

## Land, Legitimacy and Governance in Revolutionary Cairo<sup>1</sup>

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v. 4 March 2012

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<sup>1</sup>This paper reflects the research of the authors working as a student consultant team for the Institute for Research and Debate on Governance. The project was awarded the Leous-Parry Award for Progressive Sustainability by Columbia University School of International and Public Affairs.

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## EXECUTIVE SUMMARY

For decades the structure of governance over land in Cairo has benefited a narrow elite at the expense of the wider population. Institutions and processes determining how land is used have produced significant inequalities; more than half of Cairo's population now lives extralegally in a diverse assortment of informal areas. The January 25 revolution opens a timely and much needed space for reflection and reformation of the systems of governance over land in Cairo.

Actor and institutional mapping, case studies and detailed interviews were employed to explore our thesis: institutional recognition of the interests of all segments of the social strata is necessary for a legitimate and credible system of governance over land in Cairo. The paper concludes with a set of suggestions for the way forward. These, among other issues, need to be debated by Cairenes when redesigning institutions of governance over land and evaluating proposed institutional arrangements. Our suggestions include:

- Develop a new vision for Cairo and its future that represents the collective interests of Cairenes through formal consultation and engagement between planners and residents from all levels of the social strata, rather than continue with the elite vision symbolized by the Cairo 2050 document.
- Debate the vision at all scales. Considerations at a macro scale include whether to balance investment in satellite cities that have historically benefited a narrow elite and foreign investors with reinvestment in the dense urban core, which could benefit the wider population along social, economic and environmental dimensions.
- Review the conditions under which resettlement for urban renewal and planning is necessary and identify appropriate compensation for those displaced along transparent mechanisms for disbursing it.
- Discuss the existing and potential future legal system with respect to land. Debates might include how to synthesize and simplify a comprehensive legal system that supports equitable use of land and decision making, decentralize decision making, and explicitly define and codify responsibilities for all government bodies that make decisions about land. Details should be debated regarding the design of formal mechanisms of public disclosure and consultation in land governance at multiple scales.
- Consider land tenure and service delivery in extralegal areas. Establishing land rights must be part of a wider process of establishing effective institutions in previously underserved areas to prevent possible market-driven displacement and should be done in consultation with those affected.

*Keywords:* Governance, Land, Legitimacy, Cairo, Egypt, *Ashwa'iyyat* (informal areas)

## GLOSSARY

<i>Al-Majhud al-Dhati</i>	Literally “ <i>Self-reliance</i> .” Self-management and especially self-finance. Initiated by President Anwar Sadat as part of a policy reorientation of the Egyptian economy and political system away from the social policies of the Nasser Era.
<i>Ashwa’iyyat</i>	Literally “random” or “haphazard.” Used in Egyptian Arabic to describe informal areas.
AUC	American University in Cairo
Cairene	Demonym for someone from Cairo.
CLSC	Council of Local Civil Servants
Districts	Cairo is subdivided into 26 districts ( <i>Ahya</i> )
Governorate	Egypt is administratively divided into 28 Governorates ( <i>Muhafaza</i> ). Greater Cairo encompasses five Governorates: Cairo, Giza, Qalyubiya, Helwan and the 6th of October.
<i>Historic Cairo</i>	Neighborhoods of Coptic and Islamic Cairo in the historic core
<i>Infitah</i>	Literally “ <i>Opening</i> ”. Refers to the period of economic liberalization embarked upon by President Anwar Sadat in the 1970’s.
<i>Kabir</i>	Oldest or most well connected resident of a neighborhood.
LPC	Local Popular Councils
MB	Muslim Brotherhood - an Islamist political movement founded in 1928 by the Egyptian preacher Hassan Al Banna. The MB was banned in 1954 by President Gamal Abdel Nasser but still enjoys widespread popularity in Egypt.
NDP	National Democratic Party – the ruling political party of Egypt from its founding in 1978 by President Anwar Sadat until the January 25 revolution in 2011. It was officially disbanded by an Egyptian court in April 2011.
NGO	Non-Governmental Organization
<i>Rais al Hayy</i>	Local district executive (appointed).

<i>Sha'abi</i>	A term meaning literally " <i>Of the people</i> " used in Egyptian Arabic to describe working class popular culture, music and dance.
<i>Sheikh al Hara</i>	Local neighborhood head in Cairo especially during the Ottoman period.
Waqf	Islamic Charitable endowment. Plural: <i>Awqaf</i> .

## I. INTRODUCTION

The legitimacy crisis leading to the January 25th revolution in Egypt was the result of decades of governance that failed to craft or implement an inclusive vision for the national economic and political system. Nowhere was this more evident than in Cairo, the capital city housing one quarter of the national population, much of the economic base, and all of the hyper-centralized governing institutions.

While Cairo remains a destination among people hoping to make a better life for their families, it is also a city of extreme economic inequality. Perhaps as much as half of the city resides in a heterogeneous mix of informal areas; the majority of citizens are marginalized in decision-making regarding land. Institutional recognition of the interests of citizens from all levels of the social strata will be necessary for a legitimate and credible system of governance over land in Cairo.

An issue that affects daily life in Cairo, land mismanagement is chronic and indicates overarching deficiencies in the ruling ideology and institutions. As Egypt struggles to redefine itself, it is now entering a period of opportunity to reexamine and restructure problematic formal systems around land governance. Property development in particular has played a large and lucrative role in the economy and politics. Not only was this poorly regulated, but also scandals involving public officials regarding land have occupied frequent headline space in media since the revolution.

A look at the informal areas is also essential in understanding the system of governance over land in Cairo. Through the official lens, the majority of Cairo's unplanned neighborhoods are classified as illegal and problematic, yet their role in the fabric of the city is far more complex and central. While officials often strategize how to extirpate these areas, they also play on citizens' fears of eviction. Authorities often encourage transactions that subverted the legal

system in favor of clientelism and bribery. The end result is an increased vulnerability of Egyptians living in these areas as they are reduced from citizens to clients of the state.

This paper examines two views of the overall governance over land in Cairo: one “from above”, and one “from below”. The “view from above” reflects the guiding ideology and priorities of the Egyptian state; an elitist perspective that privileges the creation of satellite cities and development of land on the desert peripheries of Cairo, while neglecting the needs of the majority of citizens living extralegally. The “view from below” is characterized by alternative systems and economies that provide essential citywide services within socioeconomically mixed neighborhoods without the support of the state. Growth in these areas is guided by unofficial norms of planning and service provision.

While the formal systems of Cairo may appear to be on the verge of collapse, complex alternative pathways of governance over land are thriving. As governance is reexamined in a post-revolutionary Cairo, synthesizing these two views and crafting institutions which are more inclusive and based on a shared vision will be necessary to sustain a viable and legitimate government. This paper will explore the structures of governance over land in Cairo as framed by these two views of governance over land within the city, as well as explore how the regulatory, judicial, and institutional systems interact on issues of land management.

Section II discusses the theoretical framework guiding this paper. Section III describes the methodology, explaining both the rationale that guided research, and the process through which it occurred. Section IV lays out the “view from above” - the system of governance over land that was promoted by the Mubarak regime. This includes a discussion of the elitist vision of Cairo, the important actors involved, the legal framework through which this system is perpetuated, and its consequences. Section V provides the alternative “view from below” which outlines different ways Cairenes navigate the governance over land; this allows their city to work in certain ways, but also leads to exclusion and neglect. The last section, Section VI, identifies

the policy challenges and prospects that require deeper thinking to craft a new system of governance over land in post-revolutionary Cairo.

## II. THEORY OF GOVERNANCE OVER LAND

### One system of governance over land, many pathways

The context of Cairo challenges simple dichotomies with regards to land (legal and illegal, formal and informal, regulated and unregulated), along several critical dimensions. First, unregistered property accounts for 57% of all properties in the city (Sims, 2010). Second, the extralegal largely surpasses the legal in scope and reach. Extralegal pathways to accessing land and housing have become the norm for the majority of citizens rather than the exception; nonetheless, land classified by the government as “informal” still carries negative connotations (Deboulet, 2009). These negative perceptions are used to rationalize privileging elite “planned” developments at the expense of the majority of urban citizens and support policies of *al-majhud al-dhati* (privatization and “self-reliance”). These policies were implemented under Sadat and continued through Mubarak’s tenure, and were used to justify the failure to provide services to large numbers of Cairo’s citizens (Dorman, 2009; Ben Nefissa, 2009). Extreme centralization of decision making over land also resulted in underinvestment in planning capacity at the local level, as nearly all decisions about land and planning were made and implemented by central ministries.

Informal areas are thus “a consequence of an authoritarian political order as well as embedded in the informal control stratagems used by Egyptian governments to bolster their rule” (Dorman, 2009). Rather than a separate system from the formal, the informal areas are deeply, if unevenly, integrated into Cairo’s economic and spatial fabric and produced by the way formal institutions work and don’t work for the majority. Meanwhile, the “formal” is also not particularly well regulated. Bribery and petty corruption at the lowest levels of bureaucracy



engender a "formal" land registration system where uniformly applied legal and administrative enforcement is the exception rather than the rule<sup>2</sup> (D. Sims, personal communication, January 12, 2011; I. Lotfi, personal communication, January 20, 2011).

The dichotomy between "formal" and "informal" areas is dangerously misleading in Cairo where informal areas eclipse in scope the formal, in addition to "obscur[ing] questions of accountability, power and social relations" (Roy and AlSayyad 2003, Deboulet 2009). In fact, the distinction held by elites over which neighborhoods are formal and which are informal would be lost on most Cairenes who typically consider *Ashwa'iyyat* to mean only the poorest and less orthogonally planned areas, a significantly smaller category than the legal definition which includes all unregistered property or 57% (Sims, 2010). The distinction is as detrimental as it is misleading. Other examples which illustrate the limits of this distinction between formal and informal, are the cases where the state itself engages in acts associated with the informal, such as squatting on a piece of land (Elyachar 2003).

### **Legitimacy of governance over land**

In this paper we define the term 'legitimate' as any acceptance of an actor, norm, or institution by a group as authoritative. In governance, validity as authority depends both on input legitimacy (the processes of selecting decision-makers such as elections) and on output legitimacy (for example, provision of services and other products of public roles), as well as a reflection of common core beliefs shared between leaders and constituents (Bellina, 2009). Legitimacy over land management is complex and derived from a range of sources; for a given

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<sup>2</sup> As *Ashwa'iyyat* (informal urban areas) make up more than half the city (Sims, 2010), there is a tendency by some analysts and scholars to characterize Cairo, and developing mega-cities in general, as overflowing with slums and on the verge of collapse (Davis, 2006). This view has been widely criticized in the global urban literature (Angotti, 2006), and is wholly inappropriate for the context of Cairo where informal areas provide housing for more than half of the urban population across a diversity of physical housing qualities (Sims, 2010).

situation different norms and sources are mobilized to establish the recognized right of an actor to make decisions over land.

Within the larger system of governance over land, there are various means of navigating and asserting one's claim to land. There is a presence of a plural legal framework, based on different mechanisms for asserting ownership over land. This framework comprises written law as well as other normative methods, meaning there is attenuated sociological institutionalization of the written law as the main mechanism or pathway for accessing land (as defined by Eberhad as cited in Bellina, 2009). This creates a gap in legitimacy between the people and the written law that does not serve them. Additionally, international agencies tend to work through the central government, which in many respects is not seen as legitimate in the eyes of the majority of the population. Clearly, this worsens the legitimacy gap between citizens and the state.

