

- Safeguards currently do not adequately reflect the human element and the need for knowledge, information and technology generation.
- In relation to quick ad hoc intervention, there is a need for legal terminology that allows for a certain level of flexibility.
- The legal aspects of the safeguards should act as a catalyst to engage rather than avoid risk.
- There is need for a veto mechanism to ensure that projects do not continue with negative impacts; it should be possible to review projects as implementation proceeds and actual rather than predicted impacts occur.
- Safeguards should focus on implementation indicators and measures to ensure accountability and transparency.
- There is a need for policy coherence between the Bank's development and economic visions.

Compatibility with National Systems

- The Bank is committed to supporting national legislation. However, this is never enough because of the shortfalls within national legal systems. The Bank should encourage the Government to comply with international standards. An example of this is Indigenous Peoples, who are not identified as such under Egyptian Law.
- Egypt has ratified a number of conventions and agreements related to Labor and Human Rights. We call upon the World Bank to make these conventions binding.

OP 4.01 Environmental Assessment

- The ESIA (Environmental and Social Impact Assessment) should be prepared with consideration for the following:
 - The assessment should be prepared at an early stage of the project, and monitored during implementation and upon completion.
 - Announcements for public consultations are not always adequate. For example, announcements in newspapers are often not very clear.
 - The role of the CSOs should not be limited to participation in consultation but should rather go beyond that; CSOs should be encouraged to prepare shadow ESIA reports.

- ESIA studies, in some cases, are not comprehensive enough. Certain ESIA studies are accepted even when the impacts cited are not quantified and the potential damage and loss that local communities are predicted to encounter is not properly assessed. In such cases, CSOs have to step in and follow up on the impacts and push for the rights of the affected population.
 - The ESIA should examine alternatives, including location alternatives and the alternatives related to the potential associated costs and losses.
 - CSO involvement with the World Bank throughout the life of the project is critical. The ESIA should be made available at an early stage of the project and allow for CSO feedback.
 - CSOs should be allowed to conduct other social reports during the ESIA process and during other stages of the project.
- The impacts should not be limited to environment alone; other resources should be considered and accounted for as well.
 - Potential impacts and their significance should be identified by society and not by Consultants.
 - Categorization should be openly and regularly reviewed and CSOs should be included in this review.
 - In many cases the Bank's categorization of the project differs from the categorization made by the Government.
 - In some cases the Government has to prepare two ESIA studies. Categorization should be agreed upon in the early stages.
 - Variation in ESIA quality is an important issue; there are no clear standards for ESIA quality or for ranking the submitted report. The quality is largely subjective and left to the judgment of the reviewer of the studies.
 - OP 4.01 is applied only during project preparation. Implementation often involves lots of changes that were not taken into account as part of the ESIA. There is a need to follow up on the environmental assessment during implementation.
 - The analysis of alternatives tends to consider only project versus no project. There is a need for the Bank to encourage more comprehensive analysis of alternatives. The language in the policy needs to be more specific in this regard.

OP 4.12 Involuntary Resettlement

- National legislation lacks key consultation requirements for project affected people (PAPs). The Bank should require prior consultation and consent. National legislation in Egypt only requires that the population to be displaced be "informed". Involuntary resettlement should be participatory and require consent. Consultation alone is not sufficient; consent should be reached with PAPs.
- OP 4.12 on Involuntary Resettlement is controversial and is stimulating debate among consultants and governmental counterparts regarding the definition. There is a gap between the Bank's definition of PAPs and that of national law. OP 4.12 should clearly define project affected persons. Moreover, the definition and categorization of affected population entitled to compensation should be elaborated in greater detail.
- PAPs should not be consulted only; rather, consent should be built. Consultation is often pro forma, and is widely dominated by governmental officials, elite males and those who are well connected and have strong connections with government. OP 4.12 should state the various categories to be represented and the need to engage various groups, including women, disabled, etc.

Monitoring Compliance with Safeguards Implementation

- CSOs should play a role in monitoring the implementation of the ESIA independently, to ensure accountability.
- Safeguard due diligence is not being addressed in a comprehensive and tangible manner. Bank supervision is often done through reports provided by the client, and limited supervision from the Bank side is in place to follow up on implementation. Site visits are arranged by the client, as is the selection of stakeholders to be interviewed. The Bank should pay greater attention to monitoring and supervision issues to ensure credibility.
- The ESIA should be discussed and reviewed by elected councils who represent local communities to ensure transparency and integrity.

Public Consultations

- It is important to consider how the Bank can ensure that consultations are held with people representing various groups of stakeholders.
- The results of the consultations should be made binding on the project and the Bank should ensure that recommendations resulting from consultations are taken into

consideration and followed up on. The Bank should also check to ensure that the consultations are done properly.

