



محافظة القاهرة

## **RECOMMENDED LEGAL AND REGULATORY REFORM**

### **GOVERNORATE OF CAIRO**

#### **Prepared for:**

Governorate of Cairo, Egypt  
Egyptian Environmental Policy Program  
United States Agency for International Development

#### **Prepared by:**

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## ACRONYMS

CCBA	Cairo Cleansing and Beautification Authority
CMU	Contract Monitoring Unit
EEAA	Egyptian Environmental Affairs Agency
EEPP	Egyptian Environmental Policy Program
GOE	Government of Egypt
GOC	Governorate of Cairo
RFT	Request for Tender
SWTA	Solid Waste Technical Assistance project
USAID	United States Agency for International Development

## **SECTION 1**

### **INTRODUCTION**

The Governorate of Cairo (GOC) has entered into contracts with private companies to provide solid waste management and cleaning services. The Solid Waste Technical Assistance project (SWTA), a component of the USAID-funded Egyptian Environmental Policy Program (EEPP), is assisting the GOC in successful implementation of its privatization program. This support is provided by a team of specialists under the direction of Abt Associates Inc.

One condition for success of solid waste management privatization in Cairo is adequate enforcement of existing solid waste management laws and regulations. The EEPP acknowledges the importance of this condition by including it in one of the Policy Measures to be achieved by its Government of Egypt (GOE) counterparts:

“Policy Measure 4.1. Governorates establish monitoring and enforcement mechanisms in support of GOE policy to privatize solid waste management systems.”

The Governorate will need to establish, staff, and fund a contract monitoring unit and develop, approve, and initiate enforcement strategies for the existing solid waste management laws and regulations to achieve this Policy Measure.

To assist the Governorate, the SWTA prepared a report reviewing and analyzing existing solid waste management laws and regulations and assessing the status of current enforcement efforts in the GOC. That report concluded with ten recommendations for actions to improve enforcement of solid waste management laws and regulations. SWTA subsequently discussed the recommendations with the Governorate to identify those that the Governorate would pursue to develop and initiate its enforcement strategy.

### **PURPOSE**

The purpose of this report is to identify the actions that the Governorate has chosen to include in its enforcement strategy and to present specific proposals for implementing those actions.

### **STRUCTURE**

This report is divided into three sections.

- Section 1, Introduction
- Section 2, Identification of Enforcement Strategy Components
- Section 3, Accomplishments and Proposed Actions

## SECTION 2

### IDENTIFICATION OF ENFORCEMENT STRATEGY COMPONENTS

In April 2003 the SWTA prepared a report reviewing and analyzing existing solid waste management laws and regulations and assessing the status of current enforcement efforts in the GOC.<sup>1</sup> That report concluded with ten recommendations for actions to improve enforcement of solid waste management laws and regulations:

- Privatize solid waste services in all four zones, thus creating legal alternatives to dumping and burning.
- Create the Contract Monitoring Unit and hire District Monitors.
- Issue a decree (or arrange for the Ministry of Justice to issue a decree) authorizing the CMU District Monitors and/or District Managers to write and serve citations for violations of Law 38/1967 and the solid waste requirements of Law 4/1994 and their executive regulations, including the authority to ask for identification and seize unlicensed vehicles and associated equipment.
- Change the procedures for handling citations at the CCBA Branch level to shift the responsibilities from the Branch Cleaning Division Directors and Supervisors to the CMU District Managers and Monitors.
- Review and revise administrative procedures as necessary, including standardizing citation forms.
- Train CMU District Managers and Monitors in how to write, serve, and process citations.
- Develop incentives for Monitors to secure compliance with solid waste management laws in their areas.
- Train police in the requirements of Laws 38/1967 and 4/1994 and their executive regulations.
- Incorporate awareness of solid waste rules and the penalties for violating those rules into the CMU's public awareness and communications programs.
- Develop and implement procedures for coordination between the CMU District offices and the Housing Department offices in the Urban Quarters, to improve management of construction and demolition debris.

The first two recommendations have already been implemented by the GOC. The SWTA discussed the other recommendations with senior personnel in the Governorate. As a result of those discussions, the Governorate decided to initiate development and implementation three of the remaining eight recommendations:

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<sup>1</sup> SWTA. 2003. Review and Analysis of Existing Solid Waste Management Laws and Regulations: Governorate of Cairo. Prepared for Governorate of Cairo, Egyptian Environmental Policy Program, and USAID. Prepared by Abt Associates Inc. April 10, 2003.