### **Right to the city**

The employment of the formal/informal categorization by elites and ensuing policies also serves to divide citizens into groups with differing sets of rights: those who can exercise their right to the city and those who cannot (Deboulet, 2009). This two-tiered citizenship does not recognize the dignity, rights or essential contributions made by the majority of Cairenes.

The right to the city has become an effective vehicle to formulate demands and has been an important concept since its popularization by Henri Lefebvre in 1968 (Marcuse, 2009).

David Harvey describes the right to the city as follows:

The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization (23, 2008).

The right to the city framework can be a useful analytic approach for studying lead actors and decision-making processes in urban planning and governance over land in relation to the question of legitimacy.

In Cairo, approximately half of residents are not afforded legal recognition of tenure, and large sections of the city lack appropriate policing, schools or other basic urban services. The right to the city, the right to collectively determine the fate and benefits of the city, was an important demand among those made during the January 25 revolution (Saunders, 2011).

### **Traditional authorities?**

The category of traditional authorities in present day Cairo is not as useful in elucidating an understanding of land management as it may have been in previous decades. The relationship between what can be coined “traditional” and “modern” authorities is a complicated one in many post-colonial African states. Scholars such as Mahmood Mamdani have argued “traditional authorities” have been constantly reinvented particularly during the colonial era in many parts of Africa, where certain forms of traditional authority were institutionalized or given precedence over others (Mamdani, 1996).

The traditional versus modern classification was found to be particularly inadequate in describing stakeholders in governance over land in contemporary Cairo, which appears to lack traditional leaders. Traditional leaders may have existed and exercised more power in the past. With the advent of European colonialism in Egypt, following the French invasion of 1798, French colonial authorities institutionalized the role of the *Sheikh al-Harra* (neighborhood head in Ottoman period) into the new legal system. Over time the now formalized roles slowly diminished in significance (K. Abdelhalim, personal communication, January 11, 2011).

According to focus group research with local residents and interviews with NGO workers, the role of the *kabir* (a founding, or well connected, member of a neighborhood who could mediate local issues) was also more prominent and seen as more legitimate, especially in

the 1970s when many new settlements of Cairo were founded; this role is no longer seen as significant and has been largely supplanted by so-called “natural leaders” who can rely on their contacts within government to make an appeal on behalf of a resident (K. Abdelhalim, personal communication, January 11, 2011). This person can be a former government employee with connections to the local *Rais al-Hayy* (neighborhood executive) or someone who otherwise plays an important intermediary role in the patron-client relationship. Thus we do not find “traditional authorities” to have the same relevance for governance over land in Cairo as they may in other areas.

How governance over land in Cairo is structured, what roles different actors have within the system, and the demands for reforms regarding land governance are explored in the following sections.

### III. METHODOLOGY

While citizens at all economic levels navigate the system of governance in Cairo, the majority of literature, policy, and planning documents relating to land in Cairo are situated in an exploration of problems and solutions at the highest level of governance. Our paper aims to fill a gap by institutionally mapping the lived experience of Cairenes, comparing views of the city and perspectives on management of land from actors at all levels, while exploring the links between governance over land processes and legitimacy.

The institutional analysis that forms the foundation of our findings was developed by extensive desk research and a field visit two weeks prior to the January 25 revolution, and another visit one month after President Mubarak’s resignation. While in the field, our team met with actors that experience or participate in governance over land at diverse intersection points; we interviewed academics, NGO staff, urban planners, private developers, civil society activists, and residents of “informal” areas throughout Cairo. In addition we held a focus group with

residents from Bulaq al-Dakrou, a settlement on the western edge of the city chosen for its long history as an unplanned community in Cairo, as well as its large population.

We were particularly interested in understanding how government policies, vision, and the less visible but important systems of patronage and clientelism manifest themselves in everyday life for Cairenes, especially those living in informal areas. Our interview questions to residents focused on 1) strategies of overcoming obstacles related to land, 2) perceptions of *Ashwa'iyyat* areas, the subdivisions within them, and the terminology used to describe them, 3) access and use of services, and finally 4) how residents viewed the revolution and their hopes for the future of Cairo.

In an effort to understand the power dynamics, networks, and official and unofficial rules that govern land in Cairo, we organized our data in a series of institutional matrices each focused on a single goal. For example, one matrix was dedicated to the goal of formalizing a parcel of agricultural land owned by a citizen and laid out the formal and alternative actors, institutions, and rules that one land owner would have to navigate. These maps identified diverse sources of legitimacy, or legitimacy gaps, attributable to actors involved and guided our field research. In addition, we included case studies as concrete examples of divergent views of appropriate governance over land in Cairo.

While the importance of engaging governance, legitimacy and land in Cairo has increased with the January 25 revolution and made our findings all the more relevant, the rapidity of changes occurring in the city presented a challenge to our research. We stayed up-to-date with the flow of adjustments and transitions by carefully following local media and continually checking-in with contacts in Cairo. We primarily analyzed systems which existed prior to the January 25 revolution, and have established that, while there has been some regime change, these systems and the view “of Cairo from above” have remained powerful and continue to present challenges to reconstituting a more legitimate state.

#### IV. INSTITUTIONAL ANALYSIS AND LEGAL CONTEXT

##### **Institutional analysis**

Cairo, like the rest of Egypt, suffers from a weak administrative system, due to “excessive centralization, lack of transparency, and communication failures between the administrative apparatus and citizens” (Ben Nefissa, 2009). Up until the January 25 revolution, decisions rested with a select group of individuals, all of whom were members of the National Democratic Party (NDP). The multiplicity of institutions that exist, many with overlapping mandates that compete against each other, avidly vie for access to land as a patronage resource (Singerman, 2009). Currently, there are over 30 different local and national government agencies involved in some aspect of the planning and management of Greater Cairo. Policy-making and decisions are generally dictated by the central government, although it is not immune to divisions itself. Governance in Egypt tends to be driven more by the influence of particular individuals than institutions, with the latter being used as a medium for the development of patronage systems (Springborg, 1979).

##### *Ministries*

Central ministries are powerful actors in relation to land and urban planning. However, the prevalence of the central government’s control coexists with a general mismanagement, plain ineptitude and basic inefficiency that create the conditions for corruption and patronage systems to flourish. An important factor that exacerbates this situation is the competition of power among ministries. Different bodies have conflicting interests, redundant mandates, and fail to coordinate with each other (Ibrahim, 2009). This has resulted in a complex and often contradictory system of urban planning and land management. In particular, ministries compete for control over land that is not privately owned, this being mostly desert land. The Ministry of Petroleum, for example, may search for oil on a particular piece of land and then make claims of

control of the land in addition to the resource below it (L. El-Shawarby, personal communication, March 23, 2011).

The Ministry of Housing has a particularly strong role in urban governance, yet rarely coordinates with the other ministries that prepare urban and regional development studies and plans. The Ministry of Planning and Local Development prepares regional development plans and studies and the Ministry of Tourism prepares coastal zone management plans. All plans, whether at the national, regional or local level, must be reviewed and approved by the Ministry of Defense and Military Production. The Ministries of Agriculture and Land Reclamation, Awqaf and Culture (through the Egyptian Authority for Antiquities) also directly affect the decision making in urban planning in Egypt (World Bank, 2007).

Awqaf is an institution that has for centuries been the recipient of land given as charitable donations from Muslims, and has accumulated vast amounts of property throughout the Middle East - now being a source of patronage. Though they continue to exist nominally, religious endowments were viewed as a threat to the power of the central government in Egypt, and since the 1952 revolution were nationalized and brought under state control and the Ministry of Awqaf. There is, however, currently an attempt across the Middle East to revive this institution as a way to promote philanthropy for social change (Ibrahim and Sherif, 2008).

#### *General Organization for Physical Planning (GOPP)*

The GOPP is one of the most significant actors responsible for urban planning and governance in Cairo. Testimony to its prominence is the fact that it is housed within the Ministry of Housing and receives support from UN HABITAT, also situated in offices at the Ministry's main building. It is charged with preparing urban master plans for major cities and came to

prominence in particular with relation to the Greater Cairo Master Scheme, otherwise known as “Cairo 2050,”<sup>3</sup> which it spearheads.

The GOPP was created by Republican decision 1093/1973 which dictates the creation of a general association for urban planning. In the framework of the new law 119/2008, they are given the responsibility of drawing strategic plans for the Governorates in ways that are suitable to their possibilities and resources. GOPP has produced dozens of strategic plans for Egyptian Governorates, cities, small cities, and urban cordons for villages and hamlets. These plans now mostly stand as a painful reminder of the gap between plans and actions endemic to the Egyptian administration.

#### *Informal Settlement Development Fund (ISDF)*

A body under the authority of the Egyptian Prime Minister’s Cabinet, ISDF works with an annual budget of 500 million Egyptian pounds (about 84 million US dollars) directly on popular quarters considered unsafe (J. Bremer, personal communication, January 16, 2011). Since the fatal rockslide at Al-Duwayqa in September 2008, which killed at least 119 people in Manshiyet Nasser, a large informal area in Cairo, the ISDF has classified Egypt’s informal areas according to their assessment of the degree of danger facing local residents, whether from rockslides or other threats to their lives and health.

While vulnerabilities to natural hazards are real, the notion of safety can also be abused to justify exploitative policies and in extreme cases displace poor people living on valuable real estate. Plans are developed by ISDF and then submitted to the national government to be approved before being forwarded to the Governorate for implementation. The repercussions that such removals have on the lives of those affected are, in many cases, not adequately taken into account (see also Elyachar, 2005). Residents and community leaders we spoke with did not

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<sup>3</sup> For more on Cairo 2050 visit [www.CairofromBelow.org](http://www.CairofromBelow.org), see also Cairo from Below (boxed text) p. 41



corroborate ISDF's claim that civil society meaningfully participates in the ISDF's information gathering or decision-making processes.

### *The Military*

The military is one of the most powerful Egyptian institutions. All three Presidents since the 1952 revolution have been former military officers. Nasser gave most policy-making positions of government to former military officers. In relation to land, their influence can be traced back to their leading role in the reclamation of desert land (Springborg, 1979) and can be seen permeating the legal system and land market.

The military relies on real estate speculation for a large portion of their income – often informally selling off unimproved and agricultural lots. As evident during the creation of the New Cities, they also sell vast tracts of the desert set aside for official use (D. Roy, 1992). They have leveraged their power to influence major infrastructure projects as well. In 1991-2, for example, the Ring Road route was deviated two kilometers to the east of Cairo through the desert for “military reasons”, with a western arc in this road being introduced on arable land on Giza's outer fringes (Fahmi and Sutton, 2008). Finally, the Egyptian military plays a particular role in the legal system with respect to land. When authorities became more determined to prevent building on agricultural land, they passed a law in 1996 that made such action a criminal offense to be handled in military courts (Sims, 2003).

