



# HOUSING AND LAND RIGHTS NETWORK

## Habitat International Coalition

### OPEN LETTER

### Case EGY-FE-020709

**RE: Egypt's intended 2050 master plan for Cairo threatens habitat and human rights of millions of impoverished citizens**

Dear President Mubarak:

We are writing with profound concern over the fate of many thousands of Egyptian citizens currently facing the chronic threat of eviction. As Members of the Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN), the group of HIC Members specialized in the human rights dimensions of human settlements, we recently visited Cairo's Gazirat al-Dhahab community with our local member organization, the Egyptian Center for Housing Rights (ECHR). The visit to the local community sought to assess the situation of the local inhabitants, particularly in light of their reported struggle to remain in their homes and lands under the State's repeated threat to evict and dispossess them.

Our group of 28 visiting housing rights defenders, community leaders and social movement representatives from 21 countries was profoundly disturbed at the impoverished condition in which the Gazirat al-Dhahab residents live. We are shocked to learn that the residents now face losing their homes through evictions as a premise of the emerging Cairo Master Plan to the Year 2050. What is particularly troubling about this news is the apparent inability of Cairo planners to evolve with global lessons and apply treaty-bound obligations to avoid "development" pretexts and practices that heap further cruelties on the poor and vulnerable citizens in our "global" cities. We, therefore, encourage Egyptian political leadership and concerned authorities to seek more-humane and sustainable alternatives.

#### **Brief Description**

Gazirat al-Dhahab, an island located in the the Nile River approachable by the Corniche at al-Ma`adi, has a population of more than 20,000 people. In 2001, the Council of Ministers decided to appropriate Gazirat al-Dhahab and the two Warraq Islands (with 80.000 inhabitants) to the north for "public purposes" and to evict their residents. Those communities have been residing there already for a century and, thus, are statutory freehold owners of their long-inhabited plots. We understand that the Ministry of Housing did not disclose what the putative "public purpose" projects were, nor did officials substantiate what was to be the public benefit that would justify the displacement and dispossession of such a large number of citizens. However, according to the information circulating in the press at that time, the Government planned instead to sell these islands to an non-Egyptian Arab investor to build tourism facilities.

An opposition movement, including such public figures as world-renown filmmaker Youssef Chahine, advocated to halt these plans. This movement succeeded in averting the disaster only temporarily, as the Cabinet decision remains in effect today and may be implemented at any time, making for very precarious daily existence for those Cairo citizens living on the islands.

The case of Gazirat al-Dhahab and the Warraq Islands is not unique but rather part of an ambitious tourism-oriented beautification scheme for Cairo that seeks to remove poor Egyptians from view. Discussion of master plans and city reorganization schemes for Cairo are part of yearly parliamentary debates. The most recent discussions produced a vision of 15 metro lines, two new railway stations, 1,000 km of new roads and redevelopment along the Nile.<sup>1</sup> In addition, the Government aims to concentrate on the renovation of historic sites in Cairo's older quarters, including al-Sayida Zainab, al-`Ataba, al-Azhar, al-Husain and `Abd n neighborhoods, in order to make them more tourist friendly. According to Mustafa Madbouli, chairman of the General Organization for Physical Planning (GOPP) at the Egyptian Ministry of Housing, the master plan for 2050 aims to redistribute the city's population and to create 50,000 *feddans* (21,000 hectares) of green space inside the city, moving industry to the outskirts.<sup>2</sup>

These schemes are not limited to central or historic parts of Cairo, but are intended to be broad in scope. Included in the Ministry of Housing's plan is to turn Cairo's largest historic cemetery area, popularly known outside Egypt as the "city of the dead," and home to over 100,000 living inhabitants, into a green space. Though such plans are understandably controversial for both Muslim and Christian Egyptians, the Ministry of Housing does not seem to demonstrate sufficient concern over the broader implications of such plans on the social values, structures and livelihood networks of the affected people living there.

For poor residents, such as those of al-Dhahab and al-Warraq Islands, these plans signal disaster for people whose existence is already precarious. Currently, such residents suffer from:

- The lack of services such as schools, health centers, police protection, transportation, clean drinking water, sanitation and other services necessary for life, due to the Government's express refusal to supply the islands' citizens with these basic services;
- Denial of building permits for residents, even for improvements or needed repair of existing housing, and Government-initiated lawsuits pending against citizens who build or repair.
- The inability to perform any developmental activity, even self-developmental and social production of habitat, as a result of the official construction ban;
- Inhabitants' permanent feeling of insecurity, due to a lack of security of tenure of both houses or land, even though they may be statutory owners;
- The prevalence of certain social ills such as drug abuse by young people, because of the absence of more-constructive activities such as work, sports, educational and cultural activities.

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<sup>1</sup> Dena Rashed, "A Question of Trust," *Al-Ahram Weekly Online* (26 February –4 March 2009), at: <http://weekly.ahram.org.eg/2009/936/fe1.htm>.

<sup>2</sup> Ibid.

