

## **The Right to the City: Cairo**

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*Egypt's capital city, Cairo, embodies one of the longest and most-dramatic transformations of any large urban center. Its current "transition," following the 2011 popular uprising against a long-standing kleptocracy, suggests a well-developed and organized civil society and social movements that would drive democratic change. Urban social movements claiming the right to the city in other regions do so in a constitutional and institutional context that has evolved beyond past tyranny to enable specific claims for greater social justice in the urban sphere. While Cairo is very much a megacity in flux, the principles of the right to the city present themselves as theoretical tools. Their implementation poses a learning opportunity for local governance yet untried, but very much in current demand.*

### **Historic Introduction: From Memphis to Megalopolis**

Cairo is located on the banks and islands of the Nile River in the north of Egypt, immediately south of the point where the river leaves its desert-bound valley and breaks into three branches into the low-lying Nile Delta region.

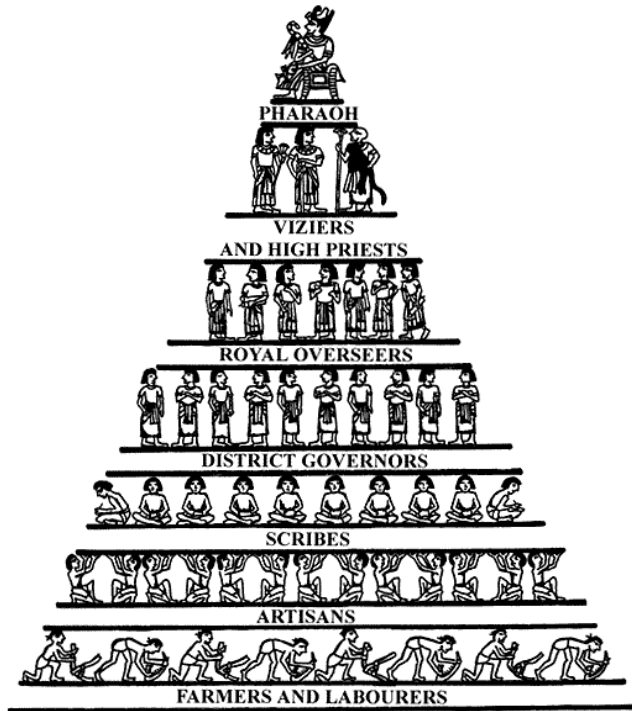
Cairo is one of the most visited cities in human history. Visitors and residents alike say that, in Cairo, you can find anything one want, and everything you don't want. For better or worse, various versions of this Egyptian capital have played host also to Greek, Persian, Roman, Arab, Turkish, French and English occupiers, among others over the centuries. Under normal conditions, throngs of tourists also invade daily, mixing with its resident population, estimated at between 15,750,000 (Demographia) and 22 million (WPR).

Since the 5<sup>th</sup> Dynasty Pharaoh Niuserre Isi (ca. 2445–21 BCE) (Shaw, 480), Egypt was divided into 42 nomes<sup>1</sup> that, during the Old Kingdom, were partially autonomous administrative regions with their heads exercising real authority. From the beginning of the Third Dynasty, the post of *Hry tp aAw* (nomarch) was a regional representative of the monarch, appointed royal officials. By the 5<sup>th</sup> Dynasty (ca. 2494–2345 BCE), the post became hereditary—often with royal confirmation—and its holders were part of the local nobility. Egypt then began to develop the characteristics of a feudal society.

When the central power was weak, as happened during the Intermediate Periods, the nomarchs assumed functions ordinarily performed by the king and his officials. During the first Intermediate Period (2181–55 BCE), their courts competed socially with the royal court. They initiated large-scale building projects and, at times, even drafted their own militias.<sup>2</sup>

The nomarch retained their autonomy for nearly 500 years, until the New Kingdom (1570–1544 BCE) pharaohs curtailed their independence and they became part of the state bureaucracy. However, during the Ptolemaic Period (323–30 BC), centrally appointed mayors and village heads gained renewed significance, administering and applying Egyptian laws to native Egyptians and Greek law to Hellenists.

While some authors attribute the innovation of local administration to the Egyptians. However, “local government,” in the representational and participatory sense, never has existed in Egypt, until today.



Ancient Egypt’s social and bureaucratic hierarchy. Source: CMH

When the Greek father of history Herodotus visited the area in ca. 450 B.C., the nearby center at Memphis (now a Cairo suburb) was already 2,500 years old. The first human settlement in present-day urban Cairo was al-Fustāt, founded in 20 A.H./641 A.D., and transformed into a military encampment of 'Abd Allah ibn 'Amr ibn al-Ās, the erudite companion of the Prophet Muhammad.

Under the dynasties that ruled Egypt over the following centuries, the town grew into a major Nile River port city. In 969 AD, the Tunisian Fatimid leader, Jawhār al-Siqillī (the Sicilian), took over the region from the Ikhshids<sup>3</sup> and founded a new city near al-Fustāt, initially naming it al-Mansūrīyya, after Jawhar’s benefactor Caliph Abū Tāhir Isma`īl al-Mansūr Billah. The city shared the site of an early Roman installation known as Babylon Fort. However, its current name derives from the Arabic term for the planet Mars (*al-Nijm al-Qāhir*), which was rising on the day that the city was founded. The city’s name also is the feminized form of the Arabic word for subduer or subjugator, often also translated as “victorious.”

The Fatimid rulers of Egypt founded a dynasty that lasted for two centuries, making Cairo their capital. The nearby Pharaonic origins aside, *al-Qāhira*, like Baghdad, in modern Iraq, is a relatively new human settlement among Arab capitals. The city's human origin at Memphis is effectively deserted, except for busloads of tourists who regularly visit its singular relic: the gigantic, toppled statue of Pharaoh Ramses II.

Salāh ul-Dīn al-Ayubī al-Kurdī seated his Ayyubid dynasty in 12<sup>th</sup> Century Cairo as the capital of a vast empire. (Al-Fustat, however, was burned down as part of the "scorched earth" strategy that defeated the Crusaders.) In the 13<sup>th</sup> Century, the Mamluks eclipsed the Ayyubids at Cairo, whence they ruled Egypt throughout

658–921 A.H. (1260–1516 A.D.) During the first hundred years of Mamluk rule, Cairo experienced its most illustrious period. Al-Azhar University, founded already in the 10th Century, became the foremost center of learning in the Islamic world, and Cairo played a key role in the east-west spice trade. Most of its greatest buildings today were constructed during this period.

By the second half of the fourteenth century, Cairo experienced a decline, beginning with the scourge of the Black Death (1348) and other epidemics. By the end of the 15<sup>th</sup> Century, new trade routes had broken the city's monopoly on the spice trade and, in 1517, the Ottoman Sultan Selīm I (reigning 1512–20) defeated Mamlūk forces and conquered Egypt, putting the city under Turkish rule. The Ottoman masters reduced Cairo to a provincial capital and, by the end of the 18<sup>th</sup> Century, its population had declined to under 300,000. The pashas left in 1768 and the Mamlūks effectively ruled the country. Napoleon's troops occupied the city between 1798 and 1801, under a British assault. With Britain focused on maintaining India and repelling Napoleon in Europe, Cairo returned to Mamlūk rule.

The modernization of Egypt and its capital began under Mehmet (Muhammad) `Ali al-Mas'ūd ibn Āghā 1182–1265 AH (c. 1769–1849 AD), often cited as the "father of modern Egypt." He ruled for nearly half a century, beginning in 1219/1805, developing it, extending its streets and expanding its borders. The modernization of Cairo that began in 1245/1830 under Muhammad `Ali reached new levels during the reign of Isma`il Pasha (1279–1296 AH/1863–79 AD), who undertook a major modernization of the city modeled on the renovation of Paris under Napoleon III (1222–1289 AH/1808–73 AD).

Historic Cairo (before 1276 AH/1860 AD) was confined to a land area abutting the eastern hills and only slightly higher than the Nile banks' flood plain. To the west of the older, medieval part of Cairo, the newer sections of the city to the north (Abbasiyya, Shubra and Heliopolis) and south (Ma`adi and Helwan) emerged under Isma`il Pasha and his successors. Modern Cairo boasted wide avenues laid out around circular plazas in the style of a European city, coincident with a rise in French and British colonial power in Egypt.

The British occupiers ruled Egypt from 1822 to 1922. With the British withdrawal after the costly First World War, an era of foreign government came to an end. The advent of the 20<sup>th</sup> Century saw advances in bridge building and flood control, which enabled and encouraged riverfront development. By 1345 AH/1927 AD, Cairo's population had reached one million. In the first half of the century, foreign influences dominated Cairo. During World War I (1914–18), it became the headquarters for British troops and military operations in the region. Nationalists curtailed the British military presence in Cairo during the 1920s, and Britain abolished its protectorate over Egypt and unilaterally declared the independent Kingdom of Egypt, ruled by Muhammad Ali's descendants. However, British forces, having been relegated to the Canal Zone and external borders,

reoccupied the country and city during World War II (1939–45). Only after the war did Cairo's expansion extend across the Nile into Giza and north into Shubra al-Khayma (Qalyubia Governorate).

With the Egyptian Free Officers' coup in 1952, the colonial presence in Cairo—and throughout the country—came to an end. Since then, large numbers of Egyptians from other parts of the country have migrated to the capital, and the government has accommodated a rapidly growing urban population. Cairo's "Master Plan" of 1956 led to the creation of new, planned suburbs, including Nasr City, Muqattam City, and Engineers' City (Muhandisīn).

Building Nasr City followed an ambitious 1958 scheme to develop the desert fringe through a public-sector concession company affiliated with the Ministry of Housing. It involved a public housing program through which, by 1965, the Cairo Governorate had constructed almost 15,000 units for low-income families.

The 1967–73 period saw military conflict with Israel, and the consequent expenditures sapped efforts at addressing urgent social problems such as housing. It was only during the period of 1974 to 1985 that the government realized the extent of the informal social production of housing and sought to check the rapid encroachment of slums on state and agricultural lands. The central government launched its New Towns policy in 1992, after the authorities perceived impoverished urban neighborhoods as breeding grounds for social and political instability.

The 1982 Master Plan (by *Institut d'Aménagement et d'Urbanisme de la Région de l'Île de France*) sought to meet housing needs of the poor in ten satellite cities. However, the sites did not attract the target population, plans for four towns were scrapped, and most of the rest became sites for medium and luxury housing. Then the government finally launched a program to improve informal or *`ashwa'i* settlements across the country.

Today, Greater Cairo is made up of the whole of Cairo Governorate and the urban parts of Giza Governorate (west bank of the Nile) and Qalyubia Governorate (north of Cairo Governorate). The governorates constitute the main local administration districts in Egypt, with no macro-level structure that covers Greater Cairo as a single administrative entity, except for certain services provision (e.g., water, wastewater, and public transport). For planning purposes, Egypt's General Organization for Physical Planning (GOPP) has established the concept of the "Greater Cairo Region."

In Cairo, urban poverty is not concentrated only in identifiable geographic pockets, but rather dispersed throughout the city. Poverty and extreme poverty affects families found mixed with lower- and middle-income families in older core neighborhoods and sprawling informal areas of Greater Cairo. A small percentage of entrepreneurs and professionals also reside in these areas,

especially because of the lack of residential mobility, rent control and affordable real estate markets.

