On Security of Tenure:

Case Studies from Egypt,… and some insights

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A practitioner's approach to Security of Tenure:

- Overview of the urban and legal context
- 2 Case Studies documented through TADAMUN:
  - ADAA Housing Rehabilitation Program (the urban core)
  - Land Titling Case in 'Izbet Khayrallah (informal area)
- Some insights on Security of Tenure in Egypt in the light of the Case Studies

The Context: Urban Egypt in Figures

Basic Facts on Urbanization:

- Egypt **urban population** has reached **44%** of total population in 2012, with **2.0%** annual rate of change (2010 -2015) (Rural 1.4% - Average 1.7%);
- More than **12 million people** live in Egypt's informal areas and over half of this number lives in GCR;
- In Egypt, some **60%** of the population is **under 30**
- In Greater Cairo: **3.5 million closed residential units**

Cairo / Egypt 2050 Vision

"By 2050, Egypt is to become a socially and economically developed country, active on the regional and international levels"

The Context: Development Pressures

Legal Framework:

NEC Article 21:

"The State guarantees and protects **legitimate ownership** of all kinds of **public**, **cooperative** and **private** property and **endowments**, as shall be regulated by law"

NEC Article 24:

"**Private property** is **inviolable** and has a **social function** in the service of national economy without deviation or monopoly…"

Legal Framework:

NEC Article 68:

"**Adequate housing**, clean water & healthy food are **given rights**."

"The state adopts a **national housing plan**; its basis is **social justice**, the promotion of **independent initiatives** and **housing cooperatives**, and the regulation of the use of national territory for the purposes of construction, in accordance with public interest and with the rights of future generations."

Legal Framework:

- **Old Rent:** During Nasser's time, Egypt's tenant laws became very protective of the interests of the tenants:
  - No increase of rent values or termination of tenant's rental contract.
  - Next generations of tenants had the privilege of inheriting their rent contracts.
- **New Rent:** In 1996, the Egyptian legislature comprehensively deregulated owner and tenant relationships:
  - Time limited contract with annual increase

CASE STUDY I

ADAA Housing Rehabilitation Program

CASE STUDY I: ADAA Housing Rehabilitation Program

CASE STUDY I: ADAA Housing Rehabilitation Program

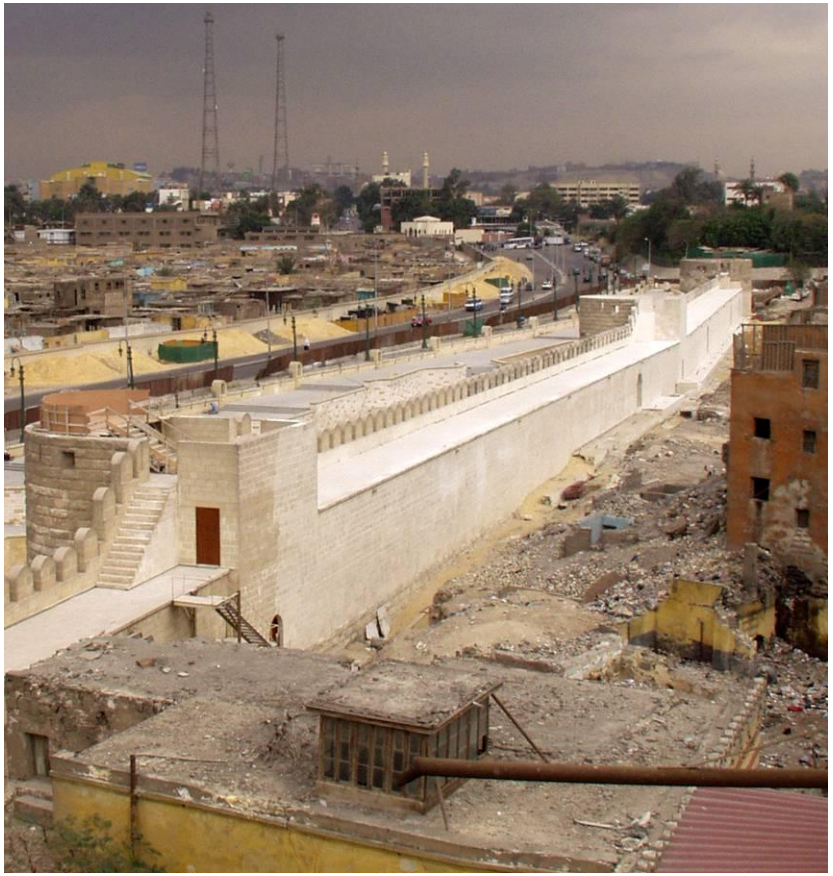
- out-of-date planning constraints
- complicated legal procedures
- low incomes
- limited access to housing finance
- multiple ownership
- insecure tenure