- Issue a decree (or arrange for the Ministry of Justice to issue a decree) authorizing the CMU District Monitors and/or District Managers to write and serve citations for violations of Law 38/1967 and the solid waste requirements of Law 4/1994 and their executive regulations, including the authority to ask for identification and seize unlicensed vehicles and associated equipment.
- Change the procedures for handling citations at the CCBA Branch level to shift the responsibilities from the Branch Cleaning Division Directors and Supervisors to the CMU District Managers and Monitors.
- Review and revise administrative procedures as necessary, including standardizing citation forms.

The Governorate acknowledges the importance of implementing the other recommendations as well, but has postponed their implementation until it has established these initial components.

## SECTION 3

### ACCOMPLISHMENTS AND PROPOSED ACTIONS

This section of the report presents information on the accomplishment of the first two recommendations – privatization and development of the contract monitoring unit – and specific proposals for implementing the other four components of the enforcement strategy.

#### **PRIVATIZE SOLID WASTE SERVICES**

The GOC has already begun the privatization of solid waste services via the issuance of contracts with private companies for service delivery in three of the four service zones in Cairo (western, northern, and eastern zones). Services began in some areas in these three zones in April 2003. The GOC plans to have the three zones under full operation by the end of the summer of 2003.

The GOC is in the process of issuing Requests for Tender (RFT) for solid waste management services the southern zone. In May 2003, the CCBA issued the RFT for waste processing and landfilling in the southern zone. It will issue RFTs for municipal, medical, and industrial waste collection in the southern zone in the summer of 2003. CCBA will evaluate the responses to the RFTs in the late summer and fall of 2003 and issue contracts to the successful bidders by the end of 2003.

#### **CREATE CONTRACT MONITORING UNIT**

The GOC has established the contract monitoring unit (CMU) as a special unit in the Cairo Cleansing and Beautification Authority (CCBA). In June and July of 2002 the CCBA advertised for staff for the CMU. As a result of the advertisements, the authority hired 764 individuals to work in the CMU, 70 recruited from within the authority and 694 recruited from outside the authority.

Nearly half of the employees (including most of the managers and a majority of the monitors) were trained, with assistance from USAID, from July through October of 2003. The CCBA, using its own resources, conducted classroom training for CMU personnel from December 15, 2002 to January 31, 2003 and field training from February 1 to March 30, 2003. As a result, all of the CMU personnel have been trained in how to conduct monitoring and process the results.

The CMU currently is comprised of technical, legal, financial, and administrative cadres who are performing their work assignments within the three of the Cairo zones. The current monthly payroll for the CMU is 1.71 million L.E. The final steps of forming a unit for the southern zone of Cairo are underway.

The SWTA worked with the GOC to develop the organizational structure of the CMU.<sup>2</sup> The structure has a central office, four zone offices, and seven to eight district offices in each zone. Procedures for approving the organizational structure are currently being taken by the Central Agency for Organization and Management.

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<sup>2</sup> SWTA. 2003. Management Structure for the Contract Monitoring Unit: Governorate of Cairo. Prepared for Governorate of Cairo, Egyptian Environmental Policy Program, and USAID. Prepared by Abt Associates Inc. November 25, 2002.

The CCBA has established separate office space for the central office and the three zone offices. It will do likewise for the southern zone once the contract for services is signed. In addition, the CCBA has allocated two rooms in each of its existing district offices from which the CMU will conduct contract monitoring in the districts. The CCBA spent 1.635 million L.E. to establish and equip the offices and purchase vehicles, radios, and uniforms for its employees. This cost does not include the cost of the land and buildings, which exceeds 3,000,000 L.E.

### **SECURE ENFORCEMENT AUTHORITY FOR MONITORS AND MANAGERS**

To secure enforcement authority for the Monitors and Managers in the CMU, the Governor of Cairo has sent a letter to the Minister of Justice requesting that he grant enforcement authority as per the requirements of Law 38 of 1967 and Law 4 of 1994. A copy of the letter and the draft decree which he attached to the letter are attached to this report as Appendix E.

### **MODIFY ENFORCEMENT PROCEDURES**

Two of the recommendations address the modification of enforcement procedures.

- Change the procedures for handling citations at the CCBA Branch level to shift the responsibilities from the Branch Cleaning Division Directors and Supervisors to the CMU District Managers and Monitors.
- Review and revise administrative procedures as necessary, including standardizing citation forms.

The GOC has decided to address these two recommendations by developing one set of standardized procedures covering both aspects (Appendix B). The procedures in Appendix B are general procedures. The CMU is currently developing more detailed procedures to provide monitors, managers, and office staff with step-by-step directions on how to issue and process citations. The SWTA is assisting the CMU in this process.