Besides being a “melting pot” of Egyptians brought together over millennia of migration, the Greater Cairo Region also hosts the bulk of Egypt’s refugee population. Their total number is at least 150,000, comprised of asylum seekers from Sudan, Somalia, Palestine, Ethiopia, Eritrea, Afghanistan, Burundi, Iran, Iraq, Liberia, Rwanda, Sierra Leone, Syria and Yemen, and several other African states (UNHCR: 2007). Cairo also has produced its own asylum seekers elsewhere, estimated at about ten thousand (UNSD, Table 2).<sup>4</sup> However, these numbers are eclipsed by the Egyptian migrants into Cairo from among the over five million rural people who face poverty and dispossession, particularly those having lost their lands and livelihoods due to privatizing land reforms in the neoliberal era.<sup>5</sup>

Currently, most of the “formal” urban advance is to the desert outskirts of Greater Cairo, exemplified by New Cairo City, Qattamiyya, Mena Garden City and Sheikh Zayyad City, to the east, and Dreamland and Beverly Hills, to the west of Giza, which the Egyptian elite favor. These developments are providing luxury housing and serviced land for commercial investment, in order to achieve the highest possible level of income for the state and private investors (Ismail).

Egypt’s demographics place relentless pressure on its economy to continue rapidly expanding. In 2010, the population was estimated at 84.5 million people—more than double the population just 30 years earlier. Virtually all Egyptians live in 5–7% of the country that is not desert, packed densely into the Nile Valley and Delta. Metropolitan Cairo, including the Cairo, Giza and Qalyubia Governorates, is home to 20 million people. The high annual population growth rate of 1.73% has created a population “bubble,” with close to 32 million citizens under the age of 18.

Metro Cairo had doubled in size over the past five years. It is now expanding at three times the rate of “formal” growth (CEDEJ, 14). Thus, social production of habitat takes on diverse forms and occupies any available surface.

The housing crisis is not actually one of a housing shortage, as such, but one of maldistribution. “In fact, Cairo is filled with buildings that are half empty” (Nedoroscik, 42). However, the problems remain in distribution and economic access to impoverished Egyptians without adequate housing. In Egypt, “public investment [for housing] has been largely wasted,” with the result that about 20 million people live today in houses that are

**Demographic Trends in Egypt**

Year	Population	+/- % p.a.
1882	6,712	--
1897	9,669	+2.46%
1907	11,190	+1.47%
1917	12,718	+1.29%
1927	14,178	+1.09%
1937	15,921	+1.17%
1947	18,967	+1.77%
1960	26,085	+2.48%
1966	30,076	+2.40%
1976	36,626	+1.99%
1986	48,254	+2.80%
1996	59,312	+2.08%
2006	72,798	+2.07%
2013	84,314	+2.12%

Source: ESIS

detrimental to their health and safety” (Soliman: 2004a, 171, 202). Today, consistent with applicable criteria of “homelessness” (Tipple and Speak: 2003, 2005) some 1.5 million Cairenes, like about 200,000 Alexandrians, live on rooftops (Soliman: 2004b, 119).

Meanwhile, Greater Cairo has grown into the 16<sup>th</sup> largest metropolitan area in the world (1,709 km<sup>2</sup>). Cairo also boasts the first metro system in Africa, followed by Algiers in 2011. It transports an estimate 700 passengers each year in the world’s 43rd largest urban economy, the largest city in Africa and in the Arab world, with 11th largest urban population on earth.

The challenges to operationalizing the right to the city are combined with a lack of local government in the sense of citizen participation and regional autonomy. However, the city and state never have been visited by a democratic experiment, despite the decentralizing antecedents of the Old Kingdom.

Throughout its Pharaonic, Hellenic, Roman, Hellenistic, Coptic, Arab, Ayūbid, Islamic, colonial, royalist, Arab Nationalist and kleptocratic/military condominium of the past, Cairo never has been sacked. However, since 2011, through popular revolts, successive governments and constitutions, Cairo and the rest of Egypt and its institutions have been shaken, leaving Cairo and other Egyptian cities in an even greater local-governance limbo.

Greater Cairo Population		
Governorate	Estimate (at 1/2010)	Area (km <sup>2</sup> )
Cairo	8,968,723	214
Giza	6,107,365	85,153
Qalyubia	4,546,564	1,001
<b>Total</b>	<b>19,622,652</b>	<b>86,368</b>

The 2014 Egyptian Constitution does not provide for local government at the municipal or regional level, although it does hint at the prospect of elections for regional governors (as discussed below).<sup>6</sup> While political efforts have concentrated on restoring central institutions and leadership, modest local innovations and initiatives at achieving the “right to the city” (R2C) have come from the civil society. The following analysis will seek to identify strategic options, obstacles and assets toward recognizing the right to the city in megalopolis Cairo.

## Human Rights Obligations

### *Constitutional Provisions and Domestic Law*

Egypt has undergone a prolonged struggle for democracy through which its government has operated under three constitutions and one “constitutional declaration” since 2011. On 25 January 2011, widespread protests by young and determined activists took to the streets of Cairo and other major cities in sustained, largely peaceful demonstrations for a period of 18 days, until former President Husni Mubarak stepped down. On 11 February 2011, Mubarak resigned and fled the capital. The Supreme Council of Armed Forces (SCAF)

assumed power on an interim basis. On 13 February 2011, SCAF dissolved the parliament and suspended the constitution.

A constitutional referendum on 19 March 2011 passed several amendments to the old Constitution of 1971, amended in 2007 to remove most of socialist tenets. On 28 November 2011, Egypt held parliamentary elections. Egyptians elected Mohamed Morsi president on 24 June 2012 in a close race. On 2 August 2012, Egypt's Prime Minister Hisham Qandil announced his 35-member cabinet, comprising 28 newcomers, including four from the Moslem Brotherhood (MB). Liberal and secular groups walked out of the constituent assembly because they believed that it would impose socially unacceptable practices premised on the Islamic religion (Kirkpatrick and Sheikh; `Abd ul-Sāmī).<sup>7</sup>

On 22 November 2012, President Morsi issued a constitutional declaration immunizing his decrees from challenge and seeking to protect the work of the constituent assembly (BBC). Massive protests erupted and violent action spread throughout the country (Spencer). On 5 December 2012, tens of thousands of supporters and opponents of president Morsi clashed. Morsi offered a "national dialogue" with opposition leaders but refused to cancel the December 2012 constitutional declaration (Fleishman).

On 30 June 2013, massive protests comprising millions of Egyptians were organized across Egypt against Morsi's rule, leading his ouster on 3 July 2013 based on a popular call for the army to remove the MB's autocratic regime. A roadmap for a power handover was orchestrated by the military jointly with the opposition leaders' block to elect a new president, parliament and government through an agreed-upon transitional program.

Two interim governments have been appointed since the 30 June 2013. Following the deliberations of a 50-member drafting committee, 98.1% of voters, with a turnout of 38.6% eligible, approved a new Constitution of Egypt on 18 January 2014. Presidential elections followed on 26–27 May 2014, with parliamentary elections scheduled within six months of the constitutional referendum. Two candidates were competing for presidency: Field Marshall Abdelfattah El-Sisi, and the Nasserist Mr. Hamdīn Sabāhy. Presidential election results showed a sweeping majority for El-Sīsī (96.6% of votes). The appointed interim Prime Minister Ibrahim Mahlab's government resigned, but was re-appointed to reform the shuffled Cabinet of Ministers.

In Article 93 of the new Constitution Egypt recognizes the obligation to respect ratified international conventions and treaties, by giving them the force of national law. However, this text, similar to the 1971 and 2012 Constitutions, leaves the provisions of human rights conventions subject to the common legislative and judicial practice of superseding treaty obligations with successive legislation. (Judges typically give precedence to the most recent statute, without regard to their potential derogation of binding treaty obligations.)

While the 2014 Constitution guaranteed several specific rights, most notably “citizens' right to adequate, safe and healthy housing in a manner that preserves human dignity and achieves social justice” (Art. 78). The same article improves on previous practice of state, requiring a comprehensive national housing plan that upholds the environmental particularity and ensures the contribution of personal and collaborative initiatives in its implementation. It also requires the state to regulate the use of state lands and provide them with basic utilities within the framework of comprehensive urban planning serving cities and villages, as well as a population-distribution strategy. The Constitution stipulates that these plans and their implementation “serve the public interest, improving the quality of life for citizens and safeguards the rights of future generations.”

The following article also guarantees each citizen’s has the right to healthy and sufficient food and clean water (Art. 79). The Constitution does not specifically mention sanitation.

From a human rights standpoint, the new Constitution is flawed in the particular drafting of articles guaranteeing rights exclusively for “citizens.” In a country that hosts hundreds of thousands of refugees, asylum seekers, foreign residents and millions of tourists,<sup>8</sup> this constitutional shortcoming is significant.

The Constitution has left several matters to domestic laws to regulate, thus enabling limitations of rights by statute, especially where domestic laws violate basic human rights, such as the rights to association and the right to strike (Art. 15).<sup>9</sup>

For example, relevant to urban development, recent amendments to the Law on Investment Guarantees and Incentives No. 8/1997 do not allow third parties to challenge contracts and deals between the state and investors (Art. 6), and limits the possibility of bringing charges of corruption or theft to the court or to minister of investment. This has maintained fears that the state will continue to sustain impunity for such public offenses and deny citizens’ rights to protect public assets and expose chronic corruption. Meanwhile, Egypt's corruption index is ranked 114 out of 177 according to Transparency International (TI).

Significantly, the social function of property (SFP) has remained a constant principle enshrined in the Egyptian Constitution since 1952. SFP remained a tenet of the Constitution of 1971, which followed the death of President Gamāl `Abdu ul-Nasr. This principle also survived the purge of socialistic principles in the constitutional amendments of 2007 (Art. 30), as well as the new Constitution of 2012. However, the drafters of the current (2014) Constitution inexplicably dropped this guiding principle from the final draft. Despite its long standing in the fundamental law of the land for over 60 years, Egyptian law and jurisprudence around the social function of property has never developed its meaning and application.



## **Living Conditions in Cairo**

Though reliable data are hard to come by, trends indicate that the availability, accessibility, affordability and quality of public services in Egypt is deteriorating as a result of the legacy of deregulation, privatization and shrinking government expenditure (NGOs). Egypt's economic crisis and public policy deficit have exacerbated existing patterns of poverty and inequality.

At the country level, Egypt's poverty rate has increased from 25.2% in 2010/11, to reach 26.3% in 2012/13, according to Government of Egypt (GoE) reports (CAPMAS). Other sources estimate that over 40% of the population lives below the poverty line (less than \$2 a day), yet 2% of the population controls 98% of the economy, demonstrating the distribution of resources in the country (NGOs; UNDP: 2008, 11, 114).<sup>10</sup>

Before 2011, GoE reported economic-progress indicators of increased GDP and a target of 7–8% economic growth as a means to generate employment, thus reducing poverty (CESCR: 2011, para. 375). This prospect does not recognize that economic growth is no measure for actual distribution of wealth. Moreover, the Egyptian economy shrank by 4.2% in 2011, recovered to 5.2% in February 2012 (Trading Economics), while the IMF estimated 2013 growth at only 2% (ahram on-line; WEO).