Total montly income levels for Darb al-Ahmar in L.E.

			average = L.E. 500/m			
	L.E.					
	0 - 100	101 - 200	201 - 300	301 - 500	501 - 700	> 700
50%						
percentage				33%		
of						
population						
			21%			
		13%			15%	16%
0%	4%					
Source: AKCS-E/ADAA Baseline Survey Dec. 2003				*1L.E. = US $ 5.8*		

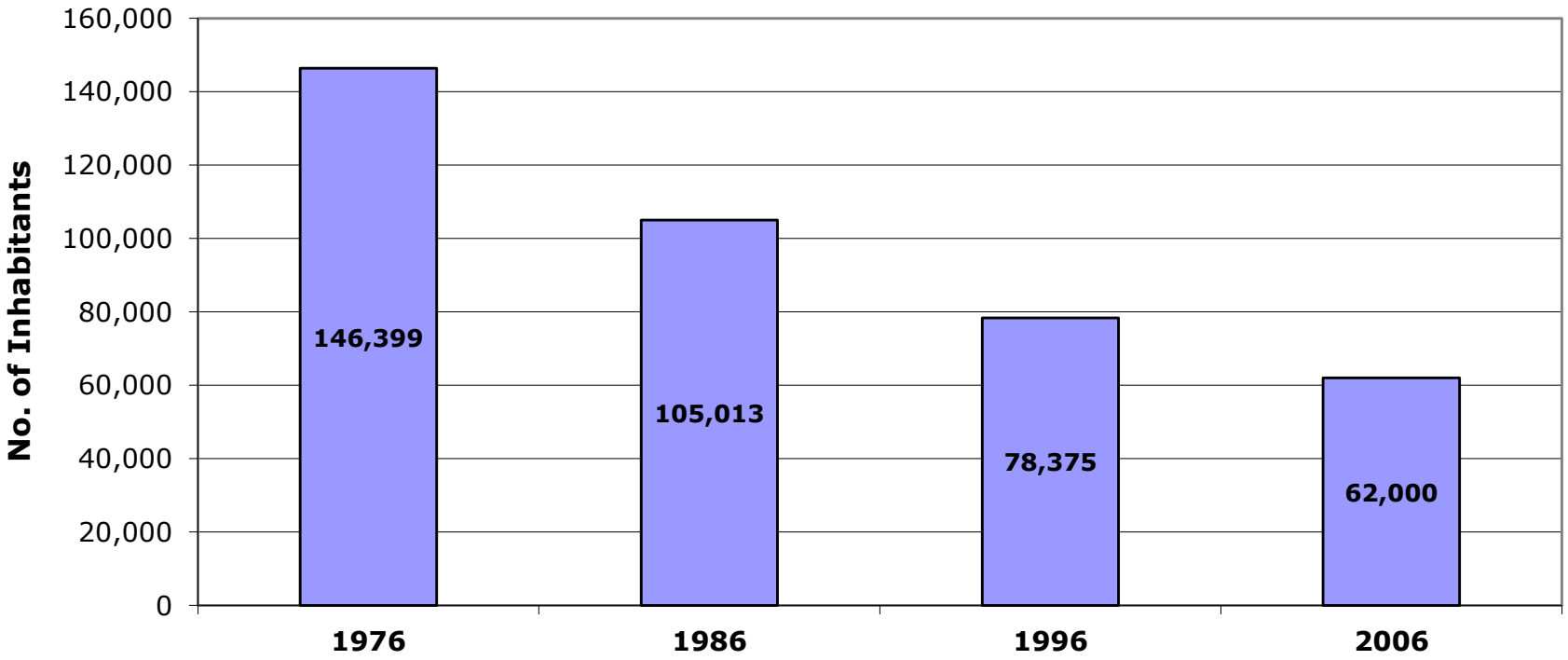
CASE STUDY I: ADAA Housing Rehabilitation Program