Disclosure and Information Sharing

- It is important to make the information related to the project available earlier than the loan signature. The loan agreement is published long after the project is in effect. If CSOs and the local community are development partners, they should be able to access data and products about projects before these projects happen.
- The Bank should consider allowing people to provide feedback throughout the project.
- Translation into other appropriate language/s is not done for the documents. For Egypt, documentation in Arabic should be available at the same time (or nearly) as English.

Use of Country Systems

- There are many laws on the national level that are not enforced. The use of country systems is thus a concern in the sense that it might mean lowering the benchmarks, in particularly with countries that lag behind in their systems.
- It would be hard to consider national policies if they are inadequate or insufficient.
- What is meant by "country ownership" needs to be clarified: are people meant to be the owners or it is the government? The Bank should take care to remain accountable, and bear in mind that citizens often find themselves with governments that do not represent them.

Emerging Areas

- In considering human rights as one of the newly emerging themes, there is a need to have a map of human rights for each country to ensure clarity on where the country stands.
- Human rights are crucial, among which is the right to employment. Taking the garbage collectors as an example, how can the Bank support the intervention of international solid waste management firms that took away the livelihoods of thousands of waste collectors in Egypt?
- There is a need to upstream these aspects in early design of the Country Assistance Strategy.

- Human rights also need to be integrated into projects by conducting human rights assessment. Just as the EIA (Environmental Impact Assessment) has evolved and improved to integrate the social dimension, becoming the ESIA, now the assessment process needs to be more comprehensive through the integration of human rights.
- Human rights are cross cutting. Citizens have rights to everything, including environment, decision making etc.
- There is a need to raise awareness about the issues and needs of people with disabilities; careful attention should be paid to understanding who represents the disabled community.
- Agreements with governments should ensure that there is a minimum level of labor rights (health insurance, life insurance, fair wages, number of working hours, etc.).
- Disabled communities need to be better integrated; it is important to ensure that laws and measures are in place that take their interests into account. The dominance of the charity approach to handling disability issues should be challenged.

Other Comments and Recommendations

- Customs and informal rules are very important and should be taken into account. If only the formal systems are analyzed, important aspects of a country's reality will be missed.
- Loans are needed to encourage the integration of safeguards into the legal system of the country, as a guarantee for sustainability.
- Accountability to citizens: as part of the agreement between the Bank and the country, the government should be accountable to citizens. Citizens should be encouraged to monitor projects and this should be included in the loan agreement. The loan agreement also should include binding articles to ensure that the government discloses and shares information transparently with CSO, including information about disbursement, jobs created, etc.
- The Bank should clarify whether safeguard policies are in place to improve the Bank's image or to help the targeted communities within countries.

General Issues of Relevance

- Most of the Bank's projects are located on agricultural land, which is a critical and scarce resource. The loss of agricultural land is a real threat to food security and the Bank

should eliminate the practice of establishing projects on fertile agricultural land, particularly if it is close to waterways (e.g., Giza North Project).

- The loan agreement should identify and stipulate clearly the judicial entity to which conflicting parties may appeal.
- The loan agreement with the country should reflect clearly the safeguards and stipulate that they are binding conditions.
- The loan agreement should include clear articles on sanctions for clients/partners who do not follow the ESIA and other safeguards.
- There is a concern that PforR does not use the safeguards policies that are applicable to the Bank's other instruments.
- Partnership and ownership should be extended to CSOs and not limited to the borrower state, in order to guarantee project sustainability.
- Capacity building in environmental and social management for project partners is a key requirement that the Bank should consider. There is a need for training and capacity building on issues related to project monitoring and evaluation, including various environmental and social indicators.
- A neutral judicial party should be created to handle disputes between the Bank and the borrower and between the Bank and individuals.
- Bank responsibility after project disbursement should be enhanced, because some impacts only occur after implementation.
- It is important to clarify the environmental and social benchmarks the Bank uses in deciding to finance projects. The Bank should use international standards for decisions on financing.
- If an individual is affected negatively by a project funded by the Bank, this individual should know how to make a complaint.
- Egypt has ratified a large number of international conventions that the Bank should require as binding regulations. One of the few positive points of the new Egyptian constitution is that it makes the international conventions that have been ratified binding on the state. The Bank should support this and ensure that international standards are taken into consideration by the country.

- Projects are predominantly of a technical and engineering nature. This affects the outcome of the assessment; if all technical aspects are covered, the project likely will be regarded as successful. Technical alternatives receive the greatest consideration in the alternatives analysis. Social issues (in particular resettlement) tend to be disregarded. To ensure sustainability, local citizens should be real partners and part of the project.
- The transfer of technology through projects would help enhance the experience of local communities.
- The Bank sometimes disregards important environmental and social considerations, for example, MIGA has lent to international firms working in solid waste management in Egypt; the practices of these firms had a negative impact on the environment, in particular dumping of plastics in landfills. This also discouraged the previous good practice of plastic recycling by the informal sector, whose livelihoods were negatively affected as a result.
- Is the informal sector included within the definition of private sector? In a country such as Egypt, 60-80 percent of the private sector is informal.