### *Governorates and Governors*

Since 1979, Governorates have had authority over urban planning, housing, land development and infrastructure. However, planning in Greater Cairo is especially difficult because the city is split into three distinct administrative units, the Governorates of Cairo, Giza and Qalyubia. As a result, there is no one administrative body overseeing growth and development in the metropolis (Sims, 2003). Additionally, the heads of services' departments

such as Housing and Infrastructure are accountable to Ministries *and* Governors; they are caught between two entities with competing visions and struggles for resources (World Bank, 2007). Besides these structural difficulties there are differences of opinion and the Governorates, just like the ministries, have not agreed on a common urban policy to be implemented in Greater Cairo. Few Governorates have established an urban planning department to assume stated roles according to the physical planning law. Additionally, decisions concerning urban development within Governorates have been made based on the personal vision of each Governor (World Bank, 2007).

Governors have the rank of minister, are appointed directly by the president and are seen as his direct representatives holding great power. At one point in the past decade, 24 out of 29 Governors were from the military. This is symptomatic of the general attitude of the state of Egypt towards the majority of its citizens, which are viewed by the government as a security problem. The state's primary goal is to prevent social unrest and maintain stability, rather than deliver services and promote development (Ben Nefissa, 2009).

There is one major aspect in which the influence of Governors is inferior to that of Ministers and which curtails their capacity to function: Governorates depend on the central government for eighty percent of their budget. The remainder is aggregated from fees, a very small portion of which can be used at the Governorate's discretion (Sims, 2010).

As a result of these limitations, Governors often use whatever influence they have as direct representatives of the president to, for example, initiate land development projects in partnership with private sector financiers. Former Governor of Alexandria Adel Labib, a retired major general who was forced to resign after the January 25 revolution due to corruption scandals, was believed to have exploited government owned land in his jurisdiction. He allegedly partnered with businesses, and forwent taxes in exchange for land development (El-Tarabishi, 2011).

*Local Popular Councils (LPC)*

The strength of the central government contrasts with weakness at the local level. The golden age of the LPC was the Sadat era; during this time they held power over civil servants and could force expulsion if their demands remained unmet. Yet, they gradually lost potency and power, and local elections became of little interest. The vast majority of Local Councilors have been members of the ruling party, which makes them basically government appointees (Ben Nefissa, 2009). The authorities use these staged polls to justify their policies and to claim that their decision has been carried out in consultation with locally appointed officials (J. Bremer, personal communication, January 16, 2011). In fact it is the civil servants, and not the elected officials, that make the majority of decisions.

Local Councilors are nominally responsible for the maintenance of roads, and the provision of electricity and water but are ineffective. They are mostly preoccupied with security issues, and tend to focus on imposing a system of permits, including building controls, from which they extract illegal side payments. They have a reputation for being corrupt, though there is no evidence that they are more corrupt than other civil servants (Sims, 2010).

Few inhabitants of Cairo have confidence in the members of their Local People's Council, but there is a personal and representative dynamic. Pressure from citizens for missing services is to some extent articulated through local councils and then proceeds up the hierarchy. The Egyptian government is somewhat sensitive to the criticism that it fails to extend services (Sims, 2010), especially nearing the time of an election.

The deputies in the People's Assembly, on the other hand, are said to be more effective in representing the demands of residents. They act as fill-in mayors and assume some of the duties that Local Council members are unable to fulfill. However, in turn, their engagement with local issues, prior to the January 25 revolution, drew their attention away from the broader political problems (Ben Nefissa, personal communication, January, 2011).

*Local NGO's, civil society, international development and multilateral organizations*

In many informal neighborhoods, NGOs have stepped in to provide essential health and education services to residents. They collaborate with and support the LPC members, though the latter have limited powers. These NGOs are increasingly filling a vacuum created by the ineffectiveness of the LPCs, particularly in service delivery. This reflects the trend toward informal and apolitical decentralization, promoted by the Mubarak regime. Prior to the January 25 revolution, there was widespread apathy regarding local elections – 60 percent of seats were uncontested, and virtually all members were from the ruling National Democratic Party (Ben Nefissa, 2009). The government preferred informal decentralization rather than politically risky formal decentralization that would involve giving more power to LPCs.

Local and international NGOs have a significant presence in informal areas, with international development agencies like GIZ (GTZ) providing information and infrastructure services, and Egyptian NGOs offering single services. By allowing these NGOs and foreign aid agencies to operate in certain areas, and absolving itself from service delivery, the Mubarak regime was able to extend the system of patronage. Some NGOs even have links to government and may act as a direct and unofficial arm of the government agenda. Ministers and Governors often create personal organizations to meet the needs of the community and garner political support and extend patronage networks (Bremer, 2011; Shaat, 2011). The Ministry of Social Affairs has even created Associations of Local Development that pose as NGOs with the aim of channeling money from donors and carrying out works that fall under the responsibility of the government. More recently, private land developers have founded their own non-profit organizations to increase positive presence in informal areas and fulfill a sense of responsibility (M. Ayyad, personal communication, March, 2011).

However, parallel to greater service provision, this impetus for civil society and NGOs has also led to the unrestricted privatization of the functions of the government. Furthermore,

the ability of informal institutions to provide services enables space and acceptance for the continued failure of local administrations to meet the needs of their constituents. Electricity, water and sewage, telecommunications and public transportation have been provided in many informal areas under the guise of influential or resourceful citizens (Dorman, 2009).

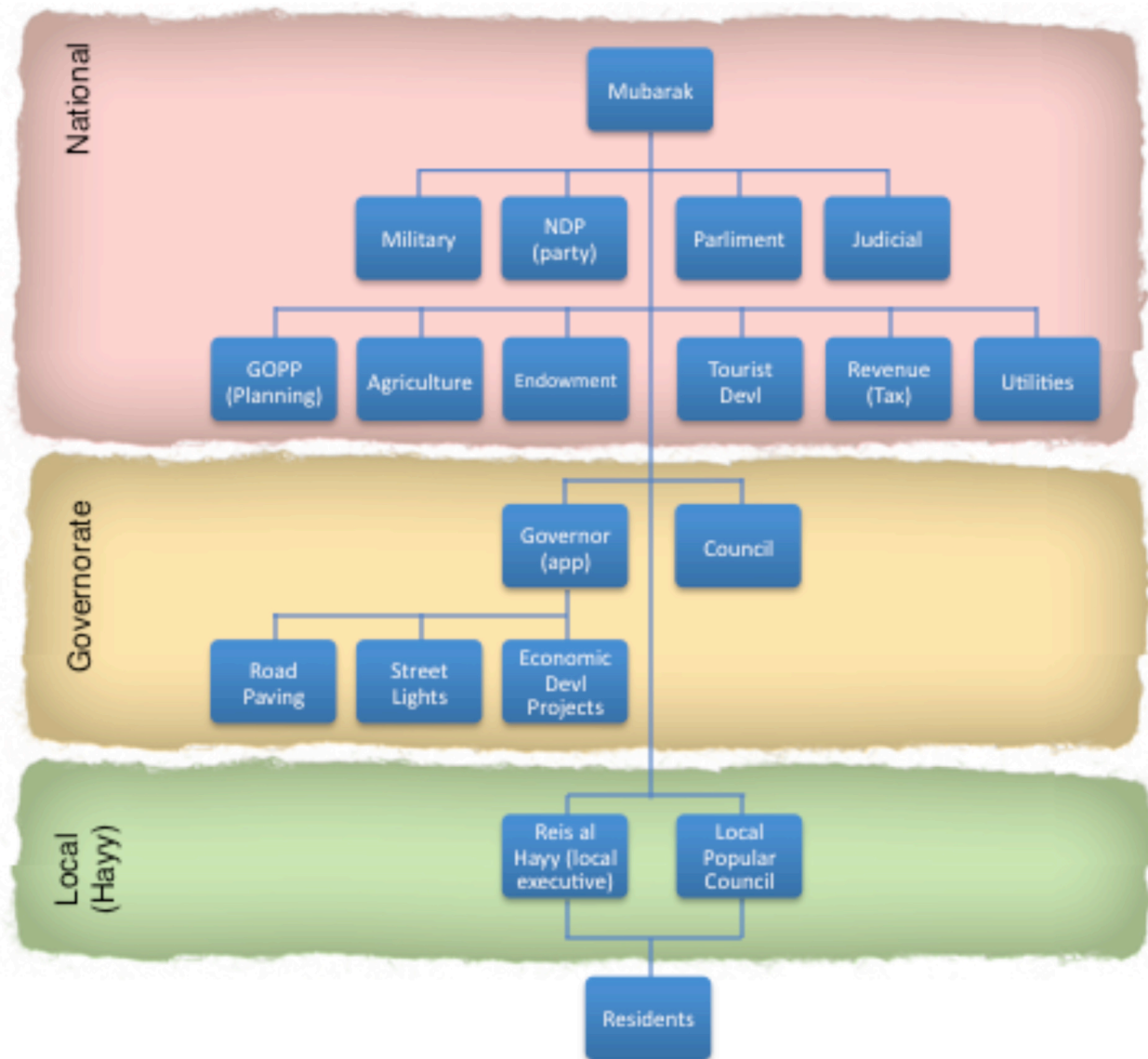


Figure 1. Formal governance structure actor mapping

(Source: authors)

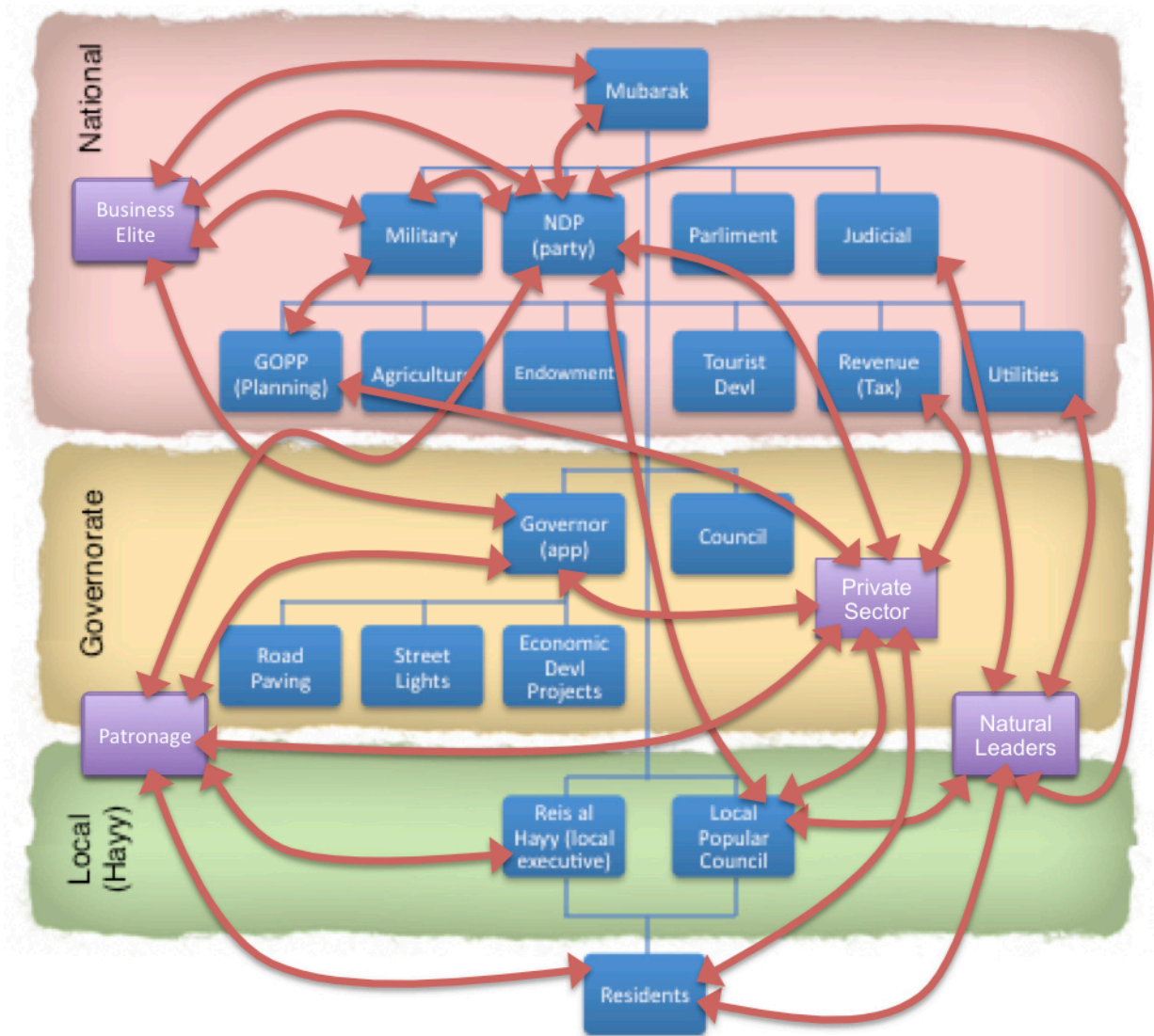


Figure 2. Governance structure with other actors shown

(Source: authors)