The 1973 Masterplan



CASE STUDY I: ADAA Housing Rehabilitation Program

Decrease in ADAA Population

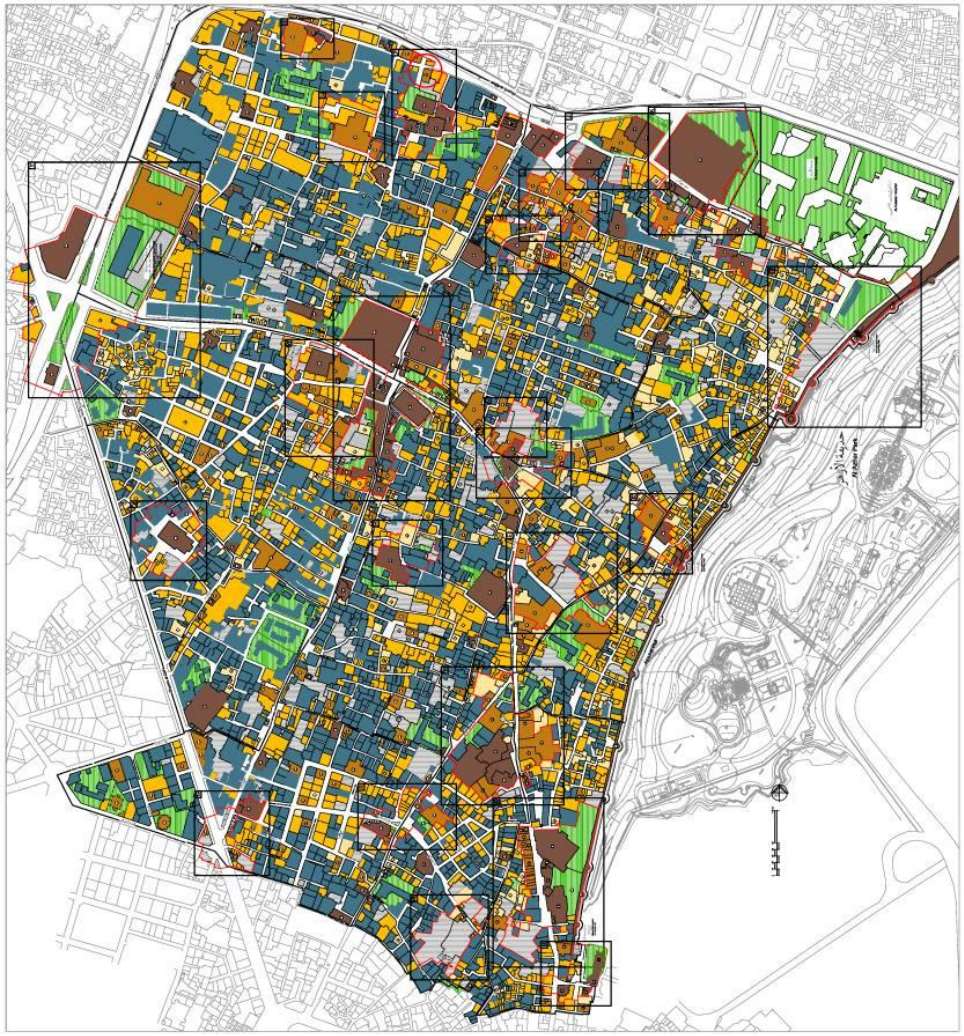


CASE STUDY I: ADAA Housing Rehabilitation Program

ADAA HRP Approach:

- Improve security of tenure through housing rehab.
- Provide technical support and training of local craftsmen
- Participatory design
- Access to housing loans
- Mediations and legal support

