



RECOMMENDED LEGAL AND REGULATORY REFORM

GOVERNORATE OF ALEXANDRIA

Prepared for:

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

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ACRONYMS

EEAA	Egyptian Environmental Affairs Agency
EEPP	Egyptian Environmental Policy Program
GOA	Governorate of Alexandria
GOE	Government of Egypt
SWIEMA	Solid Waste Inspection and Environmental Monitoring Administration
SWTA	Solid Waste Technical Assistance project
USAID	United States Agency for International Development

SECTION 1

INTRODUCTION

The Governorate of Alexandria (GOA) has entered into a contract with a private company 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 GOA 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 Alexandria 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 GOA. That report concluded with six 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 May 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 GOA.¹ That report concluded with six recommendations for actions to improve enforcement of solid waste management laws and regulations:

- Issue a decree (or arrange for the Ministry of Justice to issue a decree) authorizing the Solid Waste Inspection and Environmental Monitoring Administration (SWIEMA) monitors and/or 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.
- Develop standardized procedures for handling citations within the SWIEMA, including procedures to resolve claims administratively where authorized by law.
- Train the SWIEMA monitors and managers in how to write, serve, and process citations.
- Develop incentives for monitors to secure compliance with solid waste management laws in their areas.
- Train the Traffic Authority and Utilities Police in the requirements of Law 38/1967 and the solid waste provisions of Law 4/1994 and their executive regulations.
- Incorporate awareness of solid waste rules and the penalties for violating those rules into the SWIEMA's public awareness and communications programs.

The SWTA discussed these recommendations with senior personnel in the Governorate. As a result of those discussions, the Governorate decided to initiate development and implementation the first recommendation at this time. Once the Governorate has secured a decree from the Minister of Justice, it will:

- Issue a Governor's decree identifying by name the individuals who will be given enforcement authority so that they can be sworn in as enforcement officers.
- Develop standardized procedures for handling citations within the SWIEMA, including procedures to resolve claims administratively where authorized by law.
- Train the SWIEMA monitors and managers in how to write, serve, and process citations.

¹ SWTA. 2003. Review and Analysis of Existing Solid Waste Management Laws and Regulations: Governorate of Alexandria. Prepared for Governorate of Alexandria, Egyptian Environmental Policy Program, and USAID. Prepared by Abt Associates Inc. May 21, 2003.

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 Governorate in privatization of solid waste services and the development of the contract monitoring unit as well as specific proposals for implementing the other components of the enforcement strategy.

PRIVATIZE SOLID WASTE SERVICES

In September of 2000, the GOA became the first Egyptian Governorate to sign a comprehensive, solid waste management contract with an international contractor. The contractor began delivering services in September of 2001. The contract covers collection, street and public facility cleaning, processing, and disposal. To fund the service, the GOA signed a contract with Alexandria Electricity Distribution Company for the collection of solid waste fees on the electricity bills of the residents of the Governorate.

The privatization of solid waste management has provided the citizens of Alexandria with an alternative to illegal disposal. The citizens have generally responded by using the legal service rather than continuing their previous practice of illegal disposal.

CREATE CONTRACT MONITORING UNIT

On September 23, 2001, the governor of Alexandria issued Decree Number 1143 of 2001, which created the SWIEMA and established its structure and competencies (Appendix A). The SWTA worked with the governorate to develop the organizational structure of the SWIEMA² and to train its monitors. The GOA conducted on-the-job training for several months after the training provided by the SWTA.

The SWIEMA is housed in a fully-equipped complex on High Suez Canal Road, including a computerized data processing center and a computerized complaints center. The GOA spent 700,000 L.E. to establish and equip the complex. This cost does not include the cost of the land and buildings, which has a value of two million L.E.

The SWIEMA is staffed by 135 monitors, all of whom are recent university graduates, and several administrators transferred to the SWIEMA from other GOA governmental organizations. The total annual payroll for the SWIEMA is one million L.E.

SECURE ENFORCEMENT AUTHORITY FOR MONITORS AND MANAGERS

Alexandria Governor's Decree Number 1143 of 2001 identifies enforcement of Law Number 38 of 1967 and the public cleanliness provisions of Law Number 4 of 1994 as competencies of the SWIEMA. The SWIEMA has not yet exercised this authority. The privatization program is new in Alexandria, and the transition from a public system to a private system has caused some concern among the citizens of Alexandria. Therefore, the Governor of Alexandria determined that it is inappropriate at this time to enforce solid waste management

² SWTA. 2000. Report No. 2, Institutional Structure and Organization: Solid Waste and Public Clean-Up Project, Governorate of Alexandria, Egypt. Prepared for Governorate of Alexandria and USAID. Prepared by Abt Associates Inc. July 31, 2000.

laws and regulations against the citizens. Rather, the governorate has initiated a program to raise citizen awareness of the laws and regulations, postponing enforcement to a future time.