The greatest proportion of poverty is found in the rural areas; however, urban populations are generally more vulnerable to food-security fluctuations, where agricultural subsistence is low. Across Egypt, the average household spends 40.6% of its expenditure on food, rising to more than half (51%) for the poorest decile, who are, therefore, even more vulnerable to food price fluctuations, buying less, less-expensive and often less-nutritious, foods (HIECS: 2011; WFP).

Official information on income inequality in Egypt is difficult to come by. However, the estimated Gini coefficient for Egypt was 0.32 in 2004/05, which indicates a moderate level of income inequality. However, evidence for the last decade indicates that income inequality rose in Egypt within a span of five years (Abdel-Gadir and Abulsmail, p. 116).<sup>11</sup>

While access to energy is essential to the enjoyment of adequate housing, official statistics show that almost 99.5% of Egyptian households are connected to the electricity grid. Per capita share of electricity intended for household consumption in Cairo is 1,708 kilowatts per year, three times the national average (IDSC).

Meanwhile, the entire country is undergoing an energy shortage. In the infamous case of Egypt's oil and gas sector, extraction has been crippled by disruption due to nonpayment to foreign concessions and the national Eastern Mediterranean Gas scandal (Al Jazeera).<sup>12</sup> Now the country finds itself in a

double bind with reduced fuel production for domestic use, and the inability to deliver on an illicit contract for the export of Egyptian gas to Israel.

The distribution of formal serviced land intended for housing among the various regions of Egypt is biased toward Greater Cairo, which benefits from around 74% of the country's serviced land, or about 28 meters squared per person (m<sup>2</sup>/person). (By contrast, the share of formal serviced land for residents in rural governorates in Upper Egypt drops to 2 m<sup>2</sup>/person (Shawkat: 2013, 49).

### **Production and Consumption of Housing**

The acute lack of affordable housing in Cairo stems from a variety of factors, including unbridled population growth, rural-to-urban migration and inadequate investment in the sector. With the adoption of economic liberalization policies and reduction of social spending in the state budget as a consequence, Egypt's investment in the housing sector dropped significantly over the past two decades.

Housing construction has been a major priority of State-sponsored development plans since the 1980s; however, most housing in Egypt is self-built (60–70%) (GTZ: 2009, 81). The official count of informal (or *ashwa'iyāt*) current stands at 1,221, housing approximately 20 million people, or one-quarter of the country's population (CAPMAS: 2009). Cairo is host to at least 76 such *ashwa'iyāt*, which is generally understood to qualify a residential area as a slum

While the five habitual criteria defining a “slum” address material and tenure conditions,<sup>13</sup> the absence of local government is also a common feature, regardless of the state context. This absence of the human rights-compliant state in informal settlements not only tends to deny basic services, but also enables the emergence of private parties operating outside of the law as “slum lords,” land mafias and patriarchal social formation that may violate the human right to adequate housing, among other human rights, in myriad ways. (Cairo's governance is discussed below.)

In Cairo, the majority of housing construction is carried out informally, without official plans or permits. Enforcement of housing standards is lax, leading to much corruption and impunity in the sector, despite the adoption of the Unified Building Law No. 119 (2008). At the same time, the majority of impoverished households live with insecure tenure, which leaves them ultimately vulnerable to forced eviction, demolition and dispossession under various public-purpose and private-sector projects (addressed below).

Meanwhile, the housing demand for “affordable housing” rises by 300,000 units every year, out of a total annual demand for 440,000–600,000 units (*Daily News*). The government's ambitious NHP to build 85,000 units annually, therefore, does not close the housing gap.

On average, Egyptian households spend 34.5% of income is spent on housing (HBRC). With property prices at an average of seven times the annual income, it would take an average of 19 years for an average household to pay for its own housing in Egypt (*Daily News*).

The private sector dominates the total formal real-estate supply at 80%. While luxury real estate development has remained a lucrative business, it only serves an estimated 3% of the population (OBG).

The 2013 housing and development budget of EGP 3.9bn (€430 million), actually marked an approximate 38% increase from the 2011/2012 fiscal year. Despite these efforts, Egypt's housing shortage remains acute, with an estimated three million units currently needed in rural and urban areas. The greatest shortage remains in low-cost housing, despite the presence of 7.7 million vacant units, according to the latest available census (CAPMAS: 2006).

To mitigate urban expansion, especially on precious agricultural land, GoE has spent between LE 60bn and LE 500bn (€6.6bn–€55bn) on the New Cities programme between 1977 and 2010. Reportedly, GoE spent LE 16 billion (€1.7bn) on low-income housing between 2005 and 2012 (NUCA; Jaballah).<sup>14</sup> However, these measurable inputs are not evaluated by any index that monitors enjoyment of the right to adequate housing, or gauges these interventions against a national standard for adequate housing.

One of the significant government initiatives in the housing sector since 2000 has been the introduction of the Mortgage Law No. 148 and establishment of the Egyptian Mortgage Refinance Company (EMRC) in 2001. In the view of the World Bank and the State party, one of the “distortions” that prevent the housing market from functioning efficiently is the Old Rent (i.e., rent control) Law and the small, underused mortgage sector. To address this, the World Bank has supported institutional frameworks and incentive structures to enable an expanded private-sector role in the financing and delivery of affordable housing, which would help to rationalize the subsidies provided to low-income groups, and ensure the continued development of a viable rental market to serve the needs of the lowest income groups (Nasr and Abdelkader).

This methodology has been applied in practice, in order to transform the direct and indirect subsidies that go toward government-sponsored low-income housing projects into mortgage loans for the middle and low-income groups (between the 75<sup>th</sup> to 45<sup>th</sup> percentiles). Funding of these projects is designed to come from sustainable fiscal sources, mainly the private sector, freeing up the existing cash subsidy to be targeted at the lower-income groups in the form of rental and site-and-services projects, which eventually would be phased out entirely (World Bank: 2009).

A relatively new introduction to housing finance in Cairo is the Mortgage Law No. 148 of 2001. However, this scheme has been criticized for ignoring the fact that housing was already quite unaffordable (Fahmi and Sutton). Notably, the house price-to-income ratio in Egypt is 7:1 and up, almost double the level of most-developed nations (Shawky: 2012; Smith).

Mortgage financing has not been a popular option for Egyptian home buyers. Among the biggest deterrents to mortgage finance in Egypt is the costly and cumbersome property-registration process, as well as the lack of sufficient legal infrastructure to enforce contracts. Other impediments include restrictions on extending bank credit to the housing sector, lack of valuation information, lack of credit risk information and complex regulations. Rather, the Mortgage Law achieved the increased commodification of the housing market in favor of private developer interests to supply expensive housing in a context that lacked sufficient regulation of the housing market. The result has been the market's decreasing share of low-income housing and decreased affordability of formal housing for most needy Egyptians (Bayoumi).

Functioning during the years between 2005 and 2011, the National Housing Project (NHP) had the goal of providing 500,000 subsidized housing units, but was only able to provide 360,000 units, 90,000 of which were built by private owners and developers on subsidized land. Furthermore, these units didn't always reach those most in need, although the plan specified that it targets "low-income" households. But due to an inaccurate definition of "low-income," subsidized housing units were available only to families from the top half of the second, low-income quintile all the way up to the upper levels of the fifth, richest quintile. The plan was also socially discriminatory, as one of the schemes, the *Bait al-'a'ila*, made units available only to male applicants from professional syndicates or government agencies who had to prove that their wives had both a college degree and were employed, with no more than two children. A final problem with the NHP is that it specified that only those working in the formal sector qualify to receive loans and assistance, making 40% of the population ineligible for the project's benefits (Shawkat: 2014).

In an effort to match the needs of the housing market, many policies have in turn harmed the most vulnerable and have led to an imbalance in the distribution of investment and services (Shawkat: 2012; Smith). To deal with this proliferating slum phenomenon, the state initiated many development plans that have proved to be futile, and often have violated the rights of the residents in these areas, including under the NHP.



Public housing in Cairo. Photo: Meredith Hutchinson

## **Housing Rights and Forced Eviction**

Much effort to address the human right to adequate housing in Egypt, including government initiatives, focuses on the informal settlements, which are built as an alternative to the formal options available.

While in dealing with informal areas, the government has been implementing large slum-clearance schemes, resettling over 41,000 families over the last decade and a half, two thirds of which were re-housed on city outskirts, far from their original places of residence, where little, if any, proper consultation occurred, and where numerous incidents of unfair compensation or the absence of legal tenure are reported (Shawkat: 2013, 80–86).

Violations to the human rights to adequate housing, water and sanitation and other social rights are evident in the living conditions of Greater Cairo. Some of these squalid living conditions are sometimes legalized through an urban governance framework that is ambiguous and lacks transparency and accountability to the public. For example, many legislative clauses authorize the executive to make exceptions, such as Law 10 "Expropriation for Public Purpose" (1990), which empowers Cabinet ministers to declare a project as for the "public good" and, thus, to expropriate private property without the right for property owners to appeal and authorizing the commission of forced eviction.

Although the judiciary authority historically has lacked sufficient independence from the executive authority, some rulings in the recent period demonstrate that courts have considered human rights dimensions in particular cases. On 6 February 2013, the Administrative Court in Alexandria ruled to cancel the orders of both ministers of Irrigation and Water Resources and of Transportation, based on a 1969 Presidential Decree (No. 2095), to evict the families of civic employees, estimated at 5 million persons, living for over 30 years in housing belonging to the Egyptian National Railways.

The court clarified in its ruling that the ministerial decree emanated from an authority other than that invoked in the presidential decree on which it was based, and that it breached the 2012 Egyptian Constitution, which obliges the state to provide for each citizen to realize rights to adequate housing, clean water and healthy food. The court has obliged the government to set "a national housing plan," based on social justice that uses urban lands in the public interest, preserves the rights of the next generations and maintains the dignity of Egyptian families through the exercise of their right in adequate housing (*almasrawy.com*).

However, in the past decade and a half, the Egyptian government forcefully evicted around 24 thousand families, and resettled some in housing units on the outskirts of the city, with the majority of these evictions occurred in Greater Cairo (Shawkat: 2013, 83). Eviction and resettlement takes many shapes and forms. In

such cases, a common practice is to cut off residents' electricity, water and sanitation to force them to leave their homes (McGrath), and it also common that the housing units promised as compensation are not adequate in services and facilities, or lack legal tenure, leaving residents at risk of eviction, even in new settlements (*Jarīdatai Badīl*).

The state put in place a national program for the development of informal settlements in 1993–2008. Instead of adopting a strategic vision to develop informal areas and improving the living standards of their residents, the government removed more than 5,396 homes from 350 settlements in return for unfair compensations, which averaged 5,000 EGP (€529) per room (Shawkat: 2013, 82).

Hundreds of families continue to suffer from serious violations after being forcibly evicted without reparation of any kind. On 18 February 2014, Cairo Governorate, supported by riot police, removed the homes of almost 1,000 families in `Izbat al-Nakhl area in Cairo without prior notice or consultation with the residents, and using excessive force (EIPR). On 26 February 2014, riot police demolished the tents of dozens of families who were victims of the demolition of 18 February, and forced them to stay in the open.

Field investigations over time have revealed that the minimum standard for publicly subsidized housing for low-income households to resettle slum dwellers has diminished spatially over the past two decades. The former minimum of some 72 sq. meters per household has declined to a current standard of 24–26 sq. meters, thus constituting retrogression in the standards of adequate housing.<sup>15</sup> Exemplary among such publicly funded substandard housing projects is the case of Pyramid City. There, the Cairo Governorate has “resettled” slum dwellers in a desert project far from their sources of livelihood and social capital. At least one civil society initiative has attempted to evaluate the losses to both the displaced households and the public from this Greater Cairo slum-resettlement policy (ECCLR).