The residents have been fighting a long battle with the State to retain their rights to their lands. Despite a lack of the basic services, the residents have managed to find solutions, knowing that the alternative would not be any better. The land itself is highly fertile, a rarity in the mostly desert landscape of Egypt (except in the Nile's banks, including under most of the over-built areas of Greater Cairo). Their land is needed for food cultivation, which the Island residents do. The social function of the land for the people remains a vital source of their identity and livelihood.

We heard from some of the residents that they do not trust Government "compensation" promises, as those who previously turned over their lands never received their full compensation. It seems that Government intentions are generally not credible, with many of the residents anticipating that the State or Governorate would take their land not for public use, but ultimately for sale or lease to private developers to build hotels and resorts, as already reported.

Parks have not been created for decades in Cairo, and previous attempts have failed.<sup>3</sup> Further, with rampant real estate speculation and prime sites being taken by both Egyptian and foreign investors, many residents of targeted areas of Cairo apparently feel that the lack of official transparency makes it difficult for them to have faith in Government statements, plans or promises.<sup>4</sup>

### **The Official Reasons**

Government representatives are seen locally as unwilling to address these very real fears and concerns. Mr. Madbouli's is on record as responding: "If 16 million people want a public park on the islands, as against the 4,000 residents of al-Dahab and the 30,000 of al-Warraaq, then these millions should have their say. Besides, when people see the successful model we are using to develop the shantytown areas, giving people better homes and facilities, then they will trust the Government's plans."<sup>5</sup>

We hope that such progress would be real. However, as in the foregoing quotation, the discrepancy of population figures in official arguments is another source of distrust. No one likes to be discounted, and the radical official underestimates of the communities' numbers become a transparent device for artificially dividing communities and arbitrary limiting eligibility—and budgets—for evicted persons' consequent entitlements.

The Ministry of Housing claims that these eviction plans are aimed to resolve problems of habitation, drugs and security. However, corresponding plans for alternative resettlement strategies and compensation are comparatively weak in comparison to the grandiose plans for redevelopment.

While the city is in need of more green space, the presence of the inhabitants has not denied those ample green spaces on the islands. On the contrary, their "urban" agriculture has helped sustain Cairo's green space, which, according the official planning criteria, must be sustained.

Despite the official reasons, the views expressed by the Minister of Housing seem to belie the acclaimed motives of combatting poor living conditions, drug trade and antisocial behavior, or the suffocating lack of greenspace. On the contrary, speaking on the Cairo 2050 plan, the minister candidly said:

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

We are privileged to have islands in the middle of Cairo. The greatest asset that New York City has is a small island of Manhattan. Should we have a Manhattan in Cairo? Yes, the islands are protected, but we as a society have the right to decide whether our islands should remain protected zones or should we have a Manhattan as one of those islands. We have the right to dream that we could have a Manhattan on one of those islands. There's nothing to stop us from dreaming and actually realizing those dreams.<sup>6</sup>

To indulge such dreams or the aesthetic preferences of tourists and investors cannot be considered a responsible priority for any urban plan. The city's inhabitants have the right to be the subjects and effective participants in urban planning, and they should be first served. In the case of Cairo and the rest of Egypt, the majority of those subjects are impoverished and made even more vulnerable by emerging plans and the manifestly antisocial ideologies behind them.

Island residents have every legitimate right to be and remain where they live. Many have legal ownership of the land and have been living there for generations.<sup>7</sup> What seems to distinguish them from others not targeted with evictions under Cairo's current and emerging urban plans? Is it just their impoverished condition? Is it because the island inhabitants are also more vulnerable and, thus, relatively easy for officials and political elites to dispossess in the service of their development and investment schemes?

From our comparative perspective, we must acknowledge that this foreboding bad practice is not exclusive to Cairo, as we are grappling with similar threats and errors in our own countries. Therefore, as responsible guests in Egypt, we felt it necessary to warn of the predictable but undesirable human and social consequences of Egypt's forced-eviction practices.

### **State Obligations and Duty Holders**

Egyptian authorities regularly conduct large-scale demolitions and evictions within the framework of development plans. The Egyptian State and Government bear an obligation to respect, protect and fulfill the human right to adequate housing for all residents and citizens; that is, to refrain from violations by its agents and to intervene to protect victims of such violations, as well as to take steps progressively to realize that right. The official attitudes and practices reported here contravene Egyptian citizens' human right to adequate housing: the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Cairo Governorate and Egyptian Government already have violated the island residents' entitlements to security of tenure; information, participation, self-expression; freedom from dispossession; rehabilitation and fair compensation for violations and losses. All are elements of the human right to adequate housing as recognized under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Egypt ratified in 1982, as elaborated in General Comment No. 4.

The State and its agencies at all levels bear the obligation to respect, protect, promote and fulfill these rights and their elements in an environment of self-determination,

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<sup>6</sup> Ahmed El Maghraby, Minister of Housing Utilities and New Communities, "Cairo: 2050," speech to members of American Chamber of Commerce in Egypt (AmCham), Semiramis Hotel (Cairo), 10 July 2007, at: [http://www.amcham.org.eg/operation/events/events07/Ahmed\\_El\\_Maghraby/speech\\_full\\_txt.asp](http://www.amcham.org.eg/operation/events/events07/Ahmed_El_Maghraby/speech_full_txt.asp).