### Legal system

In addition to understanding the actors involved in and affected by the current system of governance over land in Cairo, it is vital to study the legal aspect of the system within which they operate and explore who gains and loses under current structures.

## Legal context

Housing regulation is one insightful tool in analyzing the laws that govern land, as rent control laws have played an influential role in de-incentivizing the construction of affordable housing, as well as the renovation of existing housing stock. This, in turn, creates an obstacle to the access of land and property. The halt in construction due to and during the Second World War greatly increased rent prices in Egypt. To combat this, the central government established rent control laws in 1952, 1958, 1961, and 1962. In 1952, this reduced rent by 35% of its 1944 value to ensure affordability and froze it at that rate, with adjustments in following years. As a result, the private sector withdrew from the unprofitable rental housing market, and private owners were reluctant to maintain existing housing stock. Housing stock deteriorated as a result (World Bank, 2007). This may be a reason for the negative perception of the deteriorated core of Cairo among individuals the team interviewed. More importantly however, this is an example of a law linked to governance over land that does not help those it is meant to serve.

Although the rent control laws continue to inhibit the housing market today, a solution is not as simple as lifting rent control, as this could lead to the financial displacement of residents unable to afford market prices.<sup>4</sup>

Not only is there a lack of private sector investment in housing, but following the 1967 war there was also a major reduction in public investment in housing and infrastructure, and this led to a further increase in informal development (World Bank, 2007). In the 1960s and the 1970s, informal areas started to grow quickly on agricultural land - grafted onto rural areas. Around this time the following neighborhoods emerged: Shubra al-Khayma, Imbaba/Waraq, Bulaq al-Dakrur, al-Umraniya, al-Basatin/Dar al-Salam, Manshiyat Nasser, al-Marg/Khusus (Sims, 2010).

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<sup>4</sup>An estimated 42% of housing stock in Cairo is frozen under rent control. Law 4. of 1996 freed the rental market for newly built, and the then-vacant units (Cities Alliance, 2008).

Exacerbating this situation, under Anwar Sadat, Law Number 178 for Egyptian Land Reform – which increased equitable access to land and redistributed 12% of Egyptian land – was abolished and the number of landless people eventually increased (Adriansen, 2009). Informal areas continued to expand with the combination of a low supply of affordable housing, an end to land reform, and a decrease in options for low and middle-income Cairenes.

More pressure on the housing market occurred in 1974, when Sadat announced the state policy of constructing desert cities throughout Egypt (Sims, 2010). The policy can be traced back to the Free Officers Revolution in 1952, when Nasser was convinced of the idea that wide-scale reclamation of the desert was the key to overcoming Egypt's overwhelmingly unfavourable population to land ratio (Springborg, 1979). The policy concentrated public investment in new cities with little left for housing supply in existing cities, resulting in an unbalanced development in new cities with inadequate infrastructure in initial phases and ultimately, vacancy (World Bank, 2007). Again, this fed into the housing crisis, which in turn led to the growth of informal areas.

### *Evolving legal dynamics*

Egypt's Planning Law No. 3 of 1983 prohibits local authorities from connecting infrastructure networks to housing units lacking formal legal status. As seen in the actor analysis above, relationships are important in navigating the system of land governance; only those who could bypass such restrictions through connections or gifts were connected to the networks (World Bank, 2007).

A policy to upgrade informal areas gained traction in the 1990s in response to security threats (Dalzell, 2006). At this time, the government became more interested in counter-terrorism and began to fear that if nothing was done informal areas would become a breeding ground for radical movements (M. Ayyad, Personal communication, March 21, 2011 and K. Shaat, personal communication January 18th 2011). Laws currently exist which outline a



complicated process by which informal areas can be formalized. This usually includes the government drawing up a proper urban development upgrading plan for a neighborhood, and that plan being officially approved by the Governor. Once approved, any individual can go to the *Hayy* and begin the process for formal recognition of their property. This process is supposed to take about six months according to the government, but in reality one hears of the process taking between six to fourteen years (ECES, 2011).

What is most interesting is the continued legal attempt to control informal areas that represent such a large portion of the Cairene population. In 2006, 11 million people lived in Greater Cairo Proper and 5.1 million in Peri-Urban Greater Cairo, the faster growing of the two (Sims, 2010). The majority of the population now lives in informal areas. Between 2003 and 2008, 78% of housing units were purchased from individuals or small informal developers (92% in Peri-Urban Greater Cairo by way of a *simsar*, or informal broker). In 1996, of the 4.5 million dwelling units in Cairo, 57% were informal and unregistered and another 13% had once been registered; only 27% could be considered formal. In 2005, only 7-10% of properties were registered (Sims, 2010).

Government response towards the marginalized majority is characterized by negligence, demolition, relocation, and exploitation,, weakening the state's ability to develop urban planning policies or programs (Fahmy, 2004). An example of this is seen in the Law of Expropriation (*Qanun Naz al Malakiya*), enacted in 1990. Under this law, the government may demolish anything as long as it is for "public utility." Public housing is not considered public utility (S. Attia, Personal communication, March 20, 2011). It becomes clear that the legal system formally guiding the governance of land does not adequately serve the needs of the population.

Another key aspect of the legal system in terms of governance over land and its effect on equitable access to land and property is ownership and documentation. According to David Sims, there are a number of "quasi-legal or informal procedures [that] conveniently sidestep the official registration system," to transfer property. '*Urfi* is a simple two party paper contract

witnessed by two others and is most commonly used. For additional security, it is possible to confirm the *'urfi* by the court under a *sihhat tawqi'* (contract signatures). More secure still, is the *da'wa sihha wa-nafadh* or petition for the execution of a contract. The seller of the property may also issue a *tawkil* (power of attorney) giving the buyer all ownership rights over the property and the *tawkil* can be endorsed by the *shahr al-'aqari* (land registry office). The endorsed *tawkil* would be the only option considered in a formally registered sale of land by government officials (Sims, 2010). These alternative pathways to navigate the system represent “a co-existence of various forms of legitimacy” (Bellina, 2009). Below are several more examples demonstrating the presence of a plural legal framework. This framework comprises different mechanisms for accessing land based sometimes on state law and other times on different normative orders.

Another legitimate pathway to claim land or property is what is referred to as *Wadi' Al-Yad* or “placing one’s hand.” Noura, a resident of Bulaq Dakrour and an events organizer at the Centre for Egyptian *Women's* Legal Assistance, explained during a focus group session that historically people have claim over their land and consequently property, when “they just take it *wadi' Al-Yad* [put your hand down, it’s yours], because the government is not planning and so there is no land for them, they just take it” (Noura, Focus Group, March 24, 2011). Similarly, a resident of one of the poorest informal areas next to *Hadaiq Badr* (Badr Gardens), in the Ein Shams neighborhood of Cairo, insisted that he owns the land on which his residence sits, just as those in the nearby high-rises own the land they claimed via *Wadi' Al-Yad* (Personal communication, January 21, 2011).

According to several interviews, including with one with top Egyptian blogger and activist, Mahmoud Salem<sup>5</sup>, another quasi-legal channel of land ownership can happen in part as a result of the Nasser Law of Possession. This law made it possible for someone to file a lawsuit against another over ownership of a certain plot of land, then drop the lawsuit making the sued

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<sup>5</sup>Mahmoud Salem blogged under the name “Sand Monkey” and only revealed his identity during the January 25 Revolution.

the “winner” with “formal,” contractual, government-issued ownership of the land (M. Salem, Personal communication, March 13, 2011).

These quasi-legal means are an example of how Cairenes have adapted alternatives to the current legal system in order to claim ownership over land and property. The most interesting outcome is that government agencies and private companies are using these systems of transfer (Sims, 2010). The following sections will explore how the actors and institutions analyzed thus far are viewed from two different vantage points: from above and below.

## **V. VIEW FROM ABOVE: SYSTEM OF GOVERNANCE OVER LAND**

There have been several instances when the government attempted to provide affordable or public housing to Cairenes; the majority of these efforts failed because of inadequate attention to how people live and the dynamics of the informal areas of Cairo. The government planned relocation sites in areas unacceptable to residents because of long distances between the site and residents' social networks and places of employment, and because of the lack of transportation options. Furthermore, the government did not design viable payment methods or increase awareness among residents about the planning process. The lack of citizen participation and consultation in these planning processes is a key explanation for the unsuccessful record of public housing in Cairo and resistance among residents. (K. Shaat, personal interview, March 15, 2011)

### **Elite vision of Cairo**

Urban planning in Cairo is fraught with institutional complexity that results in poor planning, as well as poor response to the needs of residents. The development of contemporary urban planning in Cairo has consistently privileged the development of real estate geared

toward elite uses rather than projects that might serve as vehicles for economic mobility (Sims, 2011; see also Denis, 1996).

### ***Cairo 2050 - a case study***

Cairo 2050 highlights several institutional issues around Egyptian land-use planning and places where the general framework needs to be changed. Cairo 2050 is “owned” by the General Organization for Physical Planning (GOPP) and its stated objective is to realize the desired development for Greater Cairo. The impetus behind this plan is the desire to make Cairo a “World City” engaged in international competition vying to become a hub of technology, industry, trade, banking, finance, professional activity, higher education and the arts. The central planning document of the GOPP is the Cairo 2050 plan. While versions of it (it is known to exist only as a PowerPoint) have circulated at conferences and are available on the web, the public in Egypt is largely unaware of its existence or its likely massive social impacts were it to be implemented. While the presentation includes a sub-section entitled “local views” describing a form of participatory planning and input legitimacy, the images in these slides showed little more than a few men standing in a group, and did not include any detailed plan for public consultation.