## **Developing Cairo**

The general development vision prevailing in Cairo before and after the political changes in central government follows a persistently top-down approach. The futuristic “Cairo 2050” Plan, issued in 2010, aims to model Cairo after other cities of the world with an urban-renewal scheme that threatens to evict untold thousands of households, especially low-income and informal neighborhoods. The plan, revised as Egypt 2052, replicates this development strategy nationwide. The implementation of such plans would require the displacement of many thousands of households. Portions of these plans are targeting impoverished and marginalized areas of the city for the construction of hotels, shopping centers, increased green space in the city center, etc. and will have a disproportionate benefit for the wealthy minority of the city (HIC-MENA: 2011). The funders of the master plan are the General Organization for Physical



Slum conditions in Cairo

Planning (GOPP) of the Egyptian Ministry of Housing and Urban Development, UN-Habitat and UNDP, with implementing partners being GOPP and UN-Habitat (UNDP undated).

Primary issues of contention are the lack of clear and available information on these plans, as well as the absence of meaningful consultation with the inhabitants affected under the plan. It is clear that concrete steps has been taken to implement this dreaded mega project, as communities in Maspero, Ramlat Bulāq and other Nile-front areas have been confronted by threats of removal as a result of real-estate investment, presumably linked to Cairo 2050 visions (Benman; Ayad).

However, the government has yet to reveal a revised plan or any updates on progress to the public. Moreover, the GoE has declined to address related questions from the UN Committee on Economic, Social and Cultural Rights (CESR) on how it has applied the *UN Principles and Guidelines on Development-based Eviction and Displacement*.

As a complement to urban renewal of Cairo, and a precursor to the Cairo 2050 Plan (now reissued as the “Strategic Plan for Egypt 2050”), the Informal Settlements Development Fund (ISDF) was established in 2008. Within its broader urban-renewal mandate, this executive-branch agency has directed its primary focus on the removal and resettlement of communities in “unsafe areas.” These are areas deemed to be uninhabitable, primarily those classifies as life threatening due to their location (a) under sliding geological formations, (b) in flood areas and/or (c) under threat of railway accidents. In 2012 the ISDF conducted a study that found 372 unsafe areas, including 207,233 housing units in Egypt. More than a quarter of these are in the Greater Cairo region. Most or all are slated for removal (ISDF: 2012).

### **Privatizing Cairo**

Important to the process—and challenges—of realizing the right to the city in Cairo is the economic development model assumed by the previous regime, interim governments and under current policy. The experience of the wave of privatization in Egypt began when the government signed an agreement with the World Bank, in May 1991, to a corrective structural program of the Egyptian economy. However, the real start to give the private sector its importance and influential role, was with the opening (*infitāh*) of the economy in the era of the late President Anwar al-Sadat (1970–81) in 1975, which actually widened the income gap in Egypt (McDermott 1988: 82; Abdelazim: 77).

The widespread privatization under President Hosni Mubarak ostensibly sought to restructure public corporations, in order to increase the use of available energy, expand the ownership base and the increase opportunities to connect to foreign markets, access modern technologies, attract capital investment and stimulate capital markets, as well as reduce government spending and rid public institutions of the major losses accumulated (Mohamed et al., 259). The Law No. 203 of 1992 provided the legal basis for privatization, removing 314 public-sector enterprises from government control and restructuring them as affiliates under sixteen independent holding companies.

In principle, the holding companies have operated as private-sector companies with full financial and managerial accountability. From the end of 1990 till 1996, local governorates disposed of more than 1,700 of their 1,850 small businesses such as agricultural projects, poultry units, dairies and retail outlets (Info-Prod). These privatization targets prioritized the already profitable enterprises.<sup>16</sup>

A parliamentary decision in June 1996 allowed foreign banks to own more than 49% of the capital in banking joint ventures, and lifted a long-standing ban on foreigners owning real estate. Legislation passed in 1996 also allowed the private sector to build roads and bridges, providing that both foreign and local entities may build, administer and maintain roadways for periods of up to ninety-nine years.

In turn, Egypt's privatization promised increased access to international finance. The World Bank considered that the application of structural adjustment programs in 1991 was a pivotal point in Egypt's modern economic history (World Bank: 2001, 6).

The combination of measures and developments reduced the two historical roles of the state: development and social welfare. This "retrenchment of the state" has coincided with divesting and disenfranchising local and regional administrations along with the absence of local government of cities, towns and neighborhoods.

Furthermore, explaining the systems and structures under which public companies, office was set up for business, and then formed a committee chaired by the Prime Minister with the participation of Minister of Public Enterprise and the Office Technical Department, to recognize and monitor the implementation of the privatization program. The conduct of the privatization program became the responsibility of holding companies, using both local and foreign consultants (Mohamed et al.).

Without effective regulation, moves toward privatizing the water sector risks placing further obstacles on access to safe water and sanitation. Although water production formally remains state-owned, a draft water law bill, proposed in 2010, paves the way for private investment in the sector (USAID: 2012, 29). As noted by the Special Rapporteur, Egypt does not have a functioning regulatory



framework for the water sector. In this context, privatization likely will increase prices, as already witnessed, and further deny equal access to increasingly scarce water (NGOs, 7).

### **Governing Cairo**

Cairo forms part of a national governance system comprised of five layers of administration. The topmost tier of subnational administration is the governorate (محافظة *muḥāfaẓah*, in Arabic, plural محافظات *muḥāfaẓāt*), of which Greater Cairo comprises three: Cairo Governorate, Qalyubia Governorate and Giza Governorate. A governorate is administered by a governor, who is appointed by the President of Egypt and serves at the president's discretion.

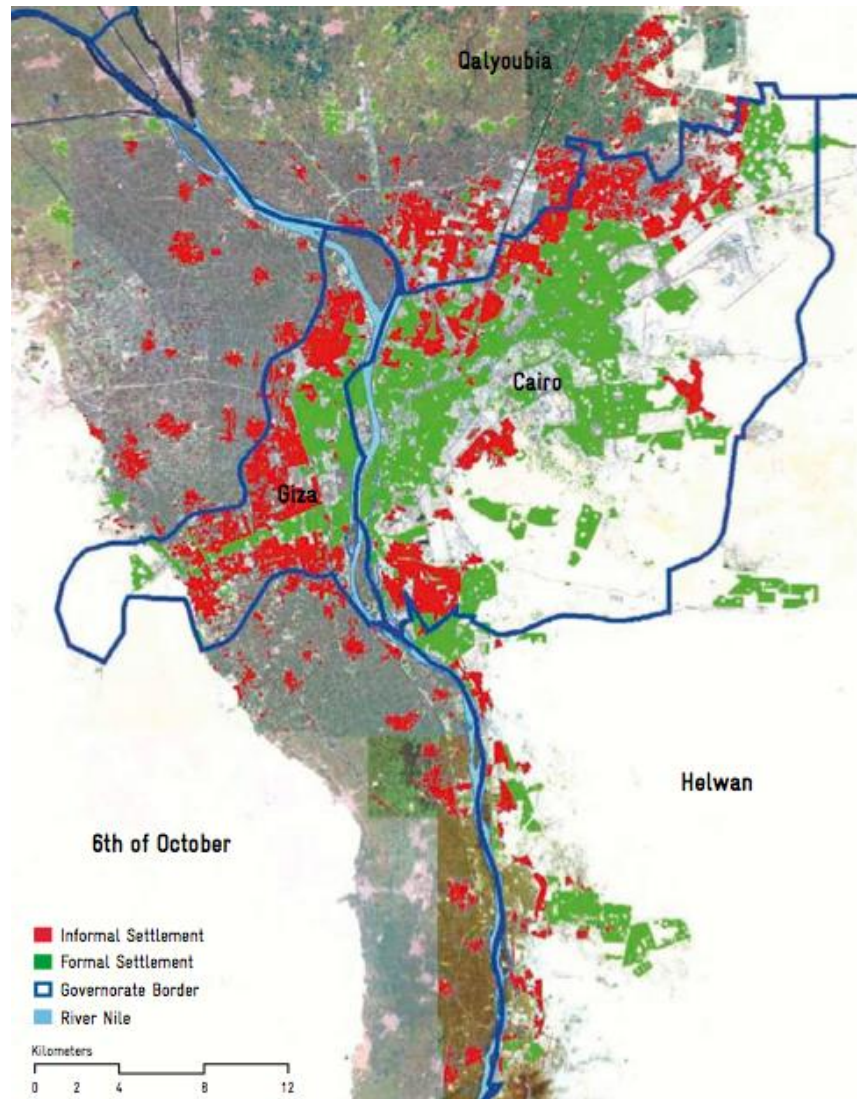
For administrative purposes, the country's 27 governorates are subdivided into four layers: The region, or *markaz* (مركز, plural *marākiz*, مراكز) consists of a capital city, other cities if they exist, and villages. Today, Egypt has 167 rural *marākiz*. The Prime Minister of Egypt appoints the chiefs of *marākiz*. Below the *markaz* is the city, or *madīnah* (مدينة, plural *mudun*, مدن). Each governorate contains at least one city. Some *marākiz* are subdivided into village (*qariya*) units (قرية, plural *qura* قري).

A city/*madīnah* is made up of constituent neighborhood or *hay* units (حي, plural *ahya'* أحياء) is the smallest local unit in urban communities. However, districts differ from one governorate to another in size, population and political and economic circumstances. In addition to this, districts used to be further divided into the subdistrict neighborhood called *shaykha* (شريحة, plural *shayākha*, شياخة), which were considered of a better size for efficient delivery of certain services.

Traditionally, Greater Cairo's governorates contained a total of 40 *ahya'*. Cairo Governorate had 30; Giza Governorate had eight and the City of Shubra al-Khayma (Qalyubia) had two. In addition, some areas of Giza and Qalyubia were classified as rural, which were divided into *marākiz*, with five in Giza and four in Qalyubia.

Until 2008, Greater Cairo included all of Cairo Governorate, plus urban parts of Giza and Qalyubia Governorates. However, in May 2008, a presidential decree established the new governorates of Sixth of October and Helwan, carved out of Giza and Cairo Governorates, respectively. Now, Greater Cairo technically comprises all or part of five distinct governorates.

These changes have not significantly altered the civic order or mode of governance, nor has it brought democratic participation closer to the inhabitants. While the serial constitutions and practice in the Arab Republic of Egypt does not allow for "local government," except for a brief experiment in the 1970s,<sup>17</sup> it has been the tradition for military men appointed by the executive branch of central government to administer the country's governorates (Kirkpatrick and Sheikh: 2013).



The average Greater Cairo inhabitant lives under an impermeable administrative apparatus in charge of political representation and service provision. Public administration in Greater Cairo, for instance, is so opaque that it is rare to find a Cairene who knows the name of the administrator in charge of her/his local neighborhood, or which administrative or political authority is responsible for solving a particular problem.

While 70% of the world's city dwellers have elected mayors, administrative units in Cairo are staffed and run by appointees and bureaucrats named by the executive branch of the central government. The appointed governor is the key figure in the administrative system, while presidents of urban districts (*ahya'*) divide responsibilities and authority under him.<sup>18</sup> Most governors since 1952 have been high-ranking noncommissioned military officers, owing to a security-centered approach to interior government.