<sup>7</sup> Ibid.

nondiscrimination, gender equality, rule of law, nonregressivity, applying the maximum of available resources and international cooperation. Egyptian authorities are obliged also to apply human rights criteria, as set forth in General Comment No. 7, in cases of eviction that ensure continued livelihood, effective consultation, alternative housing and land of comparable quality, physical security and all measures necessary to uphold human dignity and avoid making anyone homeless.

Egypt ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1969, which also enshrines the right to housing in its Article 5(e)(iii) and stipulates that the State has committed to refrain from discrimination on any criteria of difference or exclusion. This obligation is widely interpreted to protect those who are subjected to discriminatory treatment based on their economic status, as in the case of Gazirat al-Dhahab and al-Warraq Island dwellers. Egypt also ratified the Convention on the Rights of the Child in 1990, and the Convention on the Elimination of Discrimination against Women in 1981. All of these human rights treaties enshrine and guarantee to the human right to adequate housing for all living in Egypt. The 1981 Egyptian Constitution (Article 151) further provides for the domestic judiciability of all international treaty obligations.

In 2000, upon its review of the Egyptian report, the United Nations Committee on Economic Social and Cultural Rights (CESCR) criticized the government's forced-eviction policy against the communities of impoverished Egyptians. The Committee's finding followed its consideration of the parallel reports of Egyptian civil organizations, including ECHR, posing evidence of these violations as demonstrated by the large numbers of violent demolitions and eviction actions. In its Concluding Observations, CESCR found that "forced evictions without alternative housing or compensation being provided have been occurring in poor communities."<sup>8</sup> The Committee reminded the Egyptian government of its obligations under Article 11 of the Covenant, and referred to its General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions, to guide the Government's housing policies.

Egypt is now six years behind in its reports to CESCR on its implementation of its ICESCR obligations, and, as a treaty-bound State party, Egypt has presented no indication that it is applying the minimum safeguards to uphold the dignity and human rights of its evicted citizens. Moreover, reports indicate that local authorities especially continue to carry out forced eviction in Egypt, despite the specific urging of CESCR for the State party to desist from that cruel practice.<sup>9</sup> This advice, echoing calls from Egyptian civil organizations such as ECHR, is especially urgent in the context of the country's acute shortage of *low cost* housing and the dispossession of so many rural Egyptians forced to seek alternative livelihoods in the cities.

Egyptian authorities apparently are breaching their treaty obligations under Articles 1, 2, 4 and 11 of ICESCR. By the failure to afford protection to the community from such attacks, Egyptian authorities also violate Article 2, 17 and 26 of the International Covenant on Civil and Political Rights, which the State also ratified in 1982. Based on these binding norms, HIC-HLRN Members, including ECHR, strongly contest the use of the Egyptian security forces against Egyptian citizens for the purposes of dispossessing and forcibly evicting them. We also call for adherence to human rights norms and corresponding State obligations that we share across the world, and strongly denounce

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<sup>8</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: EGYPT, E/C.12/1/Add.44*, 12 May 2000, para. 22.

<sup>9</sup> *Ibid.*, paras. 22, 31, 37.

any attempt by authorities forcibly to evict any residents of targeted areas without effective consultation and full reparations.

Many thousands of impoverished Egyptians are in need of their entitled reparations from previous forced evictions. However, as for the targeted residents of the Nile islands, the central and local Governments in greater Cairo face an opportunity to enhance their own legitimacy by respecting the tenure of all citizens without discrimination, and planning an urban future that respects all citizens' right to the city that is Cairo, *Umm al-Dunya*.

### **Our Recommendations**

In light of Egypt's State obligations and out of concern for the conditions and fate of its citizens, we all urge for every level of the concerned authority in Egypt to:

- Live up to Egypt's State obligations under international human rights treaties, which are also incorporated into domestic law under the Egyptian Constitution;
- End immediate the forced-eviction policy and practice in Egypt, especially in impoverished communities;
- Guarantee and implement the right of forcibly evicted people to full reparations, including alternative housing;
- Adopt the customary practice of negotiation with the citizens who are subjected to displacement and eviction, respecting citizens' rights to effective participation and self-expression;
- To review official housing policy across the country in light of its human rights obligations to all inhabitants;
- Work toward legislation that bans the practice of forced eviction and incorporates the provisions of the General Comments No.4 and 7;
- Apply the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*, A/HRC/4/18, Annex 1 5 February 2007.

We appreciate the opportunity to address this unavoidable issue. Throughout our visit, Egypt and Egyptians have been very hospitable toward us, and would like to offer something in return. We hope that you receive this letter in that spirit.

Thank you in advance for your attention to this serious matter. We look forward to response and to hearing about your remedial efforts.

Please be assured of our highest consideration.

Sincerely,



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*President*



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Please send your own letter to any/all of the addresses below.

Kindly inform HLRN of any action undertaken quoting the code of this appeal in your reply to: [urgentactions@hlrn.org](mailto:urgentactions@hlrn.org) and [echr@echr.org](mailto:echr@echr.org)

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