Publicity Authority**



## Annex 11: Form of Sale Contract by mutual consent

The Holding Company for Water and Wastewater

..... Water and Wastewater Company

### Preliminary Sale Contract

**This** Contract is made and entered into this ...day of .../.../....., by and between:

First: Mr. ...., Age: ....., Nationality: ....., Religion: .....,  
Profession:....., I/D. Number: ....., Civil Registry: ....., Date of  
Issuance: ....., Residence: .....

(First Party- Seller)

Second: The Drinking Water and Sanitation Company, herein represented by ....., Nationality:  
....., Religion: ....., Profession: ....., I/D No. ....,  
Civil Registry: ....., Date of Issuance: ....., Residence:  
.....

(Second Party- Seller)

After declaring their legal and factual capacity to enter into contracts, the two Parties hereby agree and consent to the following:

Whereas, the First Party (Seller) wishes to sell, with no pressure or coercion, a piece of land to the Second Party, who so accepts;

Therefore, the two Parties hereby agree to the following:

The two Parties hereby declare that the said sale takes effect by consensus and without pressure or coercion and that they agree to the sale price based on price lists guided by and terms and conditions agreed on.

**Clause One**

- The First Party hereby sells, assigns and transfers, with all factual and legal guarantees, the object described in Clause Twelve herein below to the Second Party who so accept. (N.B.: If a Party herein is in the form of more than one person, the term “jointly and severally” shall be added)
- The Second Party hereby declares that he conducted a technical inspection, denying any claim of ignorance, according to the technical standards of selecting pieces of land and that the piece of land set forth herein is valid for the establishment of a sanitation project in .....Village, i.e. ....Plant (lifting-treatment).
- The First Party hereby declares his knowledge, which denies any claim of ignorance, that he is entitled to sell, without pressure or coercion, the piece of land according to the principles of sales and purchase.

#### **Clause Two**

The present sale transaction shall take effect at a price of .....(Only .....), of which an amount of ..... shall be paid upon signing the present Contract. The signature on the present Contract shall be deemed a release and quitance regarding the amount paid upon signing same, and the remaining amount shall be paid upon signing the final sale contract.

#### **Clause Three**

The Seller hereby guarantees that:

- The piece of land is free of all debts, royalties, judgment liens, property rights and governmental rights of whatever type,
- He possesses the piece of land in a quiet, apparent and fruitful manner,
- Such possession is free of any and all disputes,
- He has not made any type of disposition of the piece of land under his liability,
- The piece of land is free of leases and occupants, and
- If it transpires in the future that any of the above rights or encumbrances is imposed on ....., the Seller shall settle and delete same and shall pay the settlement and deletion expenses without any liability on the part of the Purchaser.

#### **Clause Four**

The Seller hereby declares that the sold piece of land is inscribed in .....Terrier, as stated in ....., Terrier No. ..../.....

The Seller further declares that his ownership of the piece of land was transferred to him and inured to his benefit by means of: .....

First Party (Seller)

Second Party (Purchaser)

Witnesses:

#### **Clause Five**

The Second Party hereby declares that he inspected the sold piece of land in a manner legally denying any claim of ignorance and that he accepts such piece of land in the current condition thereof.

#### **Clause Six**

The Seller hereby undertakes to perform the procedures and provide the Second Party with the title deeds, deeds of terrier and other documents required by the Real Estate Publicity Authority, including the improvement certificates and any other regulatory approvals, if so required, within a maximum period of (.....). This is to enable the Second Party to undertake all the procedures required for preparing the final sale contract in the competent Real Estate Publicity Department.

#### **Clause Seven**

The Seller shall hand over the piece of land to the Purchaser immediately upon receipt of all the sale price (and signing the final sale contract). If the Seller is delayed in handing over the piece of land to beyond the handover date, or if the sold premises contains any impediments preventing the Purchaser from takeover and possession thereof totally or partially, the sold premises shall be deemed as leased to the Seller for a rent of ....., starting from the date of the present Contract up to the date of full evacuation and handover. Moreover, the Purchaser shall be entitled to the other indemnities agreed upon herein.

#### **Clause Eight**

If either Party breaches any condition herein or any obligation arising out hereof, the said Party shall pay.....as indemnity. The Second Party shall have the right to file a validity and enforceability case regarding the present Contract and to claim the indemnities and expenses required to this effect.