By 2030 authorities hope to be rid of informal areas altogether. Already in late 2010 residents of 33 “shack areas” in Cairo and nearby Giza faced possible forced eviction from their homes and relocation to 6 October City and 15 May City, outside Giza and Cairo respectively. Some 35,700 housing units would in theory be allocated for them. (Amnesty International, 2010)

In May 2010, Prime Minister Ahmed Nazif announced that these targeted informal areas were to be cleared for redevelopment as part of the 2050 Strategic Vision for Greater Cairo. The residents have not been adequately consulted about this apparent decision to forcibly evict and relocate them. (Amnesty International, 2010)

Ezbet Abu Qarn, in old Cairo, is another informal area where many residents work as solid waste recyclers. It too has been designated as a “shack area” and, under the 2050 plan, its residents will also be required to leave the heart of Cairo where the oldest mosques and churches in the multi-religious compound are located. The area’s residents want to improve their housing conditions, not move away, but fear that they face inevitable forced eviction.

In a formal letter to the previous president Hosni Mubarak, the Housing and Lands Rights Network points to what Cairo 2050 proposes to do in Gazirat al Dhabab and Warraq Islands and criticizes these actions. Consequently the network calls for more humane and sustainable alternatives (Housing and Lands Rights Network, 2010). Residents of the islands want to stay on their land, while the state threatens to evict and dispossess them. The state typically will first appropriate the land for “public services” and then evict the residents. It ignores residents who have lived there for decades and the functioning informal institutions they have developed. Information circulating at the time the letter was issued, suggested that the government was actually intending to sell the islands to non-Egyptian Arab investors for the development of tourism facilities. Citizens, witnessing others who have been evicted without compensation, feel there is no government transparency and do not trust any official compensation plans (Housing and Lands Rights Network, 2010). This sentiment was reflected in many other interviews with residents. According to Sahar Attia, “most of the participatory planning is done with local administration and not the people. . . there is always a detachment between government and people” (2011). Additionally, a member of a focus group and a resident of Bulaq al-Dakrur emphasized that she did not even know who the members of the Local Popular Committee (LPC) for her area were (Focus group, March 24, 2011).

The government representatives are unwilling to address the very real fears and concerns of those they represent, and additionally misrepresent population counts. This results in a failure of officials to prioritize the lives of residents living in threatened areas (those to potentially be demolished as a result of Cairo 2050). The plan represents the dreams and aspirations of certain representatives who hope to turn Cairo into a mega city for tourists, and consequentially lacks a responsible and grounded prioritization and vision for the city. (Housing and Lands Rights Network, 2010)

Egypt has officially signed or accepted human rights treaties that include guarantees to adequate housing (framed as a right) such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (ratified in 1982), the Elimination of All Forms of Racial Discrimination (1969), the Rights of the Child (1990) and Elimination of Discrimination against Women (1981). These codified responsibilities are ignored in urban planning however. Egyptian law is often at odds with what these conventions assert – there is no legal prohibition on forced evictions nor safeguards for when evictions take place. There is no legal obligation to consult with residents of “unplanned areas” prior to eviction either. Furthermore, perhaps as a result of no recourse to the country’s legal system, there is little indication that these international conventions are widely cited by activists to pressure the government, although certain international and internationally-focused non-governmental groups have invoked them, such as Amnesty International in detailing the Egyptian state’s legal obligations to provide adequate housing (Amnesty International 2011). The ISDF has identified 404 sites for removal; in Cairo there are 53 under threat, 16 of them under high risk. ISDF has joined forces in some areas with Cairo 2050 to enforce expulsions in certain areas (M. Tidbi, Personal communication, January 11, 2011), and in doing so violates the state’s obligations to provide *adequate* housing under international law.

### *Urban density*

For the reader unfamiliar with contemporary urban studies theory, an important question for governance over land in a large urban context is that of density versus sprawl. Density of buildings and people on land is described in global urban literature as a largely advantageous urban characteristic for the economic and ecological efficiencies that urban density offers (Brugmann, 2009). The late 20th century North American model of low density suburban development grew out of the Garden City movement and has been widely discredited by urban planners since Downs (1989, 2007), and urban theorists even earlier. In post-revolution Cairo, two imaginaries will vie for dominant vision: one of density and one of sprawl. Who benefits from these competing visions and how the decisions will be made over land are two important questions to be faced by an evolving structure of governance over land.

## **Social segregation**

Many Cairines prefer to live in an unplanned neighborhood rather than in a planned new town. Many economists believe that investment in new towns is not the best solution for the housing and density problems of developing countries, explaining that such developments evidence a lack of understanding of the urban process (Feiler, 1992). Understandably, people have a desire to live in the city near the benefits of work, while enjoying solidarity networks which the city fosters (Denis, 1996).

These new towns also change the unsegregated dynamic of Cairo, as “until now . . . social distinctions did not coincide with pronounced forms of segregation. Cairo lacked the form of urban apartheid found in cities as different as Los Angeles, Johannesburg, and Rio de Janeiro” (Denis, 1996). The Ring Road built around Cairo in the 1990s, for example, has served to segregate inner Cairo from expanding outer fringe areas of higher class residences (Fahmi and Sutton, 2008). Many of Greater Cairo’s major urban corridor projects aim primarily to improve accessibility to the new towns rather than to improve surface transportation within the central metropolis (where over 96% of the population lives) (Sims, 2011).

### **Serving the elite**

As mentioned above, systematic efforts of the regime to improve the welfare of Cairo’s residents are generally misguided. The state views informal areas as a problem, and rather than improve them, focuses its resources on costly and exclusive building projects for the wealthy that mostly stand vacant. Thus the interests of the business elite has come to be represented in state policies and planning, to the detriment of the majority of the population. The magnitude of informal housing development is a direct result of inadequate government policies that completely fail to offer viable alternatives. One of the main reasons for this failure is because, in Egypt, those who rent are kept out of the debate on informal areas, even though they represent 51% of households in these areas (Sabry, 2010).

In addition, government and civil society institutions prevent the responsible and egalitarian distribution of land and management of the resources of the city. Lack of vertical and horizontal accountability, as well as transparency in resource management enables officials to manipulate existing land laws and legislate according to priorities of their private networks; this often results in the support of luxury industries. Mubarak's regime has been characterized as a network of crony capitalism that gives huge swathes of land at extraordinary low prices to major land developers. This was not exclusive to Mubarak. In 1979 Sadat made a gift of 5,000 hectares of unimproved desert land to a friend, who proceeded to use government machinery to make it livable and then sell it in 1986 for the equivalent of 13 million US dollars (D. A. Roy, 1992).

#### **Recent land scandals in Cairo**

Influential private land developers are intricately connected to government patronage systems. They benefit from discounted land prices and are directly given government land in violation of official land auction laws.

An Egyptian court ruled that the Palm Hills agreement, in which the New Urban Communities Authority (NUCA) sold 960,000 square meters of land in a Cairo suburb to Palm Hills Development Company at below market price, was invalid and illegal. Alaa Mubarak, Hosni Mubarak's son, and former Housing Minister Ahmed al-Maghrabi both own significant shares in the Palm Hills (El-Karanshawi, Reuters, 2011).

In 2010, former housing minister Ibrahim Suleiman was charged with squandering approximately between 4.3663 billion USD and 17.12 billion USD of public funds, in favor of prominent business tycoon and land developer Talaat Mustafa. Suleiman is accused of "giving Mustafa 8000 acres of free land to construct the Madinaty urban development project," in violation of the law which forbids land to be sold by any other means than public bids (Musallam, 2010).

## **VI. VIEW FROM BELOW: SYSTEM OF GOVERNANCE OVER LAND**

### **Cairo works**

Historically, the government has discouraged service delivery to informal areas (Sims, 2010). Since the 1970s however, prior to elections the Prime Minister or President has issued

decrees announcing the provision of services to these areas. This official encouragement of service provision to informal areas has become particularly prevalent after 1991, and even more so after the 2005 elections (Dorman, 2009). The existence of alternative, informal norms, however, means that residents in informal areas have always had a system in place that provides some sort of access to services (K. Abdelhalim, personal communication, January 19th 2011). In terms of access to services, therefore, the issue of land formalization has thus become less important for residents of informal areas, as they do not need to go through any formal legal process to gain this access (K. Shaat, personal communication, March 15th 2011). The government remains unable to monitor or encourage the enforcement of codes in the formal sector, and thus the law has lost its potency when applied to the informal areas of Cairo.

The general sense among the population is that the state “divorced” its citizens, so citizens must organize among themselves (A. Suleiman, personal communication, March 17th 2011). This informality is structured, organized, and integrated into Egyptian daily life and culture; it derives from pragmatics, cultural and religious norms, business and personal interests, and influences the physical and social spheres of Cairo.

In Egypt a combination of a variety of sources including Islamic, secular and customary norms and laws have determined patterns of property distribution, inheritance and charity. Social status and class also influence these processes.

During the Ottoman and Khedivial periods – Islamic Law (Sharia) at least officially determined how land was purchased, inherited and distributed. Sharia enshrines the right of the individual and his or her legal inheritors to own private property. In addition to Islamic laws governing inheritance and the gifting of private property, many families (particularly elite land owning families) created a family Waqf (endowment) to ensure that property stayed within the family (Nahdat Al Mahrousa). The benefit of creating a Waqf was that the patron could identify and choose the beneficiaries of the endowment, unlike Islamic law which stipulates a specific distribution of private property. Religious Awqaf (plural of Waqf) were also created which



controlled hundreds of endowed properties throughout the country. Islamic injunctions of mandatory charity giving (Zakat) resulted in many Awqaf becoming the recipient's donations in the form of charity and property donations. The religious Awqaf often provided social services such as education or free food for the poor.

Mohammad Ali initiated the process of nationalizing the Awqaf as a means to decrease the power of the Ulema and traditional elites - an element of his reform to create a centralized state. In the aftermath of the 1952 revolution, Gamal Abul Nasser and his successors Anwar Sadat and Hosni Mubarak continued this policy of bringing religious and family Awqaf under state control. As a result, the Ministry of Awqaf (Ministries of Endowment) became one of the most important ministries regarding land in Egypt, with hundreds of small and large religious and family properties under its control ( Nahdat Al Mahrousa). Cairo's central role as the Egyptian capital and the sight of so many historic Islamic monuments and properties has made the Ministry of Awqaf, one of the most important property owning state institutions in the city.

Finally, the tradition of charity giving (Zakat) has had a significant impact on the role of NGOs in the community. Heavily funded by these private donations, non-profit organizations in Cairo tend to focus on a single issue and remain uncoordinated with the community. They lack a comprehensive and clear development strategy and vision (Khalil Shaat, personal communication).

'Modernization' and the drive for legality and a model mimicking Western urban development have led the government to define informality as exclusively negative (K. Abdelhalim, personal communication, Jan 19th 2011). Such thinking is used to legitimize arbitrary displacement of residents of informal areas to achieve other goals under the guise of development and progress such as building hotels etc. These alternative methods of organization vary depending on the history of different communities in Cairo, and provide and prioritize diverse services depending on the land typology and available resources of the area.

The informal areas in Cairo can be classified into four broad categories based on type of land they are constructed on: informal areas on private, former agricultural lands; informal areas on desert state lands; deteriorating sections of the historic city; and deteriorating sections in the inner-city core. The relatively more prosperous have largely settled on former agricultural land (the first type), while the poorest of the poor settled on government and desert land (the second type). Roughly 83% of informal areas (measured by their acreage) are built on privately held, formerly agricultural land (Sims, 2011). The other type is built on state-owned, vacant desert land and constitutes about 10% of informal areas in Cairo.