In preparation for the implementation of enforcement, the Governor recently sent a letter to the Minister of Justice requesting that he issue a decree authorizing the monitors and managers in the SWIEMA to enforce Law Number 38 of 1967 and the public cleanliness provisions of Law Number 4 of 1994 (Appendix B). Once the Minister of Justice issues such a decree, the GOA has committed to develop enforcement procedures and train the authorized personnel in the use of the procedures.

APPENDIX A

DECREE NUMBER 1143 OF 2001

Alexandria Governorate Governors Office

Decree No. 1143 of 2001

Alexandria Governorate

- After reviewing Law Number 43 of 1979 concerning Local Administration, its executive regulations, and amendments thereof.
- Law Number 47 of 1978 concerning the Civil Personnel System in the state, its executive regulations, and amendments thereof.
- The contract concluded between the Alexandria Governorate and Onyx company on the integrated management of solid wastes.
- The memorandum submitted by the Secretary General concerning the establishment of a solid waste management inspection and environmental monitoring administration.

And our approval of their contents,

It was decided

Article 1

The organizational structure and competencies of the Solid Waste Inspection and Environmental Monitoring Administration attached herewith shall hereby be approved.

Article 2

Competencies of the Central Administration for the Cleanliness and Beautification of the city and the general monitoring administration shall be amended by invalidating any provision that contradicts the competencies of such administration.

Article 3

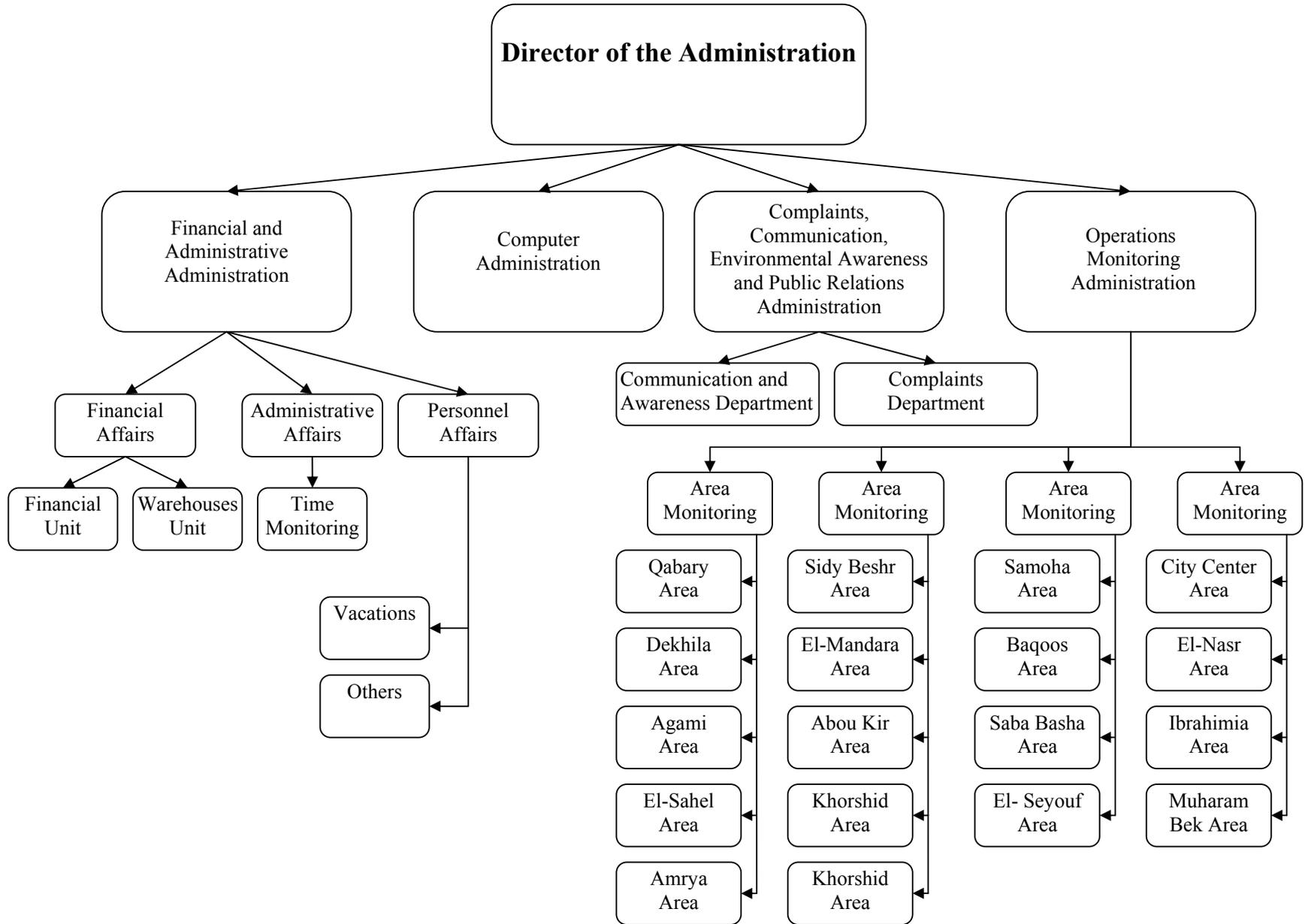
All competent authorities must implement the decision, each within its own scope competence. The decree shall enter into force as of the date of its promulgation.