Municipalities are dependent on the central government to provide 80–92% of financial allocations (Ben Néfissa; Shawkat 2013). The percentage of the state budget going to municipalities stagnate around 11% (Shawkat: 2013, 21). of the local budget, a significantly low proportion compared to the global average for emerging economies, estimated at 20–30% (Tadamun). Poor funding and lack of autonomy have rendered local administration to become extensions of the central authority, limited to the management of economic and social services, practicing autonomy from the central government only in minor issues (*Land Times*).

#### Levels of urban governance

**Central** – executive branch of the Government of Egypt  
**Governorate** – representative of the President of Egypt  
**District** – appointed and elected officials  
**Neighborhood** – (ambiguous since 2011)



Overall public investment fell from around 15% of GDP, in 1998, to some 8% by 2005 (World Bank: 2005). The state expenditure on local government is only about 12% of the total budget, which allotment accounts for about 92% of all resources available for local government. Local

communities have no authority to legislate or levy taxes and fees through their elected councils to support services or local development. Since most of their governing powers were revoked in 1979, elected local councils have no authority to question appointed civil servants, demand information from them, or call for a vote of no confidence. Local self-determination is not an operational principle of internal statecraft, including resource allocation, thus eroding the effectiveness of local government. A survey for the Council of Ministers by the Information and Decision Support Center in 2005 found that 52% of respondents were unaware of the existence of their local councils (Ben Néfissa).

Representation and participation in development and other decisions at the community level is even more elusive for Cairo slums, or *ashwa'iyat*, and even the existence of the form of local administration is contingent upon official recognition. The probability of an informal area being included in a household survey of the Household Income, Expenditure and Consumption Survey is proportional to its size in the latest census. CAPMAS data are also the basis for the only existing Greater Cairo survey of informal, low-income areas. That survey selects the areas from the CAPMAS Master List of Greater Cairo “Slums,” with already severely undercounted slum populations. The informal areas with relatively small populations are grouped with other nearby informal areas to form larger primary sampling units. The 2006 census produced lower-than-actual urban poverty-incidence rates, because it missed newly formed slum areas and

because slum populations are growing as much as six times the rate of other, planned sections of the capital (Séjourné and Sims). Undercounting slum populations means that they will have a much lower probability of inclusion in household surveys, which supply the basis for poverty line studies. In some instances, a slum may be undercounted in the Master List at 1/15<sup>th</sup> its actual population (Sabry, 15).

Such undercounting affects political and budgetary decisions toward the provision of services and the provision of self-representation mechanisms. In the informal Cairo neighborhood of Bulāq al-Dakrūr, with some 1.5 million inhabitants, is short 20–40 schools. The children are forced to commute to adjacent neighborhoods to find schools with space to absorb them. The result is massive overcrowding, with over 100 pupils per class (UN-Habitat, 79, n. 175).

Other Greater Cairo communities are also institutionally devoid of local representation. The “new cities” that have been built on desert lands since the 1977 New Towns Program are undertakings of the New Urban Communities Authority of the Ministry of Housing, Utilities and Urban Development. Currently eight such new cities can be considered within Greater Cairo. They include Sixth of October, Tenth of Ramadhan, Fifteenth of May, al-Ūbūr, al-Shurūq, Sheikh Zayed, New Cairo and al-Badr. None has an elected local council, as each is administered by a governing council that reports directly to the Ministry.

In the practice of local administration are occasional other actors, whose roles are more-or-less informal. The Minister of Local Development sometimes is called upon to mediate and resolve conflicts between ministries, governorates, councils and civil servants, as the occasion presents itself. High Committee of Local Administration should meet at least once a year to solve coordination problems, but so far *never* met (Ben Néfissa). Finally, under the previous regime, members of People’s Assembly or Shura Council would intervene and exercise patronage as “super mayors” in particular situations. However, such extension of central government influence at the local level has no statutory basis.

With the 2011 uprising and the dismantling of the National Democratic Party (NDP), 97.7% of NDP partisans occupied the elected—if ineffective—local councils, as well as the local councils as such, have become decommissioned. This dismantling of the formal structures has left a void of local “governance,” with local neighborhoods relying on technocrats and other civil servants to deliver services. In many neighborhoods and smaller subunits, local autonomy has been exercised through “popular committees” that have sprung up during January–February 2011. These social formations are of differing quality and character, ranging from religiously rigid and patriarchal to refreshingly progressive and inclusive. They are constitute some measure of popular will, and promise to have effect on the future shape of local governance as the legislative authorities are restored in the coming People’s Assembly elections under the new Constitution.

Chapter Four of the 2012 Constitution was dedicated to the local governance, affirming its administrative and financial independence from the executive authority (Articles 186 to 195). However, the same section refers to local “administration” (*idāra*) a narrower concept than “government” (*hukm*), the ampler term referenced in the previous Constitution.

The new Constitution of 2014 follows suit (Arts. 175–83). The newest Constitution also establishes that local councils will be comprised of directly elected members, *as well as* executive-branch appointees, and provides no guidance to legislators on modalities of determining heads of local councils or governorates, either by election or executive appointment. These details are deferred to future lawmakers (ʿAbdu l-Wahhāb).

At the same time, however, Article 176 provides that:

The state shall ensure administrative, financial, and economic decentralization. The law shall regulate the methods of empowering administrative units to provide, improve, and well manage public facilities, and shall define the timeline for transferring powers and budgets to the local administration units.

The 2014 Constitution also establishes that “Local units shall have independent financial budgets” and that their resources “shall include, in addition to the resources allocated to them by the State, taxes and duties of a local nature, whether primary or auxiliary,” following the same rules and procedures as the central government for the collection of public funds (Art. 178). Also notable is the prospect of citizen election of governors and heads of other local administrative units (Art. 179). However, this remains ambiguous and leaves open to future legislation on the modalities and criteria by which such public figures may be “appointed or elected.”

Political institution crisis	Consequences
Excessive decentralization (Center abandons obligations & responsibilities)	Dysfunctional state and institutions/powerless local admin.
Failed communication, lack of transparency, information	Delegitimization/distrust of govt. & authority (credibility gap)
Overlapping jurisdictions	Ambiguity & conflicts
Privatization of public goods & services	Poor services/infrastructure, living conditions
State violence	Fear and loathing
Force evictions	Deep losses and impoverishment
Flouted state obligations	Extreme individualism
Patriarchy	Discrimination/exclusion (♀)
Multiple “bosses”	Confusion, conflict
Local Councils powerless	Apathy
Corruption, waste, theft of public resources	Impoverishment
Private-sector dominance of development	Disparity
Participation denied	Apolitical populace/weak citizenship
No support (for SPH)	Informal, irrational decentralization
Ambiguous public administration	Ad hoc interim arrangements

Essential to determining service delivery and related budgets in a district is proportional representation in the relevant decision-making bodies. However,

with the undercounting the inhabitants of informal settlements (*ashwa'iyāt*, or “slums”), they are likely not to be “recognized” and, thus, excluded from self-representation.

The composite of administrative institutions and cultures in Cairo have created a yet-unresolved deficit in local government conducive to the exercise of the right to the city. The table below summarizes the dimensions of the urban governance crisis and consequences that pose a bundle of challenges for those pursuing the right to the city in Cairo.

### **Envisioning the Right to the City in Cairo**

At the time of this writing, Cairo remains the center of much contestation over the public sphere. It is a time of much uncertainty, contradictory developments, social and political polarization and legal ambiguity. The uprisings of the so-called “Arab spring” have unleashed a set of collective claims and expectations that have no precedent, nor have they yet found their realization. That is all to say that Greater Cairo is not static. While old patriarchies and interest groups are reasserting themselves, so, too, are Cairo’s people—and their cohorts across the region—daring to imagine that another world is possible.

Such an achievement will not come without tremendous work of both material and conceptual nature. As with any complex task, it is essential to get our theory right. While, for Cairo, the right to the city is very much a theoretical concept, that is precisely why it is timely and important.

This penultimate section identifies some of the developments, actors and opportunities that might bring that theory closer to reality. The good news is found in conditions within a variety of government institutions and civil society, international development actors and local *ahya*. We will explore these potential right to the city change agents in reverse of that order.

#### *Neighborhoods*

Collapsed MENA regimes gave rise unforeseen spaces, social formations and rare chances for broad participation in public life at the local level. While the efforts of the transitional period from 2011 to the present have concentrated on reconstituting the functions, leadership and institutions of central government, the greatest prospect for change of behavior and of mind prevail at the local and neighborhood level. In the meantime, the absence of formal, homogenizing structures promises to enable new social formations to emerge with aspirations akin to the right to the city. Some of these new formations actually have begun to incorporate the conceptual and verbal vocabulary of the right to the city in their local organizing.

The biggest challenge—and the greatest potential for transformation—remains in poor communities without experience at civil participation, but that are receptive to needed capacity to maintain solidarity, understand changing systems, make

human rights practical and benefit from the new policy and legal contexts. They still struggle to make demands heard amid ongoing political processes, decisions and plans that affect them directly.

As a result of conditions of origin and mechanisms of election spontaneous grassroots and positive roles carried out by the neighborhood leagues and popular committees that have received recognition of their local communities as well as support to assume influential official roles during this transition period. In the process, communities are developing a taste of/for direct representative and self-expression that previously was not possible.

Some of these entities have emerged out of political considerations, some transformed into local “People's Committees for the Defense of the Revolution,” and developed service work-style activities (street cleaning - fundraising for the development of public facilities, etc.).

For example, one of the earliest of these committees to emerge dates back to 2008, in the form of the People's Committee for the Defense of Imbaba Airport Land. This popular committee formed against the backdrop of the government plans seeking to evict the population on the pretext of economic development at the expense of the land-poor and underhoused community in the Cairo neighborhood of Imbaba. This social formation, most prominently comprised of political activists and jurists, has influenced later experiences of the spontaneous people's committees that have grown from the local base in the context of the 25 January “revolution.”

Some of these popular committees have taken part in training proffered by human rights organizations of civil society with which they have found common cause. The purpose of these partnership has been to structure the articulation of urban-development ambitions in the language and methodology of human rights, in particular the criteria of state obligations under human rights treaties that the State of Egypt has ratified.

One notable example of this capacity-building effort was the engagement of popular committee representatives in the preparation of the collective Egyptian civil society parallel reports to the UN Committee on Economic, Social and Cultural Rights in its periodic review of Egypt in 2013. The specialized parallel report on Article 11 of the Covenant (the human right to adequate standard of living, including the human right to adequate housing) involved the participation of all of 10 informal popular committees from Greater Cairo.<sup>19</sup>

Other developments have seen the participation of neighborhood leagues in Maspero Triangle (central Cairo) in alternative planning to preserve and develop their *hay* under threat of forced eviction and depopulation at the behest of shadowy private developers and real-estate investors. In the rural areas of North Giza, farmers and public interest organizations have worked together to



challenge a World Bank-financed power plant for the destruction it has caused to local environment and livelihoods. The grassroots authors of these struggles have articulated their positions and alternative proposals as rights claimed against the interests of others who aim to further impoverish and displace them.

### *International Development Actors*

It remains a global ambition to find and realize right-based development actors. Many of the international agencies, from international finance institutions (IFIs) to UN specialized organizations, lack the essential normative framework of human rights, even though they may be UN Charter-based bodies or comprised of UN Charter-bound members.