CASE STUDY I: ADAA Housing Rehabilitation Program



CASE STUDY I: ADAA Housing Rehabilitation Program

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CASE STUDY II

Land Titling Case in ‘Izbet Khayrallah

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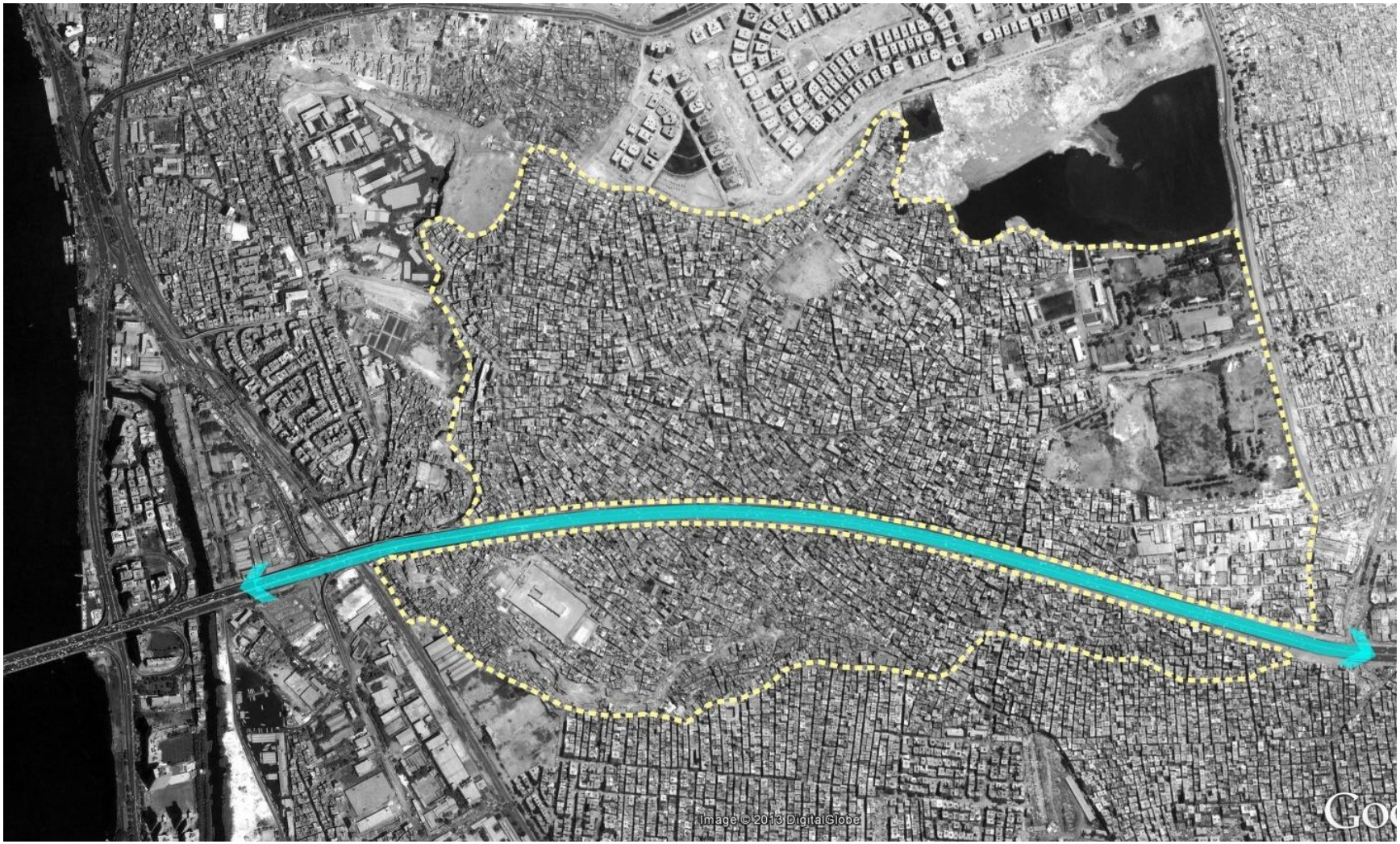
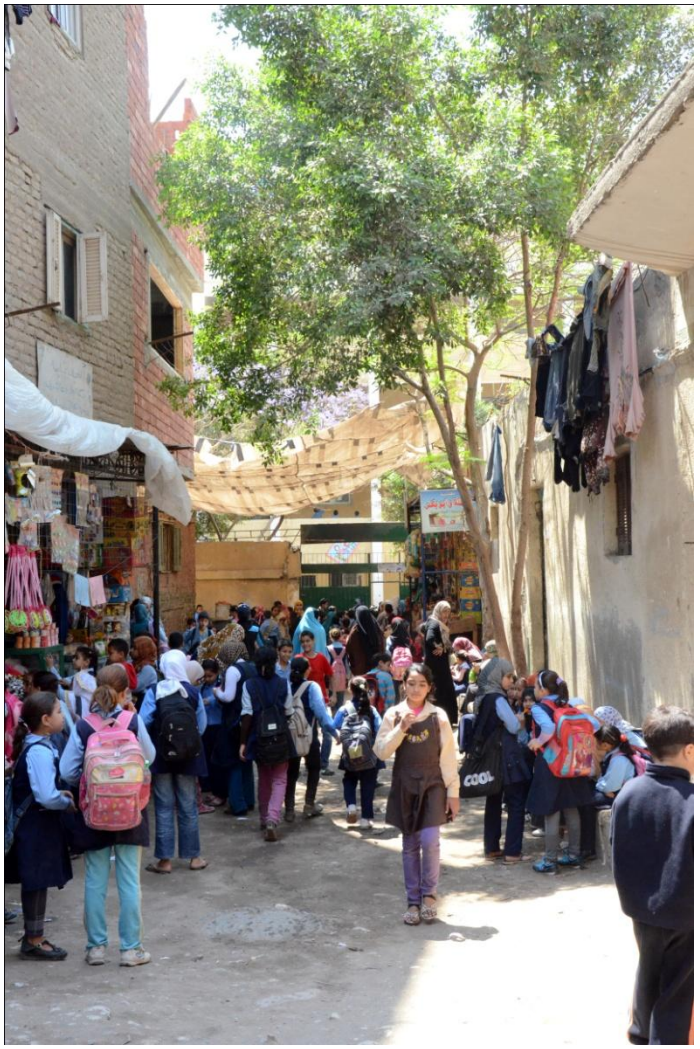