The latter are deemed 'more' illegal than the former group, and this narrative is strongly used as an excuse not to provide services to these areas. Bizarrely official attitudes are more complaisant with communities on agricultural land - despite the fact these pose a real threat to food security - than on desert land, with urbanization of the desert considered a national priority (El-Batran, 1998).

Agricultural informal areas are built on land that is informally subdivided and constructed on without formal building permits. The government initially ignored agricultural areas. However, it later became a criminal act to utilize scarce agricultural lands for residential purposes. In the case of desert areas, residents were initially allowed to build because at the time these were on the outskirts of Cairo, and were not numerous. The authorities have been stricter with building on desert land, since this is state owned land. Under pre-revolution Egyptian law, encroaching on government land was a criminal offence, and offenders were liable to be arrested and prosecuted.

Agricultural land in Cairo is divided into gridded parcels. When plots of agricultural land are sold, informal areas on them develop in a fairly orderly manner. Conversely, desert areas, have expanded primarily through illegal encroachment and construction and are relatively less orderly. However, despite this apparent chaos, there is the existence of a complex and functioning urban order, including social contracts, inequalities through the speculative real

estate market, a highly centralized authority, modern urban planning and “a population that resists designs for the organization of the city” (Denis, 1996). Urban planning in Cairo can be at once unorganized and yet simultaneously highly regulated. In fact, it is the oversaturation of conflicting and overlapping policies, institutions, and jurisdictions that create the sense of chaos.

Alternative systems however can present opportunities and securities that the formal cannot. Most individuals living in informal areas cannot engage the Cairo banking system, for example, and this can be positive. In the formal sector if you can't pay your mortgage, the bank forecloses on your home. In government-built housing, if you cannot pay the small rent there is the possibility of being evicted (although this seldom happens). People prefer informal areas because 1) they can pay for the land in installments, and can build in installments, and 2) individuals accommodate one another, no one is evicted, and there is acceptance if you can't pay. Land owners benefit from this system because it gives them regular income, and boosts their reputation in the community. Their allowance of deferred payments demonstrates their disinterest in making any money beyond maintaining their business and helps them solicit new clients.

Another important factor that results from remaining in informality is the price of land remains low. Many informal areas are now in prime locations, near the heart of the city. Formalization would dramatically increase their land values (K. Shaat, personal communication, March 15th 2011).

### **Cairo does not work**

#### *Clients not citizens*

Despite government attempts to curtail their growth, Cairo's informal areas have a strong tenacity and a symbiotic relationship with the government. The proliferation of informal areas in Cairo allowed Mubarak's government to cultivate clientelist and patronage systems that became

the hallmark of the regime's policies. As architect and expert on Cairo's informal areas, Dr. Khaled Abdelhalim argues:

*By leaving the people to build or organize their markets informally, the government is able to accuse them of violating laws and regulations at any time. It is an indirect way to control as well as a way to reduce people's demands and expectations of quality services, because they are informal.*

So can we begin to think of informality not only as a way of survival or resistance but also as a way to control (Moursi, 2010).

In informal areas, the main contact residents have had with the state is antagonistic. Since these areas had grown largely without planning in the 1950s and 1960s, there was no legal deed/title for the residents to present as proof that they owned the places where they lived. From a legal standpoint therefore, these areas were considered illegal and their residents liable to eviction and criminal prosecution. This allowed the local administrators in many areas to extort bribes from residents under the threat that if they did not pay, they would be reported. Security agencies often also arrested many residents arbitrarily in order to fill quotas (T. Shalaby, personal communication, March 17th 2011).

Furthermore, from a political standpoint, these areas had no influence on administration or on the power calculations of the rulers. The locus of power (and of earning money) rested with the central government and elite interests. Votes cast in elections were largely irrelevant, and dissenting voices were suppressed due to the state's heavy coercion apparatus. It is this system of interdependence that makes residents of informal areas clients rather than citizens. Clientelist and patronage networks have become the only way residents can get at least partial access to basic services. The absence of democratic bargaining mechanisms in the Mubarak period led to state-society disengagement undermining the possibilities of social engagement. Clientelism, corruption and top-down distribution have completely exhausted state capacities leading to what Dorman has called the "logic of neglectful rule" (2009).

*Unequal access to services*

As we have previously highlighted, services within Cairo are differentiated in quality by the social class of a district. Service delivery to working class areas is extremely poor. Only one-third of apartments in these neighborhoods are connected to the public water system (Ben Nefissa, 2009). As they can pay for these services themselves, the more affluent segments of society are not too concerned about public administration. Since they do not have the income to afford it themselves, the working-class population requires another authority to provide access to water, electricity, sewers, etc. This task usually falls to the local government. Thus, the working-class has the greatest stake in making the 'state' work. Service-delivery is also hampered by the poor planning that accompanied the rapid growth of these neighborhoods (Ben Nefissa, 2009; Sims, 2003). The local government is often absent in providing these services, and residents have to organize through other ways, creating alternative institutions of power and governance to deal with these political-institutional inefficiencies.

A citizen of an informal area characterized the reaction of the government to their population as: "those who discuss and address citizens of *Ashwa'iyyat* do so from a distance "*bishowka wa sikkina*" (with fork and knife) instead as they should, "*billahm wal dam*" (with meat and blood – i.e. as humans and with closeness" (A. Suleiman, personal communication, March 17th 2011). The central government "refuses to accord political power to the local government" (Ben Nefissa, 2009). Instead, Mubarak's regime has encouraged a system of *al-majhud al-dhati* (self-help, self-reliance), and has privatized many services with a decrease in expenditure for health and education. Under this guiding ideology, the government requires local districts to raise funds from the community to provide most services, but insists that the central government and its partners are the only outfits that can provide them; privatization has thus paradoxically led to a greater reliance on the state (Ben Nefissa, 2009). In this system, clientalist networks become the only means for residents of informal areas to gain access to the most basic services (ie: electricity, gas, identity cards, security etc), thus reinforcing a system of

dependency on the state where patronage, bribery and nepotism are a feature of routine transactions and where the poorest segments of society are excluded.

## VII: LEARNING FROM BOTH VANTAGE POINTS:

### Recommendations

Institutions responsible for managing the decision making processes about how land is used and who gets to use it have historically made decisions benefiting the interests of a narrow elite at the expense of representing the interests of a broader swathe of the population. The

#### *View from Below – Focus Group Perspectives*

While informal settlements in Cairo are a significant part of the city, the activities and daily life inside their vicinity remained a mystery to many citizens operating in the formal sector.

Conducting interviews in January 2011 in these neighborhoods, we were initially met with suspicion as residents feared government retribution. Slowly, citizens opened up to interviewers and we found that individuals were most comfortable discussing issues in small groups. During one-on-one interviews, interviewees often waved over friends and family members to participate in the dialogue. Noting this pattern, we designed a focus group for our March 2011 fieldwork to create an atmosphere that enabled residents to speak more openly and confidently.

One focus group was held in the neighborhood of Bulaq Dakrur and was meant to help us better understand the ways residents accessed the formal sector and basic services. We asked questions about daily routines, obtaining property, paperwork documenting ownership of any kind, hurdles to renting and owning, actors that might facilitate the purchase of land or homes, benefits and challenges of living in informal settlements, and expectations for the future.

The majority of interviewees in the focus group and those questioned one-on-one in Manshiyet Nasr and Ain Shams expressed fear of mandatory evacuations. Most residents pointed to their strategies in “stealing” electricity or other services from formal areas or even more affluent informal areas, and again spoke about the fear of being discovered and punished. Several highlighted this vulnerability and their need to pay bribes to low-level bureaucrats and civil servants to remain unreported.

Residents from different areas had different knowledge of and access to their government representative. While one resident of Manshiyet Nasr described the dynamic between community members and the Local Popular Council as “slavery,” another resident from Ain Shams had no knowledge of any local council or government representative.

A final common theme we found among interviewees was, beyond a sense of ownership, the need for a long term strategy of expanding ownership. In both Ain Shams and Manshiyet Nasr, residents planned to build flats above their homes for their children and were concerned with unfair land prices. In fact, one resident explained to us that he was just as entitled to land as Talaat Mostafa, a wealthy businessman and well known real estate developer. He posed a question: “if he can buy land for 50 piasters/meter square, then why couldn't we do the same?”

January 25 revolution opens up important, timely, and much needed space for research and debate on the governance institutions of Cairo. The following issues are submitted to Cairenes for further debate and research during the redesign process of their institutions governing land and for the evaluation and negotiation process of proposed future arrangements.

Our first recommendation is for Cairenes to develop an inclusive new vision for land use in metropolitan Cairo through consultation with citizens from all segments of society. A vision for Cairo that represents the interests of the majority of Cairenes, most of whom were previously underrepresented, would stand in sharp contrast to the vision previously exemplified in, but not limited to, documents such as the Cairo 2050 Vision. A more democratic visioning process could be cultivated through formal engagement between planners and citizens of all socioeconomic strata. The elitist vision held by professional planners and symbolized in the Cairo 2050 document will continue to be a part of the professional planning heritage; Cairenes now have the opportunity to challenge that planning modality in the revolutionary context.

A new vision for Cairo should be debated at multiple scales, from the metropolitan to the neighborhood to the granular; for example officials and citizens need to discuss the incorporation of semi public-private spaces necessary for social life into planning. Whether Cairo should invest in satellite cities, which may have more value for external investors and a narrow elite than for citizens, or invest in a dense core, that may benefit the vast majority of the urban population, is something that needs to be debated. Under what conditions might resettlement be appropriate and what would constitute appropriate compensation for displaced people needs to be part of these debates and accommodated in the official visions of planning.

Our second recommendation is for Cairenes to publicly debate the existing legal systems over land and what they would like future systems to look like. The motivation for this debate is the numerous gaps, loopholes and inequitable processes and outcomes of the current legal system regarding how decisions are made about land, land registration, cadastral management, etc. The authors anticipate issues to be debated within this heading would include

decentralization for urban governance, explicitly defined roles across all government agencies and units, elected legislative and executive officials, formal structures of public participation or consultation in decision making regarding land use.

Our third recommendation revolves around security of tenure and access to services. Debate around these issues is important as the majority of Cairenes live without legally recognized rights over their land. Universally granting complete ownership to every resident, however, will not likely result in the desired solution as this may result in downward raiding and subsequent displacement of the poorest classes to the most dangerous of locations or to the extreme periphery of the city, whereby municipal services are hardest to deliver. Establishing land rights in informal areas must be part of wider process of establishing effective institutions to serve the citizens of these areas. Access to services in previously under-served areas including basic infrastructure, policing and schools should be negotiated with the populations directly affected, i.e. those presently living extra-legally on land.

### **Cairo from Below**

[www.CairofromBelow.org](http://www.CairofromBelow.org)

#### ***Mission***

The mission of the Cairo from Below initiative is to encourage inclusive, responsible and transparent urban planning in Cairo, Egypt.