#### **Clause Nine**

The two Parties hereby declare that the Court in which jurisdiction the sold premises of ..... is located shall have the competence to review any dispute that may arise from the present sale transaction.

#### **Clause Ten**

All the expenses in connection with the present Contract and all other registration charges shall be borne by the Second Party (Purchaser).

#### **Clause Eleven**

The sold premises of ....., is located in ....., Central City of ....., Governorate of ....., and the limits thereof are demarcated in the following page.

#### **Clause Twelve**



Arab Republic of Egypt  
Ministry of Housing, Utilities,  
and Urban Communities

**Special Conditions**



.....  
.....  
.....

First Party (Seller)

Second Party (Purchaser)

Witnesses:

**Description of the boundaries**

Area				Plot/Property Number	Basin/Street Number	Boundaries
Meter	Feddan	Kirate	Sahm			

The present Contract has been drawn up in duplicate, for each Party to receive an original.

**First Party (Seller)**

**Second Party (Purchaser)**

.....

.....

**Witnesses**

.....

**Annex 12: A Certificate Based on the Court's Roll regarding the Validity and Enforceability Case filed to Establish the Validity of a Piece of Land Sale Contract**

**Kafr El Sheikh District City Court  
Civil Roll**

**Court's Roll-Based Certificate**

According to an application submitted by Bahaa Tarek Kamal, an attorney for Abdel Gawad Yusuf Abdel Gawad (acting in his capacity), to request that a certificate be issued based on the civil roll of Kafr El Sheikh Central City Court regarding Signature Validity Case No. 6820/2014- Kafr El Sheikh Court, we reviewed the said roll and found that:

Case No. 6820/2014 was filed by Abdel Gawad Yusuf Abdel Gawad, in his capacity as Chairman of the Society Development Association located in Village 6-Al Ghabat, against Abdel Gawad Yusuf Abdel Gawad, residing in Village 6-Al Ghabat. The said case was filed to hear a judgment:

First: Ruling in favor of the validity of the Defendant's signature inscribed on a sale contract dated 6/11/2014, proving his sale of a piece of land with an area of 1100 Meter, demarcated by the limits set forth in the Case writ and the sale contract subject of the Case, and

Second: Directing the Defendant to pay the Court charges and the attorney's fees.

The Case was scheduled to be first heard on 23/12/2014.

The present Certificate was issued based on the application submitted by the Applicant and without any liability on the part of the Clerks Department.

The present Certificate was given after payment of the legally prescribed charges of ....., as stated in Voucher No. ....., dated ....., Copy No. 4533/2014

Roll  
Anwar Ahmed  
12/11/2014

Copying Department  
(Form Signature)

Senior Secretary of the Court  
(Form Signature)  
(Official Seal)

### Annex 13: Complaint Form

#### Complaint Form

Day:..... Date:.....  
 Governorate: ..... Company: ..... Village: .....  
 Follow Up Official: ..... Social Participation Official:....

Type of Complaint	Details of Complaint	Response to Complaint
1- Related to the Contractor		
2- Related to ....Company - Drinking Water: - Sanitation:		
3- Shortage of Information		
4- Related to the Company's Teamwork		
5- Related to the Officials at the Work Site Technical Officials Administrative Officials		
6- Related to Failures/Breakdowns Occurring on Site - Pipes - Matches - Street Lines - Lifting Plant		
7- Related to Plots and Properties - A line passing through agricultural pieces of land - Privately owned pieces of land that cannot be expropriated - Demolished houses		

Signature of the Complainant

Signature of the Local  
Leadership

Signature of the Company's  
Official



Arab Republic of Egypt  
Ministry of Housing, Utilities,  
and Urban Communities



PMU  
Program Management Unit

### **The Authorities having the Right to Approve the Unified Standard Procedures for Acquisition of Pieces of Land**

- 1- The Ministry of Housing, Utilities, and Urban Communities
- 2- The Ministry of Agriculture and Land Reclamation
- 3- The Ministry of Local Development
- 4- The Minister of Justice
- 5- The Ministry of Environmental Affairs
- 6- The Ministry of Health and Population
- 7- The Ministry of Water Resources and Reclamation
- 8- Others