Issued in the governorate of Alexandria on September 23, 2001

Governor of Alexandria
Mohamed Abdel Salam Al Mahgoub

Responsibilities of the Solid Waste Inspection and Environmental Monitoring Administration

- 1- Enforcement of the provisions of Law Number 38 of 1967 concerning Public Cleanliness and its executive regulations, and the public cleanliness provisions of Law Number 4 of 1994.
- 2- Monitoring the implementation of the work plan presented by the contractor concerning the cleanliness of the governorate, after having been approved in accordance to the requirements and specifications stipulated in the tender documents and the contract concluded between the governorate and the contractor within the geographic boundaries of the governorate.
- 3- Field supervision and continuous monitoring of the contractor's execution of its duties as stipulated in detail in the contract.
- 4- Planning the cleanliness work and securing coordination between the governorate and the contractor in a way that guarantees efficient and organized performance of the work.
- 5- Preparing and providing all information and statistics pertaining to the cleanliness duties undertaken by the contractor, classifying and analyzing such information, and furnishing relevant authorities with the data needed thereby.
- 6- Monitoring complaints lodged about the cleanliness duties performed citywide, preparing daily reports on such duties, identifying the problems and impediments faced in the execution of duties, and taking necessary measures to overcome such problems.
- 7- Preparing periodical reports on the tasks accomplished by the contractor in comparison with the provisions of the contract concluded between the contractor and the governorate, and identifying any negligence in the contractor's performance of its duties. Should the contractor fail in complying with the contract requirements, provisions of the contract will be enforced and the contractor will be fined.
- 8- Raising public awareness to improve citizen behavior and to orient the citizens on how they should cooperate with the contractor. This shall be accomplished through an approved work plan and by proposing the initiation of regular awareness campaigns in order to raise the awareness of the citizens and urge them to comply with the new solid waste management system.



APPENDIX B

LETTER FROM THE GOVERNOR TO THE MINISTER OF JUSTICE

Counselor/ Farouk Seif AlNasr

Minister of Justice

With my due respect,

As part of the steps taken by Alexandria Governorate to implement the solid waste national strategy in Egypt, which aims at gradually transferring public cleanliness responsibilities and services to the private sector and restricting the role of governmental bodies to planning, control, and monitoring after setting the necessary requirements for licensing private sector companies and contracting them out, I would like to inform you that Alexandria governorate is currently implementing the governorate cleanliness contract, which was signed with Onyx company in Alexandria with a view to cleaning and beautifying the whole governorate.

In order to strictly monitor the private sector company, the Alexandria Governorate would like to strengthen the role of the administration responsible for monitoring the cleanliness operations as per Law Number 38 of 1967 on public cleanliness by giving the staff of this administration enforcement authorities, each within his scope of competence, with respect to any violation of the provisions of Law Number 38 of 1967 on Public Cleanliness and Law Number 4 of 1994 on the Environment and executive regulations thereof.

Such enforcement authorities would be given to the following positions in the Solid Waste Inspection and Environmental Monitoring Administration in the Alexandria Governorate:

- Solid Waste Inspection and Environmental Monitoring Administration manager
- Operations manager
- District managers
- Monitors within the Solid Waste Inspection and Environmental Monitoring Administration of environmental services who work in the field within the boundaries of Alexandria Governorate

As such, kindly give your approval and give instructions on the issuance of a decree by the Minister of Justice giving the above mentioned positions within the Solid Waste Inspection and Environmental Monitoring Administration in the Alexandria Governorate enforcement authorities.

With my best regards,

Governor of Alexandria
Mohamed Abdel Salam AlMahgoub