The UN Charter sets out the tripartite purpose of the UN and its members in international cooperation. The composite of (1) peace and security, (2) forward development and (3) human rights often becomes diluted in operations.

However, at least one example is promising toward developing a right to the city culture in Egypt, although it is found in a pilot project in the al-Minya Governorate. The “Human security through inclusive socio-economic development in Upper Egypt” project is a multiagency project involving all of UN Women, the UN Industrial Development Organization (UNIDO), UN-Habitat, the International Organization for Migration (IOM) and the International Labour Organisation ILO). Starting in 2013, the project began in the third year in which Egypt effectively has had no local political structures (as explained above). The project supports citizen participation in “social forums” to arrive at a regional-development plan for a cluster of villages al-Minya Governorate. The ILO, the implementing agency with the clearest normative framework of labor conventions and norms, is focusing on providing skills and job placement with tripartism, involving organized labor, employers and government. The relevance of this project presupposes upstream impact and sustainability by providing an unprecedented indigenous example of citizen engagement in public life and a model for the Ministry of Local Development and the Ministry of Planning to appreciate distinction between “local administration” and “local government.” The lessons learned from this experiment, if managed properly, could go far toward developing a right to the city model in Egypt that could be up-scaled and supported by both policy and practice.

### *Civil Society*

While development and human rights communities have long operated without synergy or common criteria, that dichotomy has especially afflicted the civil society organizations (CSOs) in the Arab world, including Egypt. The special circumstance in the region feature a tradition of human rights programs that have focused exclusively on civil and political rights, as well as denouncing and defending against torture and related abuses.<sup>20</sup> The related fields of economic, social and cultural rights (ESCR) related to housing and human settlements



development have remained relatively underdeveloped until the turn of the 21<sup>st</sup> Century.

The emergence of the Egyptian Center for Housing Rights, the Land Center for Human Rights in Cairo, and the partnership of those and numerous other organizations with the Habitat International Coalition – Housing and Land Rights Network have seen the development of concepts developed globally and applied locally. This programmatic development has involved the application of concepts including and constituent to the right to the city. The social production of habitat, social function of property and the right to the city have gained considerable traction in the discourse of Cairo-based human rights CSOs since 2000.

The first collective Egyptian civil society parallel report to CESCR's initial review of Egypt came in the year 2000. This resulted in a model of collaboration and advocacy of ESCR resulting in three compatible parallel reports produced by 11 Cairo-based organizations.<sup>21</sup> With CESCR's combined second and third periodical reviews in 2013, the total number of cooperating organizations was 58 (NGOs: 2013).

All of these CSOs are now exposed to the right to the city concepts. However, among these and others, we can identify at least 28 CSOs and popular committees that are on record as promoting the right to the city in Greater Cairo. (See table below.)

### **Civil Society Organizations Exposed to, or Using the Right to the City**

- **Ahmed Abdallah Ruzza Development Association**
- Amnesty International (Egypt)
- **Association for Health and Environmental Development**
- **Better Life Association for Comprehensive Development**
- **Committee for the Solidarity with Egyptian Peasants for Agrarian Reform**
- **Development Support Center Consultancy & Trading**
- **Egyptian Budgetary and Human Rights Observatory**
- **Egyptian Center for Civic and Legislative Reform (ECCLR)**
- **Egyptian Center for Collective Rights (ECCR)**
- Egyptian Center for Economic and Social Rights
- Egyptian Center on the Right to the City
- Egyptian Initiative for Personal Rights
- **Habi Center for Human Rights and the Environment**
- **HIC-HLRN**
- New Woman Research Center
- Socialist Lawyers Committee
- Tadāmun: The Cairo Urban Solidarity Initiative
- Takween
- 10 popular committees

**Note:** Organizations in bold type are Members of Habitat International Coalition – Housing and Land Rights Network

One of the most significant and articulate examples of the use of the right to the city in CSO discourse and advocacy came in the context of the 2013 deliberations toward the new Egyptian Constitution. This convergence of organizations cooperated in the preparation of a formal submission to the drafters of the new Constitution. Their document, “A Constitutional Approach to Urban Egypt,” localizes the principles of the right to the city as a guidance note for future efforts to improve living conditions, urban development and governance in Egypt through the transition.

The localization of the concepts begins with the title, which translates from the Arabic literally as “Constitution of the Built Environment.” It incorporates the Arabic term “*al-`umrān*” (العمران, the built environment) to convey a more inclusive concept, embracing also human settlements beyond the city. The term also resonates in Arab traditions as a term used by the 14<sup>th</sup> Century scholar Ibn Khaldun, who instructed that, in statecraft, “*al-`adl asās al-`umrān*” (العدل أساس العمران), or “justice is the foundation of the built environment (i.e., the state/civilization).”



Portrait of Ibn Khaldun

This articulation of the right to the city establishes a set of basic principles such that:

The State recognizes the "right to the city" for all inhabitants of Egyptian cities, and the people have the full right to enjoy the city and public spaces on the basis of the principles of sustainability, social justice, respect for different cultures, and the balance between the urban and rural sectors. The exercise of the right to the city rests on the foundations of democratic governance of the city, with respect for the social and environmental functions of the various properties and the city as a whole, with full exercise of the right of citizenship (Urban Reform Coalition).

The collective document proceeds to explain the meaning of the Right to the Built Environment (*haq al-`umrān*, حق العمران):

The State recognizes the "right to the human settlement (*al-`umrān*)," for the entire population on the basis of the principles of social justice and sustainability, and respect for different cultures, and the balance between urban and rural areas. The exercise of this right rests on the basis of democratic management of urbanization, with respect for the social and environmental functions of various types of tenure within the following considerations:

- Public social services and public utilities as the right of all inhabitants, and the State guarantees their provision and equitable distribution, sound quality, maintenance and availability.
- The State is committed to making available public spaces and State lands for [benefit and use] of the whole population without distinction or discrimination, as the State shall take the necessary measures to preserve this land and its social function and use for public purpose, which [principle] precedes the priority used to serve individual interests (Ibid).

The “A Constitutional Approach to Urban Egypt” takes the opportunity to explain the meaning and value of social production of habitat (SPH) where it proposes:

The State is committed to providing the institutional environment and resources needed to process the social production of housing in the form of legal tools and financing, administrative, and technical support, land and raw materials at a reasonable price consistent with the [needs of persons with] low-income. The State recognizes the efforts of self-construction and supports housing initiatives and cooperatives, whether of individuals or families or organized and collective efforts in this area. Moreover, the State is committed to the fight against abuse and exploitation in rental relations in the context of ensuring the right to adequate housing for marginalized and most vulnerable (Ibid).

Clearly this CSO initiative and articulation of the right to the city, human rights in the city, even more broadly as the human rights habitat, speaks to the state context that the city inhabits. However, this exercise also follows in the tradition of city-based human rights charters, while taking a page from the World Charter on the Right to the City and indigenizes its tenets.

[A “Cairo 2050” vision to replace a 200-year-old neighborhood in central Cairo](#)



Eight of these collaborating organizations that drafted “A Constitutional Approach to Urban Egypt” have come together to form a new Urban Reform Coalition. The Coalition identifies itself as concerned with

monitoring and reforming urban policies and practices in Egypt through research, coordinating the activities of various actors in the urban sphere and promoting collective organized efforts on the ground to achieve more efficient, equitable, and sustainable urbanization that achieves the basic principles of the Right to City and all human settlements (Ibid).

### **Government Institutions**

Finally, the institutions of government in Egypt have not yet manifested general support for the right to the city or its principles, even in the most recent

**Cairo's Urban Reform Coalition is comprised of:**

Al Shehab Foundation for Comprehensive Development: a group of youth, volunteers and activists interested in social work based on local communities within the Egyptian society.

Egyptian Association for Collective Rights: a nonprofit organization focused on land and water rights and the right to environmental justice. It works on protecting the peoples' rights to utilize public goods and seek environmental citizenship. Its constituents are primarily peasants, workers, and grassroots organizations.

Egyptian Center for Economic and Social Rights works through litigation, research, and advocacy on protecting and advancing economic and social rights in a variety of issues; ranging from labor rights, the right to education, health, housing, association and information, as well as issues of taxation, debt, privatization, trade, corruption and investment.

Egyptian Initiative for Personal Rights is an independent rights organization. It has worked on strengthening and protecting basic rights and freedoms in Egypt through research, advocacy and litigation in the fields of civil liberties, economic and social justice, democracy and political rights, and criminal justice.

Egyptian Center for Civil and Legislative Reform is a nonprofit civil foundation combining a group of volunteers and lawyers who believe in enhancing and establishing the human-rights culture and mechanisms in Egyptian society in cooperation with regional and local NGOs.

Habitat International Coalition is the global network for rights related to habitat. It works in the defense, promotion and realization of human rights related to housing and land in both rural and urban areas. HIC's Housing and Land Rights Network operates its regional program from Cairo.

TADAMUN: The Cairo Urban Solidarity Initiative encourages citizens to claim their right to the city through promoting realistic alternatives and solutions for existing urban problems and advocating for more democratic management of cities.

Takween Integrated Community Development specializes in offering integrated urban development services to address challenges; utilizes a multi-

Constitution or the appointment of local administrators. The Ministry of Planning (MoP) remains aloof to lessons of other countries with experience in implementing the right to the city, fearing the potential contagion of federalism.<sup>22</sup>

At the time of this writing, it is far too early to predict the legislative outcomes of a parliament that has not yet been elected, particularly as local government so far has occupied such a low priority in the current transition across the region.

However, one bright light has begun to shine in the firmament of central government institutions with the creation of a new Ministry of Urban Renewal and Informal Settlements. This new executive body has assumed the functions of the former Informal Settlement Development Facility (ISDF) and holds a broader mandate to develop policy across the state's jurisdiction. Encouraging has been both the choice of minister and her mode of operation.

Minister Leila Iskander, the new minister, is a champion of the people's right to a basic, dignified livelihood with an award-winning background in development. After a cabinet reshuffle following `Abd ul-Fattāh al-Sisi's ascension to the presidency—and her outspoken opposition to Egypt's use of polluting coal as former Minister of Environment—she now takes her right-based approach to a new field. Her integrated and nondiscriminatory view of Cairo is encouraging. She has eschewed suggestions of a contradiction between urban renewal and informal settlements, noting that "Cairo is two-thirds informal neighborhoods. So if we're going to talk about the formal part of the city or the informal part, it's one city" (*ScoopEmpire*).

In her four month in office, Minister Iskander has met with civil society organization to listen to alternatives to the policies of the past 30 years, including discussions that have invoked the right



to the city. Moreover, she has visited the slums and collected the views of inhabitants to inform innovative approaches. While the new minister has her detractors, particularly at the level of old-guard governorates, her presence has augured change from urban business as usual.

### **Conclusions:**

The current transition in Cairo and the prospect for applying the right to the city are inextricably linked to the city's context within the state, the constitutional set-up and the many contentions that surround and pervade it. Given foregoing patterns and deeply entrenched practices, the political culture that the 2011 uprising sought to replace has not retreated into history. History has its continuity in Cairo.

The most encouraging initiatives are those that come from the popular level and civil society. While statist efforts to reconstitute central institutions, as well as important security and counterinsurgency concerns, dominate the political priorities, changes in visions and behaviors are more likely to come from the neighborhoods. With articulate and globally connected civil society's contributions to the popular discourse, the principles and perspectives of the right to the city movement instruct that vision, with the added benefit of success stories and practical examples from other regions.