CASE STUDY II: Land Titling Case in ‘Izbet Khayrallah



CASE STUDY II: Land Titling Case in ‘Izbet Khayrallah

The Land Titling Case:

- **1970s- 1980s:** First settlement and attempts of forced evections and demolitions by the State
- **1982:** Community mobilization by women and confrontations to stop forced evections
- **1983:** Residents mobilized resources to use litigation against the State
- **1984:** Court order to temporarily put demolitions and evections on hold
- **1980s:** Residents obtain illegal access to utilities
- **1986:** The State denies the residents their right to buy the land and they go to court again

CASE STUDY II: Land Titling Case in 'Izbet Khayrallah

The Land Titling Case:

- **1999:** Final court recognizing the residents' right to remain in the area and granting them the right to buy the land from the State based on:
  - 'adverse possession'
  - 'favoring safety and security of the residents over removing encroachments on State owned land'
- **2010:** For the first time, access to Government utilities
- **2003-2011:** Court order enforcing the Governor to sell the land to the residents, but with high land price
- **2011:** Establishment of the 'Khayrallah Lawyers Association'
- **2011-Present:** Residents appeal to reduce land price

On Security of Tenure

… some insights

On Security of Tenure: …some insights

The Role Socio-Economic Networks (as safety nets)

- Tenacity, community mobilization and use of social network:
  - ADAA: collective enrolment in HRP and access to microcredit
  - Khayrallah: community mobilization (women, natural leaders, lawyers,..) + Lawyers Association + NGOs Union
- What is better: living within a social network in an illegal/informal setting, or live alone in a legal and formal setting? (impact on overall security, access to resources, etc.)
- Where is the link to formal/informal economy and environmental impact of insecure tenure?

On Security of Tenure: …some insights

Diversity and Multiplicity

(tenure systems and categories + housing products)

- They work against 'Commodification of Land' (inheritance, multiple ownerships, tenants' occupancy)
- Diversity in tenure systems and categories in the urban core and informal areas (old rent, new rent, individual freehold, collective ownership, Awqaf, informal occupancy, etc.)
- Dynamic tenure status across communities (change from individual freehold to tenants' occupancy)
- Overlay of a multiplicity of housing products/unit sizes

On Security of Tenure: …some insights

Negotiations and Pragmatism

(Legitimacy and Security vs. Legality and Formality)

- What makes tenure secure? What degree of insecurity is on stake? (threat, reality, absence of right,..)
- When is Legal Action needed? Where does it end?
  - Clear priorities in Khayrallah:
    1. Stop demolitions and evections (immediately needed)
    2. Access to services and utilities (recognition by the State)
    3. Land ownership (disputed)
  - ADAA: almost 50%of HRP clients are tenants

On Security of Tenure: …some insights

Negotiations and Pragmatism

(Legitimacy and Security vs. Legality and Formality)

- "We claimed our own right": Legitimacy (not legality, formality or property rights) as basis for Security of Tenure
- How is Legitimacy obtained? How does it link to Citizenship?
- Negotiations and Pragmatism (use of achieved realities and social networks):
  - The impact of physical (not necessarily legal) realities on enforcing Security of Tenure
  - Benefit from all situations, even demolitions

On Security of Tenure: …some insights

Where is the role of Practitioners?

- Recognize and strengthen socio-economic networks
- Encourage and promote diversity and multiplicity of solutions and approaching strategies
- Further investigate assumptions of Legitimacy and promote an urban bill of rights as a basis for equal citizenship
- Demand reform of policies and practices: land governance, management and administration + Urban Planning
- Shaming practices violating 'Security of Tenure'
- Raise awareness and provide alternatives to local communities and State actors (TADAMUN)

Thank You

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