#### ***Context***

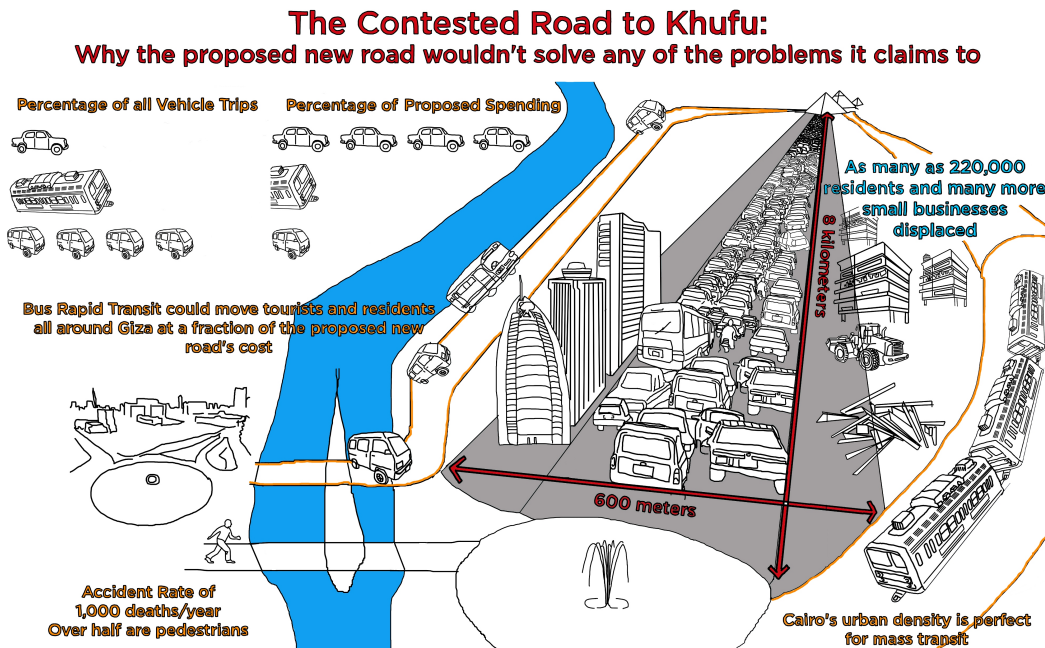
The 2011 revolution occurred concurrent with the research and fieldwork described in this paper. Increased demand for public information on the planning and governance of Cairo was one outgrowth of the events of 2011 in Egypt. To this end, a group of scholars, activists and planners from Egypt, the United States, and around the globe began Cairo from Below



as a collaborative project to raise awareness regarding urban planning and governance issues. Members of the research team secured a grant to launch the Cairo from Below initiative from Columbia University's Leous/Parry Award for Progressive Sustainability.

### Website

At the center is the CairofromBelow.org website, a forum for the exchange of ideas about urban development in Cairo. The site aims to raise awareness of urban issues and improve the long-term planning processes for residents by using creative visual formats and accessible writing. Selected entries from the website are scheduled to be published in an Arabic language book to be released in April 2012.



Join the debate at [www.cairofrombelow.org](http://www.cairofrombelow.org)

An infographic from [www.CairofromBelow.org](http://www.CairofromBelow.org)

### Ideas Competition

In March 2012, Cairo from Below will be launching an online ideas competition seeking to generate analysis of the current urban context in Cairo and identify innovative ways to move forward from university students and recent graduates. Proposals will be judged in two categories: written analysis and graphic proposals. Winners will be awarded a small cash prize and their work will be circulated in international urban circles.

### Next Steps

The Cairo from Below initiative is a collaboration between many individuals and groups seeking to inform and debate the urban future of Cairo. If you or your organization is interested in joining our network, please contact us [cairofrombelow@gmail.com](mailto:cairofrombelow@gmail.com)

For more information, please visit [www.cairofrombelow.org](http://www.cairofrombelow.org)

## Conclusion

Land has served as a currency of patronage and power distribution among authorities in Egypt. This reality manifests itself in intra-state relations, in competition among national ministries, and in state-society relations, as seen in recent property scandals. Governance over land in Cairo is characterized by competing views. The “view from above” has dominated official institutions, leading to the creation of alternative pathways and systems that Cairenes navigate in an attempt to access land and their right to the city. The “view from above” has resulted in an elite urban-planning vision, situated in a previously autocratic governance system which ironically privileged stability and “security” over providing for the needs of the majority of the population. This system in Cairo contributed to a serious legitimacy crisis, exemplified in the January 25 revolution.

This paper has outlined the “view from above and below” of the city’s governance structures over land, how actors with contradictory views interact to form one system, and how in turn this one system influences each actor’s view of the system. Stemming from a broader understanding of this system, we have proposed a number of key discussion points that if resolved could build legitimacy to future reformed systems of governance over land. Systems of disclosure, negotiation, and accountability between decision makers and the population play a direct role in contributing to the system’s legitimacy. These systems should now face rigorous reexamination and re-imagining in order to create a new, more credible system of governance over land –and hence a more credible overall system of urban governance-in Cairo. This current moment of Egyptian state reconstitution offers an opening for this to occur.

The right to the city can be a powerful way to frame the desire for collective determination over how land is distributed, used and serviced with the aim of more equitable access to urban opportunities. Public debate over a new vision for Cairo will help Cairenes find new space to assert their rights and the freedom to collectively decide the future of their city.

## ACKNOWLEDGEMENTS

*The authors would like to thank all of individuals who shared their time and perspectives with us, particularly those who shared potentially sensitive information on the legality of their tenure and provided significant amounts of their time to offer candid accounts of their experiences and their understandings of how the system of governance over land operated in Cairo. Every person we spoke with was extremely hospitable to us. The authors hope to have treated each of our sources with as much dignity as we were afforded hospitality.*

*We would like to specifically acknowledge the help of Dr. Dina Shehayeb, Azza Suleiman, Khaled Abdelhalim, Khalil Shaat and Dr. David Sims for their expert insights and time. Ahmed Borham, and Ahmed Al Helo were instrumental in helping us organize our fieldwork in Cairo. Their contributions and insights deeply enriched our project.*

*We would like to extend special thanks to our faculty advisor, Dr. Jacqueline Klopp, who provided us with the highest level of guidance and considerable amounts of her time throughout all phases of this project. We would also like to thank Professor Eugennia McGill, Melissa Giblock, and Dean Mona Khalidi at the School of International and Public Affairs at Columbia University. Their tireless efforts made fieldwork in Cairo possible only 30 days after the resignation of the former president. We would also like to thank Miral Selim, Nadya Saber and Abdel-Rahman Rashdan for generously sharing their contacts and providing pragmatic advice on navigating life in Cairo.*

*Finally, we would like to thank our client, the Institute for Research and Debate on Governance, particularly Dr. Séverine Bellina and Elisabeth Dau for inviting us to conduct this project and for their thoughtful feedback and collaboration throughout the project.*

*This project was also honored with the Leous/Parry Award for Progressive Sustainability by the School of International and Public Affairs at Columbia University. We want to thank its founders, Neal Parry and J.P. Leous, the Alumni Council and the award committee for giving us the opportunity to continue the debate begun in this project through an experimental website. Please visit [www.CairofromBelow.org](http://www.CairofromBelow.org) for more information.*

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## Appendix I: Map of Cairo

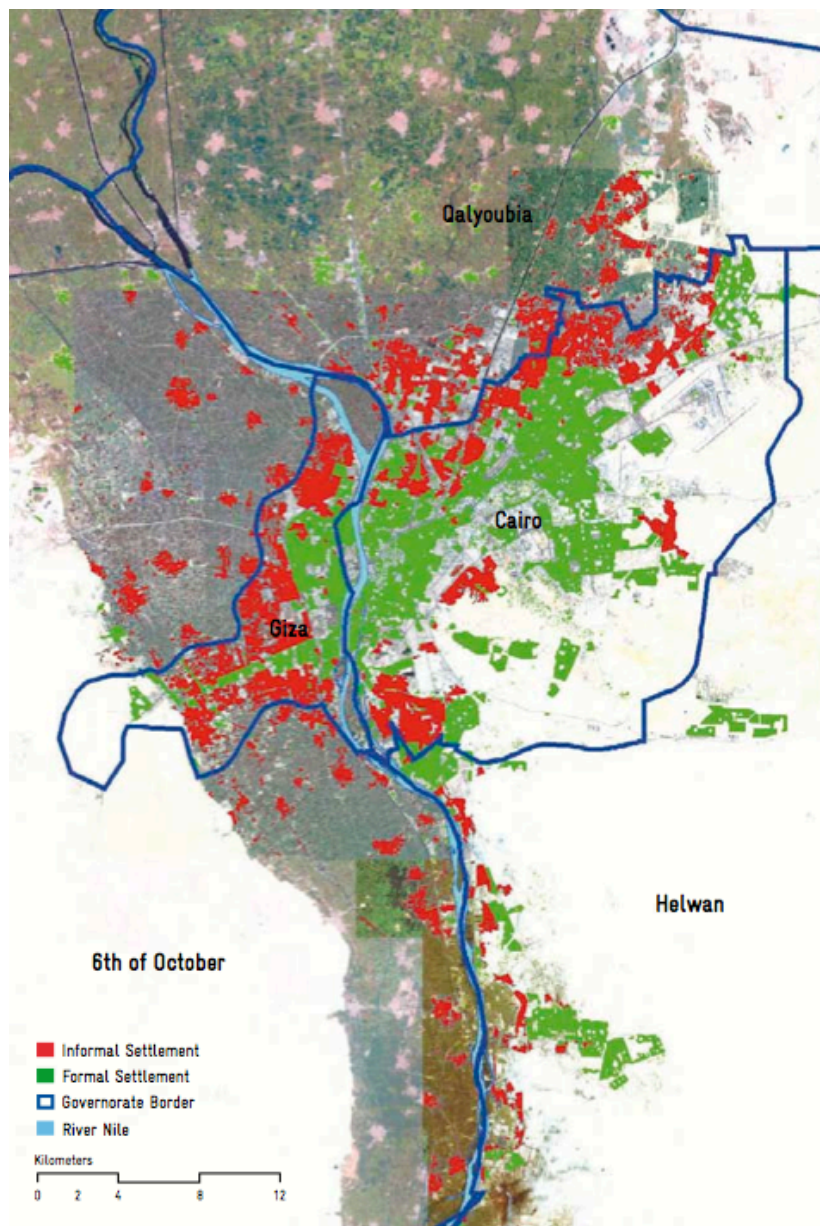


Figure 3. Map of Cairo showing desert land (light), agricultural land (dark), formal urbanized areas (green), informal urbanized areas (red). (Source: GTZ)



**Appendix II: Legal timeline**

(Note: not exhaustive)