While fissures of hope from the central authorities to transform Cairo into a human rights habitat are few and far between, the formula for change appears to require an admixture of local initiative and the practical solidarity of inter-regional and international solidarity. Beyond the short-term strategies of crisis management in the security state, the logic of the right to the city is an indispensable ingredient to bringing durable civility, the full exercise of citizenship and social justice to a city seemingly out of order.



1Social production of habitat dominates the skyline in many parts of Cairo

## **ANNEX I**

### **Applicable International Norms**

#### *Local Application of Human Rights in the City*

As a sovereign state in the international system, Egypt is a ratifying party to most of the key international human rights treaties. Those legal instruments all guarantee their application without discrimination, as rights are to be enjoyed by all humans within the jurisdiction or effective control of the state. Therefore, each right corresponds with obligations that the state has assumed to “respect, protect and fulfill” most human rights without distinction as to nationality, citizenship, residency or other status. Therefore, no human is “illegal” or without rights in Cairo, within the territorial state of the Arab Republic of Egypt.

Human rights norms and obligations are the responsibility of the State; however, its institutions include civil servants and authorities at every administrative level. Implementing the bundle of human rights and obligations to respect, protect and fulfill them is an inevitably local task (HIC).

Human rights obligations and practical tools to implement them can serve local public services and political representation for the majority of citizens and noncitizens. While human rights law theoretically applies to all aspects of public life, the review of a State’s performance of its human rights treaties requires local authorities to face dilemmas and choices within human rights norms.

The question of operationalizing human rights at the important local level has been a subject of Human Rights Treaty Bodies’ general treaty interpretation and specific State party reviews. Notably, the Committee on Economic, Social and Cultural Rights (CESCR) advises States parties to the Covenant on Economic, Social and Cultural Rights to take steps “to ensure coordination between ministries and regional and local authorities, in order to reconcile related policies (economics, agriculture, environment, energy, etc.) with the obligations under article 11 of the Covenant,” in particular the human right to adequate housing (CESCR: 1991, para. 12). CESCR also has observed how fees imposed by local authorities and other direct costs may constitute disincentives to the enjoyment of the right to education (CESCR: 1999).

The Harmonized Guidelines on Reporting to the Treaty Bodies advises involving local governmental departments at the central, regional and local levels and, where appropriate, at the federal and provincial levels in the preparation of periodic reports (CESCR: 1999). CESCR’s current reporting guidelines are replete with questions for States about the progressive realization of economic, social and cultural rights through the rule of law, nondiscrimination, the maximum of available resources and international cooperation in the provision of local services and infrastructure (UN: 2009). This reflects the centralization of tasks, authorities and duties as a global practice of subsidiarity that diffuses burdens, responsibilities and functions.

The General Comment on the right to food stresses how responsibilities at multiple levels are essential to realizing that right. While “the State should provide an environment that facilitates implementation of these responsibilities,” increasingly local measures are needed to ensure food security and food sovereignty. In recent years, numerous good practices and policy models exemplify the pivotal role of local decision making and preparedness to ensure the right to food (DVRPC; VLGA; Pothukuchi and Kaufman). The Special Rapporteur on the Right to Food Olivier de Schutter also has noted the role of local government in ensuring realization of the right to food through an integrated national strategy (De Schutter, para. 16; CBC).

This integration of central and local government performance is essential, too, to the realization of the human right to water and sanitation. (CESCR, 15) The Independent Expert on the right to water and sanitation Catarina de Albuquerque has found a wealth of examples of good practice in which a State’s holistic approach involves local government monitoring and implementation of that right (Albuquerque, paras. 37, 45, 49; Albuquerque and Roaf).

CESCR has observed that “violations of the rights...can occur through the direct action of, failure to act or omission by States parties, or through their institutions or agencies at the national and local levels (CESCR: 2005, para. 42). Indeed, the gross violation of the right to adequate housing through forced eviction is often carried out by local authorities. The proposed Advisory Committee study could help further operationalize the UN Guidelines on Development-based Evictions and Displacement (UNBPG).

From The Hague Regulations (1907) through the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and its Protocols. The human rights that apply in the urban context are enshrined in the nine principal UN human rights treaties.<sup>23</sup> Those legal instruments all guarantee their application without discrimination, as rights are to be enjoyed by all humans within the jurisdiction or effective control of the state. Therefore, each right corresponds with obligations that the state has assumed to “respect, protect and fulfill” most human rights without distinction as to nationality, citizenship, residency or other status. Therefore, no human is “illegal” or without rights in Cairo, where the Arab Republic of Egypt is the jurisdictional state.

The state discharges these obligations under treaty law when it simultaneously applies seven over-riding and mutually complementary principles of application set forth in Articles 1 through 3 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These include (1) ensuring self-determination of the peoples within it, (2) combating discrimination, (3) ensuring equality between the sexes, (4) effectively applying the rule of law to uphold rights, and (5) engaging in international cooperation, including effectively regulating external behavior of the

state's constituents in accordance with the rights guaranteed in the human rights treaties that it has ratified (CERDS; de Schutter: 2006).

In the particular case of economic, social and cultural rights affecting living conditions, housing and land, the implementation measures are specified in treaty law to be "progressive" and to ensure that everyone has the capability to attain and sustain a living for herself/himself and her/his family to ensure (6) "continuous improvement of living conditions." ICESCR also requires that ratifying states (7) apply "the maximum of available resources" in the implementation of human rights, including through international cooperation (Art. 2.1).

Many of the elements of an adequate standard of living have been affirmed in international law through the International Labour Organisation (ILO) since 1919. However, the principal norm in the context of unrecognized villages in the Naqab arises from the human right to adequate housing, which, is a matter of principle and customary law is enshrined in Article 25 of the Universal Declaration of Human Rights (1948). The human right to adequate housing is guaranteed by treaty in its fundamental form bearing state obligations in Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966), which treaty Egypt ratified in 1982.

The legal definition of the human right to adequate housing (CESCR: 1991; 1997) provides the normative content and its sources in international law, as well as clarifies state obligations and the elements of a violation. That normative content of the right and corresponding obligations defines housing "adequacy" consistent with the human right to include the following qualities:

- (a) Legal security of tenure (CESCR: 1991, para. 8(a));
- (b) Access to public goods and services, materials, facilities and infrastructure (Ibid, 8(b));
- (c) Access to environmental goods and services (Ibid, 8(c));
- (d) Affordability (Ibid, 8(d));
- (e) Habitability (Ibid, 8(e));
- (f) Physical accessibility (Ibid, 8(f));
- (g) Adequate location (Ibid, 8(g));
- (h) Cultural adequacy. (Ibid, 8(h)).

In practice, the right to housing can be achieved only by respecting, protecting and fulfilling other complementary rights and applying corresponding state obligations that enable persons and communities to attain and sustain adequate living conditions.



Thus, the bundle of civil, cultural, economic, political and social rights are, in both theory and practice, indivisible. In addition to the qualities that affect the material dimensions of adequate housing, upholding certain other rights ensure the processes necessary for physically adequate housing. These include the human rights to:

- Self-expression, association, peaceful assembly and participation (ICCPR, Arts. 19, 21, 22, 25);
- Education, information and capabilities (ICESCR, 13, 14; ICCPR, 19);
- Freedom of movement and residence, *nonrefoulement* of refugees and reparations for victims of forced eviction and other gross violations (ICCPR, Art. 17; A/RES/60/147);
- Security of person and privacy (ICCPR, Arts. 17, 9(1)).

In addition to these covenanted norms, the international human rights treaties of specific application also enshrine the human right to adequate housing with all other categories of human rights. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted in 1965 and which Egypt ratified in 1967, requires that the state prohibit and eliminate racial discrimination and apartheid in all their forms, and “to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...the right to own property alone as well as in association with others<sup>24</sup>...[and] the right to housing...” (Art. 5(e)(iii)).

By its 1981 ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), Egypt has guaranteed that women “enjoy adequate living conditions particularly in relation to housing sanitation, electricity and water supply, transport and communications” (Art. 14.2(h)). That Convention also embodies the state’s binding commitment to “take into account the particular problems faced by rural women and the significant roles [that] rural women play in the economic survival of their families...” (Art’ 14.1). In rural areas, the treaty requires that Egypt “take all appropriate measures to eliminate discrimination against women in rural areas, in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right to participate in the elaboration and implementation of development planning at all levels” (Art. 14.2(a)). Notably, Egypt has not ratified the ILO Convention No. 141 on Rural Workers Organisations (1975).

The State of Egypt likewise has accepted the binding obligation under the Convention on the Rights of the Child (CRC) in 1990 to respect, protect and fulfill “the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.” (Art. 27.1). This obligation embodies the commitment “to take appropriate measures to assist parents and others responsible for the child to implement this right and shall, in case of need,

provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing” (Art. 27.3).

Egypt has not yet ratified several relevant international treaties establishing norms of policy and treatment toward certain vulnerable social groups, including relevant standards of remedy in the case of violation. However, Egypt has yet to ratify several key international treaties upholding human rights norms and procedures.<sup>25</sup> Significantly, as a member state of the African Union, Egypt also has not ratified significant treaties concerning governance, including the African Convention on the Conservation of Nature and Natural Resources (revised version, 2003); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003); the African Union Convention on Preventing and Combating Corruption (2003); the Protocol on the Statute of the African Court of Justice and Human Rights (2008); the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009); the African Charter on Democracy, Elections and Governance (2007); the African Charter on Values and Principles of Public Service and Administration (2011). Nonetheless, the 41 relevant human rights-related treaties that Egypt has ratified form a significant framework comprising the binding norms of statecraft in the form of treaty obligations to respect, protect and fulfill the human right to adequate housing without discrimination. (The relevant ratifications are indexed in Annex II.)

International human rights law theory maintains that a state's obligations under treaty are applicable in its domestic legal system, and that legislatures are bound to harmonize domestic laws consistent with those principles and obligations of human rights instruments. The Harmonized Guidelines on Reporting to the Treaty Bodies advises involving local governmental departments at the central, regional and local levels and, where appropriate, at the federal and provincial levels in the preparation of periodic reports (HRI/MC/2005/3).CESCR's current reporting guidelines are replete with questions for States about the progressive realization of economic, social and cultural rights through the rule of law, nondiscrimination, the maximum of available resources and international cooperation in the provision of local services and infrastructure (E/C.12/2008/2). This reflects the decentralization of tasks, authorities and duties as a global practice of subsidiarity that diffuses burdens, responsibilities and functions.

The Vienna Convention on the Law of Treaties (1969), to which Egypt acceded in 1982, is substantially a codification of customary international law providing that "a state is obliged to refrain from acts [that] would defeat the object and purposes of a treaty when it has undertaken an act expressing its consent thereto" (Art. 18). The Convention also provides that a state "may not invoke the provisions of its internal law as justification for its failure to perform a treaty" (Art. 27).

With respect to the requirements of treaty implementation, the UN Committee on Economic, Social and Cultural Rights (CESCR) repeatedly has expressed its

concern about “the massive housing problems faced by the Egyptian population”...“ exacerbated by the deregulation of rents and an acute shortage of low-cost housing.” The Committee also has noted that “forced evictions without alternative housing or compensation have been occurring in poor communities” (CESCR: 2000, para. 22), reminding the State party of its obligations under Article 11 of the Covenant and refers 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 (Ibid, para. 37). Specifically, CESCR has recommended that “the State party ensure that persons affected by forced evictions have access to an adequate remedy, restitution of their property, and compensation, as appropriate” (CESCR: 2013, para. 20).