## APPENDIX A

### LETTER FROM THE GOVERNOR TO THE MINISTER OF JUSTICE

**Cairo Governorate  
Governor's Office**

HE Councilor Farouk Seif AlNasr  
Minister of Justice

It gives me great honor to inform you that in line with the measures taken by the governorate towards contracting with a specialized company to undertake integrated management of solid waste in the zones of the Cairo governorate, there was a need to establish a contract monitoring unit within the Cairo Cleanliness and Beautification Authority to monitor and follow up on the performance of the solid waste management companies.

We hope that you would approve giving the following positions within the Cairo Cleanliness and Beautification Authority enforcement authorities with respect to any violations to provisions of Law Number 38 of 1967 on Public Cleanliness and Law Number 4 of 1994 on the Environment:

- 1- Director of the Contract Monitoring Unit.
- 2- Zone managers within the Contract Monitoring Unit.
- 3- Contract Monitoring Unit district managers.

With my due respect,

Governor of Cairo  
Dr. Abdel Rehim Shehata

May 20, 2003

## **APPENDIX B**

### **SOLID WASTE LAW ENFORCEMENT PROCEDURES**

1. Should any citizen commit any of the violations set forth in Law Number 38 of 1967 concerning Public Cleanliness and any violation with respect to solid waste of Law Number 4 of 1994 concerning the Environment, contract monitors, present in the area where the violation is committed, should notify the Contract Monitoring Unit (CMU) District Manager.
2. The CMU District Manager should make a field visit to the area for verification.
3. An environmental or public cleanliness citation (attached) in accordance to the type of violation committed should be written and issued. A letter of notification should be sent to the violator indicating the type of violation, its location, timing, and the fine to be levied. The letter should also direct the violator to pay the fine either in the District's financial department or in the Central Authority's financial department. The citation should be signed by the CMU District Manager, as he has enforcement authority. This should be recorded in a special record so as to be able to monitor the violation in coordination with the police. Additionally, the branch office should remove the violation at the expense of the violator after warning him.
4. Every letter to violators concerning violations of Law Number 38 of 1967 and Law Number 4 of 1994 should be recorded in a special record. The record should include the number and date of the citation, the name and address of the violator, and the type of violation as set forth in the citation.
5. Should the violator come and remove the violation, reconciliation will be made with him after his payment of the reconciliation value set forth in the violation. Information of the reconciliation receipt should be recorded in the above mentioned record.
6. Should the violator not come for reconciliation and payment of the fine within one week, the violation shall be brought before the general prosecution to take legal action.
7. If rulings are issued whereby fines are levied by the competent court on the violator and the violator wishes to reconcile with the administrative body, reconciliation will not be made except upon the approval of the competent judge, provided that the value of removing the violation is paid first.
8. An employee will be assigned to assume the responsibility for each of the above mentioned records and for the daily monitoring under the supervision of the director of the administrative and financial affairs department in the branch office. This, however, will not eat into the responsibility of the director of the monitoring unit specifically with respect to catching the violator in the act of committing the violation.

Signature:

General Mohamed Ahmed Laban  
Chairman of the Board of Directors

Department: \_\_\_\_\_

**Reconciliation Citation On Any Violation to Law No. 38 of 1967**

Date: \_\_\_\_ / \_\_\_\_ / 200\_\_, Hour of the day: \_\_\_\_ a.m/p.m. Street: \_\_\_\_\_

Constituency: \_\_\_\_\_

I \_\_\_\_\_

have witnessed citizen \_\_\_\_\_

committing the following violation \_\_\_\_\_

I have notified him about the violation and made a reconciliation offer and he accepted.

The violator has paid ten Egyptian pounds and fifty-five piasters in return for the reconciliation.

Signature of the violator

Witnessed by

Signature of Enforcement Officer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Department: \_\_\_\_\_

**Reconciliation Citation On Any Violation to Law No. 4 of 1994**

Date: \_\_\_ / \_\_\_ / 200\_\_\_, Hour of the day: \_\_\_ a.m/p.m. Street: \_\_\_\_\_

Constituency: \_\_\_\_\_

I \_\_\_\_\_

have witnessed citizen \_\_\_\_\_

committing the following violation \_\_\_\_\_

I have notified him about the violation and made a reconciliation offer and he accepted.

The violator has paid one hundred Egyptian pounds and fifty-five piasters in return for the reconciliation.

Signature of the violator

Witnessed by

Signature of Enforcement Officer

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