<u>DATE</u>	<u>EVENT TITLE</u>	<u>DESCRIPTION</u>
1858	Ottoman Land Law	Five categories of land tenure. If you can convert dead land to livable -you get it. State tries to control Wakf movement by establishing a state land system. Ownership or those who worked and occupied land. Registration of land under Taboo system.
1936	Land Law 1936	Tenure status change for land holders who had land more than 15 years without conflicts or disputes. "State land holders could own their land in a period of 15 years, if they would be able to use it in a period of 5 years."
1940	Land subdivision law No. 152/1940	Regulations of agricultural land subdivision. Rules for cultivated lands. Irrigation regulations
Apr-41	Military Order/1941	<p>Eliminated the owner's right to evict any renter, except in the case of nonpayment of rent. Fixed all rent levels to the values of April 1941</p> <p>1947 Housing Law No. 121 Froze rent levels and related rent to total cost</p> <p>1951 Law no. 206 First state-subsidized housing. First project was Masakin al -'Ummal project in Imbaba - others followed. Units designated as 'iskan iqtisadi' (economic housing) Other categories later emerged including 'mutawassit (middle), fuq mutawassit (above average) and fakhr (luxury housing). - these went to government officials</p> <p>1952 Military Order 129/1952 Rent reduction by 15% for all housing units built between 1944 and 1952, with no owner's right to challenge</p> <p>September 1952 Revolution / Military order 169/1952 Tax of 13.7% of all rents</p> <p>Following 1952 Revolution: September 11, 1952\ Law Number 178: Egyptian Land Reform Before: &lt;6% of Egypt population owned more than 65% of land. Charged extremely high rents gave low wages i.e. French peasants before French Revolution (Robert Stephens historian). Law: Land owners can't own more than 200 feddans, 300 feddans if 2+ children. Limits rental rate. Government establishes cooperative s for farmers who have less than 5 feddans. Minimum wage. Owners with excess land get government bonds compensation - 3% (1.5%) interest to mature in 30 (40) years. Land bought by government sold to peasants - pay cost of land + 15% (10%) surcharge over period</p>

		<p>of 30 years.</p> <p>1954 Housing Law 1954 Reduction of rental units by 20% without exemption</p> <p>1950s-1960s Informal structures - characteristic 2-4 floors, load-bearing masonry walls slab concrete or wood floors. Near villages on agricultural fringes of towns now expanded</p> <p>1961 Land Reform Law Revision Now can only hold maximum of 100 feddans.</p> <p>1961 Law No. 168/1961 All rents to be reduced by 20% for all units, without exemption, without challenge</p> <p>1961 Nationalization laws Transformation of the 61 largest privately owned properties, including residential complexes, into public property</p> <p>1962 Housing Law No. 46/1962 Determined rent value as 3% of land value and 5% of construction cost</p> <p>1964 Housing Sector Socialization Act Total conversion from private ownership to public ownership for the largest 119 construction companies. Combined them in 35 public agencies which also manage residential properties socialized in 1961</p> <p>1966 Urban migration from core to fringe Urban dwellers start moving from the inner core of the city to the fringe - where they can find better housing options and escape commercialization of downtown areas</p> <p>1969 Housing Law No. 52/1969 Renters given right to inherit rental units. Prohibitions of side payments, advance rent or key money</p> <p>1950s-1960s Formal Cairo expands due to state-sponsored subdivision projects State-sponsored sub-division projects in combination with private housing companies." Examples include Mohandiseen-Agouza aka Madinat al-Awqaf - 800 hectares of agricultural land held by Ministry of Awqaf.</p>
1960s-1970s	Informal areas really start to grow	<p>On agricultural land - grafted onto rural settlements. No real official reaction because rural housing was not regulated. Subdivision laws only applied to modern proper housing areas</p>
1967-1975	War + all formal development of the city stops/ informal Cairo grows	<p>1 million evacuated from Suez Canal region</p>
1970s	Many informal houses purchased with Gulf remittances	

1970s	Informal buildings- reinforced concrete foundations, frames, floor slabs, masonry-red brick wall infill. Ground + 5 floors, 75-125 square meters, 1-2 apartments per floor	
mid-1970s	Development of Madinat Nasser as formal city extension project	Launched in 1958, not really started until the mid-70s. still today contains land to be developed. City plans stipulate max of 4 floors in area, but most are 15 story residential blocks with commercial ground levels. Other extensions of formal city include Nuzha, Madinat al-Salam, Ain Shams
1974	President Sadat's 1974 October Paper	Document sketches Egypt's path to future - first by launching economic infitah and second by announcing state policy of constructing desert cities throughout Egypt
1974-1985	Heyday of informal urban development - state finally notices	State finally takes notice of informal areas. Series of decrees emerge that make it illegal to build on what was agricultural land and more efforts to preserve state lands. Decrees had little real impact - opens up business for bribes
1976	Law 106/1976	Imposed building codes for high construction standards that increased building costs
1977	Article 48 of Housing Law 49/1977	Renters right to exchange, release or re-rent their units without owner's permission
1977	New Towns Policy Launched	huge investments
1979	Law No. 59 : New Communities Law	Created New Urban Communities Authority (NUCA) within Ministry of housing. Gave right to declare special development zones on state-owned desert land. NUCA right to develop and sell lands in these zones and keep \$\$ to finance further development. Governorates and ministries don't normally have this right over land. Law also says - each town under agency in NUCA but when finally developed give power back to municipal local administration.
1980	Law 52/1980	Limited plot coverage to 60% of the total area, with land subdivision laws allocating 33% of the land for public uses.
1980s	Government plan to relocate ministries to Sadat City	95 km outside of Cairo. First ministry set to move was Ministry of Housing and Reconstruction- employees threatened strike - ministry still in downtown
1980-81	The National Urban Policy Study commissioned by Ministry of Reconstruction, Housing and Land Reclamation funded by USAID	study finds that need to stress importance of directing resources toward stimulating growth of existing urban areas No recommendations for satellite cities.
1981	Housing Law No. 136/1981 Article 15	Luxury units are exempted from rent control. Investors given access to low interest loans provided by State Agencies and banks

1981	Madinat al-Salam Project	Governorate run project east of Heliopolis on desert land. Grew throughout 80s and 90s to house over 150,000 inhabitants- many relocated from inner city. "In fact, although there are no figures to confirm this, probably more than half of all public housing units built by Cairo Governorate in the 1980s and 1990s have ended up for resettlement, not for newlyweds and others just starting families as originally intended."
1982	Tamlik Tenure policy adopted by the Governorate	Adopted for new and existing public housing - families pay monthly installments and eventually gain ownership of units over 30-40 years
1982	USAID Report concludes that for past five years 80% of new housing was informal	
1984	Extension of Municipal Services project	Carried out by Land assembly. - identify desert lands around Cairo for low income urban development projects. Find that there is little land left- most claimed by New Town Authorities, military, public sector companies, government ministries, housing/agricultural cooperatives.
1985	Ring Road Project Started	
1986	Housing regulation No. 2/1986	Tenants right to obtain new, separate lease from the owner, with the permission of previous tenants
1986-96	Massive migration from inner Cairo to fringe. Cairo Governorate loses 500,000 inhabitants - 20% of 86 population	Party due to slum clearances for prestige projects
1990s	Informal buildings- larger apartments. Entire building completed in one stage, relatives groups pool resources to build big	
1992	Earthquake	practically all building collapses and fatalities occurred not in informal areas, but either in dilapidated historic parts of the city or in formal areas.
1992	Housing Law No. 25/1992	Enforced measures of demolition in case of permit violations. Responsibilities of civil engineers in supervising construction. forming technical committees for supervision of quality and safety measures.
1992-93	Informal areas linked to radical Islamic movements	Informal areas seen as threat to security of the state. "Most prominent was a fundamentalist cell operating in al-Munira al-Gharbiya - leader called 'the Prince of Imbaba.'" Government responds by stepping up infrastructure in these areas. "Informal settlements were cursorily inventoried and sketch plans for infrastructure upgrading were prepared."
1996	Mubarak Speech	Leaving the narrow (Nile) valley and fanning out, in a planned

		and organized manner, throughout the country, has become an unavoidable necessity. In view of these facts, the conquest of the desert is no longer a slogan or dream but a necessity dictated by spiral population growth. What is required is not a token exodus into the desert but a complete reconsideration of the distribution of the population throughout the country.
1996	Two decrees - New building on agricultural land and any urban construction without permit would be severely punished by military courts - not civil (lawyers in civil could maneuver around laws)	
1996	Rent Control Law No 4/1996	Article 14 of the bill stipulates immediate rent increases on the basis of the year the construction of the building was completed. (Rents increase by 10% for units completed before 1 January 1966, by 3% for flats in buildings completed between 0 September 1977 and December 1996). Rents on all units are then to increase annually by 10% for five consecutive years, after which the market is supposed to take over.
2000	De Soto study to quantify informal development	Of 11.4 million of Greater Cairo in 1996, 7.1 million or 62% found in areas informally
2001	Ring Road Project Completed	
2002	Governor of Giza launches demolition campaign to cut off concrete pillars from roofs of informal	
2008	Greater Cairo Strategic Planning 2050 Concept	Dreams of Cairo as super modern, global city Green areas and parks, Downtown Cairo becomes gentrified, historic areas as open air museums. Government offices to desert relocation site. Informal areas are either removed or decongested.
2008	Duweiqa cliff collapse	Resulted in 120 deaths. Government establishes national fund to remove and resettle inhabitants from dangerous areas

### Legal Timeline References

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### Appendix III: Categories of Actors and Sources Consulted

In order to understand the complex relationships involved in governance over land in Cairo, a fundamental understanding of the economic, political, and legal contexts of the city and informal settlements was necessary. As events rapidly unfolded following January 25, it was vital to follow daily newspaper articles and new media postings. We conducted in-depth interviews with a range of actors in Cairo and New York City, and hosted a focus group in the field. Each stakeholder presented distinct insights on the dynamics between a deeply centralized government and the underrepresented citizens of Cairo.

**Academics:** In order to gain a theoretical understanding of the issues of land management and normative pluralism, as well as the different typologies of land, we interviewed several prominent academics. Present-day Cairo is heavily influenced by its long history; the expertise of interviewed academics gave us a thorough understanding of the historical background of Cairo, and the current political, economic, and social contexts of the city.

**NGOs:** In many of the informal settlements of Cairo, hundreds of NGOs have arguably filled service gaps left by the government. NGO staffs interact with settlement residents daily, and may even live in these areas, and these organizations often have their offices in informal neighborhoods. We interviewed several NGO staff members, who had worked in these areas for significant amounts of time and were knowledgeable about the obstacles facing Cairenes in accessing services, security of tenure, and their rights.

**Urban Planners:** Urban planning is a significant issue in Cairo. Without a design to support the influx of new groups and population growth in this hyper-dense city, safety, security, public health, and the environment are at risk. We therefore interviewed several urban planners to understand the challenges facing the city, and the government's strategies for handling Cairo's informal settlement residents.

**Private Developers:** Private developers were another important category of stakeholders for us to interview as – based on the process of land distribution in Cairo – work in both formal and informal spheres. Interviews with consultants and real estate developers were vital for us to understand the nature of land and how it exists in Cairo, as well as the process of land acquisition. They were also instrumental in providing insight into the land laws and the loopholes that exist within each.

**Activists:** In light of the January 25th revolution in Egypt, it was important for our research to be informed by conversations civil society activists, to understand Egypt and Cairo in the context of these events. We spoke with a number of activists who had been directly involved in the revolution itself, and are now focused on mobilizing the civil society in post-revolution Cairo. We also met with several bloggers who had been vital in articulating a collective message of discontent during the revolution.

**Residents:** Finally, we consolidated our research by meeting and conducting informal interviews with residents in several of these informal settlements. These conversations focused on gaining insight into the dynamics of the individual sphere of existence of these residents; and obtaining personal perspectives on the everyday problems faced by individuals.