To date, Egypt has not developed any legislation or policy prohibiting forced evictions. The practice is not frequent, particularly where authorities defer evictions that might raise further social-control problems. However, when government bodies and official commit forced evictions in Greater Cairo, they are often violent and deeply impoverishing in their effect.

## Annex II

### Egypt's Ratification Status of Relevant Treaties

UN Human Rights Treaty	Signature Date	Ratification Date*
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment		25 Jun 1986 (a)
CAT, Art.20 - Inquiry procedure under the Convention against Torture		25 Jun 1986
CCPR - International Covenant on Civil and Political Rights	04 Aug 1967	14 Jan 1982
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	16 Jul 1980	18 Sep 1981
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	28 Sep 1966	01 May 1967
CESCR - International Covenant on Economic, Social and Cultural Rights	04 Aug 1967	14 Jan 1982
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		19 Feb 1993 (a)
CRC - Convention on the Rights of the Child	05 Feb 1990	06 Jul 1990
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		06 Feb 2007 (a)
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography		12 Jul 2002 (a)
CRPD - Convention on the Rights of Persons with Disabilities	04 Apr 2007	14 Apr 2008
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)		13 Jun 1977(a)
<b>International Labour Organisation Conventions**</b>	<b>Signature date</b>	<b>Status</b>
C029 - Forced Labour Convention, 1930 (No. 29)	29 Nov 1955	In force
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	06 Nov 1957	In force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	03 Jul 1954	In force
C100 - Equal Remuneration Convention, 1951 (No. 100)	26 Jul 1960	In force
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	23 Oct 1958	In force
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	10 May 1960	In force
C138 - Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 15 years</i>	09 Jun 1999	In force
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	06 May 2002	In force
C081 - Labour Inspection Convention, 1947 (No. 81)	11 Oct 1956	In force
C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129)	20 Jun 2003	In force
C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	25 Mar 1982	In force
<b>OAU/AU Charters, Conventions and Protocols</b>	<b>Signature Date</b>	<b>Ratification Date*</b>
African Convention on the Conservation of Nature and Natural Resources	15 Sep 1968	06 Mar 1972
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa		12 Jun 1980
Cultural Charter for Africa		26 Jun 1978
African Charter on Human and Peoples' Rights	06 Nov 1981	20 Mar 1984
African Charter on the Rights and Welfare of the Child	Jul.01.1990	Nov.29.1999
Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	30 Jun 1999	09 May 2001
African Convention on the Conservation of Nature and Natural Resources (Revised Version)	-	-

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	-	-
Protocol of the Court of Justice of the African Union	23 Apr 2004	06 Jul 2006
African Union Convention on Preventing and Combating Corruption	-	-
Charter for African Cultural Renaissance	02 Nov 2009	-
African Youth Charter	16 Oct 2010	-
African Charter on Democracy, Elections and Governance	-	-
Protocol on the Statute of the African Court of Justice and Human Rights	-	-
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	-	-
African Charter on Values and Principles of Public Service and Administration	-	-
<b>League of Arab States Treaties</b>		
Arab Charter on Human Rights	-	-

\* accession(a), succession(d) date; \*\* Fundamental ILO Conventions Nos. 29, 87, 98, 100, 105, 111 and 182; governance (priority) Conventions 81, 129 144; for ratification of technical Conventions, consult ILO NORMLEX, at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102915](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102915).

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## Endnotes:

- <sup>1</sup> Ancient Egypt consisted of two halves, Upper and Lower Egypt, which were distinct in nature and administration through most of history. Lower Egypt, the wide river delta, had fertile black soil and many waterways, and was divided into 20 regions (Egyptian: *sepet* [spA.t]) generally referred to by the Greek term of *nome*. Upper Egypt was a thin long strip of reddish land straddling the Nile, comprising 22 *nomes*.
- <sup>2</sup> For example, during the second Intermediate Period (2000–1570 BCE), the noblemen of Thebes led a revolt against the Hyksos kings (ca. 1650 BCE), ultimately overcoming them and founding their own native 18<sup>th</sup> Dynasty.
- <sup>3</sup> The Ikhshidid dynasty of Egypt ruled from 935 to 969. The Abbasid Caliph Muhammad had appointed bin Tughj al-Ikhshid, a Turkic slave soldier, as governor. The dynasty carried the Arabic title "*wali*," ruling on behalf of the Baghdad-based Abbasids. The Ikhshidid dynasty end with the Fatimid army's 969 A.D. conquest of Fustat.
- <sup>4</sup> 9,307 Egyptians sought asylum in other countries as of end-2006. Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by origin, end–2006" (updated 12 March 2008).
- <sup>5</sup> Particularly as a consequence of enforcing the Owners and Tenants Law amendment (Law 96 of 1992).
- <sup>6</sup> Article 179 of the Egyptian Constitution of 2014 provides: "The law shall regulate the manner in which governors and heads of other local administrative units are appointed or elected, and shall determine their competences."
- <sup>7</sup> Including setting the minimal age for marriage of girls at 9 years old; denying wives the right to file legal complaints against their husbands for rape; insisting that a husband have "guardianship" over his wife; requiring a wife to obtain a husband's consent in matters like travel, work or use of contraception; and daughters should not have the same inheritance rights as sons, allowing men to have sexual intercourse with their dead spouses; discouraging women participation in the paid work force; annulment of the right of women to divorce by *khul'a* in Islamic Law; and encouraging female genital mutilation.
- <sup>8</sup> 14.7 million persons visited Egypt in 2010, but tourist numbers has decline significantly (to 9.5 million in 2013) due to general unrest;
- <sup>9</sup> See Article 15 of the Constitution of Egypt. Also, the interim government issued a law to "organize demonstration and public assembly" in November 2013, requiring a permit for any protest or demonstration, greatly impeding workers' labor actions and other public demonstrations. This law remains strictly enforced under the current government.
- <sup>10</sup> In 2009, UNDP estimated that around 41% of Egypt's estimated 80 million people lived on or below poverty line of US\$2.7 a day, as calculated by the World Bank.
- <sup>11</sup> The Gini index, is a number between zero and one that measures the degree of inequality in the distribution of income in a given society. A Gini index of 0% represents perfect equality; whereas, a Gini index of 1% implies perfect inequality.
- <sup>12</sup> Under the Husni Mubarak regime, Eastern Mediterranean Gas (EMG) assumed the sole right to sell Egypt's gas to Israel. Through Israeli and Egyptian intelligence agents, that company undersold the strategic resource to Israel at a loss to Egypt of more than \$11 billion.
- <sup>13</sup> UN-Habitat defines a slum household as a group of individuals living under the same roof in an urban area who lack one or more of the following:
  1. Durable housing of a permanent nature that protects against extreme climate conditions,
  2. Sufficient living space which means not more than three people sharing the same room,
  3. Easy access to safe water in sufficient amounts at an affordable price,
  4. Access to adequate sanitation in the form of a private or public toilet shared by a reasonable number of people,
  5. Security of tenure that prevents forced evictions.
- <sup>14</sup> According to the New Urban Communities Authority, public investment in the existing 24 new cities was LE 58.2 billion over three decades that combined spending on housing, services and utilities, agriculture and studies (NUCA). However, in a 2010 speech, then Prime Minister Ahmed Nazif reported the total investment figure to be LE 500 billion (Jaballah).
- <sup>15</sup> Egypt's reply to the CESCR list of issues in 2000 referred to standards of 63, 70 and 100 m<sup>2</sup>. HR/CESCR/NONE/2000/6, This declining standard was the subject of a field visit by the CESCR chairperson to Egypt in January 2001, and is confirmed to continue in government-sponsored low-income housing construction. Observation of field work by Housing and Land Rights Network – Habitat International Coalition and the Egyptian Center on Civic and Legislative Reform, 2012–13, in the case of informal settlement households removed to the Pyramid City compound (Sixth of October Governorate) over the past five years.
- <sup>16</sup> For example, privatization programs included the sale of shares in the profitable Kabo/Nasr Clothing and Textiles; United Arab Spinning and Weaving; Egyptian Electro-Cables; Alexandria Portland Cement;

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- Helwan Portland Cement; Amreya Cement; al-Ahram Beverages; Madinet Nasr Housing and Development and Egyptian Dredging Co. In the agricultural sector companies included Wadi Kom Ombo Land Reclamation Co., Egyptian Akkaria Co., Arab Co. for Land Reclamation and Behera Co. In the chemicals sector, privatized companies included Alexandria Pharmaceutical & Chemical Industry, Misr Chemical Industries, and Nile Pharmaceutical and Chemical Industries.
- <sup>17</sup> In 1975, President Anwar al-Sadat introduced an experiment in local administration, granting elected council members the right to question central decisions affecting their constituencies (*istijwāb*), and to demand information (*ihāta*) from the central government and to call for no-confidence vote. In 1979, Law 43/1979 revoked rights, the economic restructuring policy proceeded unquestioned.
- <sup>18</sup> The third-person masculine pronoun is used here, as governors in Egypt are invariably male.
- <sup>19</sup> Popular Committee for the Defense of Imbaba Airport Land, al-Marg Youth Association, Nidal Movement, Island of Dar es Salaam Popular Committee, Popular Committee of Imbaba, Popular Committee for the Defense of the Revolution, Popular Committee of Qrunfil, Helwan Gardens Popular Committee, Popular Committee of Bulaq Abu al-`Aila, Maspero Youth Association.
- <sup>20</sup> The prohibitions against torture, and the human right to freedom from torture is a subject that affects a bundle of rights, including civil, cultural, economic, political and social rights.
- <sup>21</sup> Organizations that participated in the compilation of this collective parallel report were: al-Nadim Centre for the Rehabilitation of Victims of Violence, The Hisham Mubarak Law Centre and The New Woman Research Centre. Endorsing organizations were: The Cairo Institute for Human Rights Studies, The Centre for Trade Unions and Workers Services, The Egyptian Organization for Human Rights, The Group for Democratic Development and The Human Rights Centre for the Assistance of Prisoners. Both the Egyptian Center for Housing Rights and the Land Center for Human Rights presented separate, but complementary parallel reports.
- <sup>22</sup> As explained by a MoP economic advisor to the minister, dismissing the Brazilian experience, in an interview with this writer, April 2014.
- <sup>23</sup> International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Economic, Social and Cultural Rights (1966); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) (2006); Convention on the Rights of Persons with Disabilities (2006).
- <sup>24</sup> Article 5(d)(v).
- <sup>25</sup> Among the standards that Egypt has not yet accepted are: ILO Convention No. 11 Right of Association (Agriculture) (1921); ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989); Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008); Convention for the Protection of All Persons from Enforced Disappearance (2006); Individual complaints procedure under ICERD, Art. 14; Optional Protocol to ICCPR; CCPR-OP2-DP, aiming to the abolition of the death penalty; Individual complaints procedure under CaT, Art.22; Optional Protocol to CEDaW; Optional protocol to ICESCR; Individual complaints procedure under CMW, Art. 77; Optional Protocols to CRC; Optional protocol to CRPD; Convention on the Nonapplicability of Statutory Limitations to War Crimes and Crimes against Humanity (1968).