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Legislative Analysis to Support Sustainable approaches to City Planning and Extension in Egypt

LEGISLATIVE ANALYSIS TO SUPPORT SUSTAINABLE APPROACHES TO CITY PLANNING AND EXTENSION IN EGYPT

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Acknowledgements

Author: Hazem Abdelfattah (External consultant)

Contributors: UN-Habitat task managers Mohamed Nada and Anne Amin

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ACRONYMS

CAPMAS	Central Agency for Public Mobilisation and Statistics
EGP	Egyptian pound
ESA	Egyptian Survey Authority
GDUPD	General Department for Urban Planning and Development (at each governorate)
GOPP	General Organisation for Physical Planning
HBRC	Housing and Building National Research Centre
IDA	Industrial Development Authority
MoJ	Ministry of Justice
MSAD	Ministry of State for Administrative Development
NUCA	New Urban Communities Authority
REPD	Real Estate Publicity Department
RTA	Real Estate Taxation Administration
TDA	Tourism Development Authority
USD	US dollar

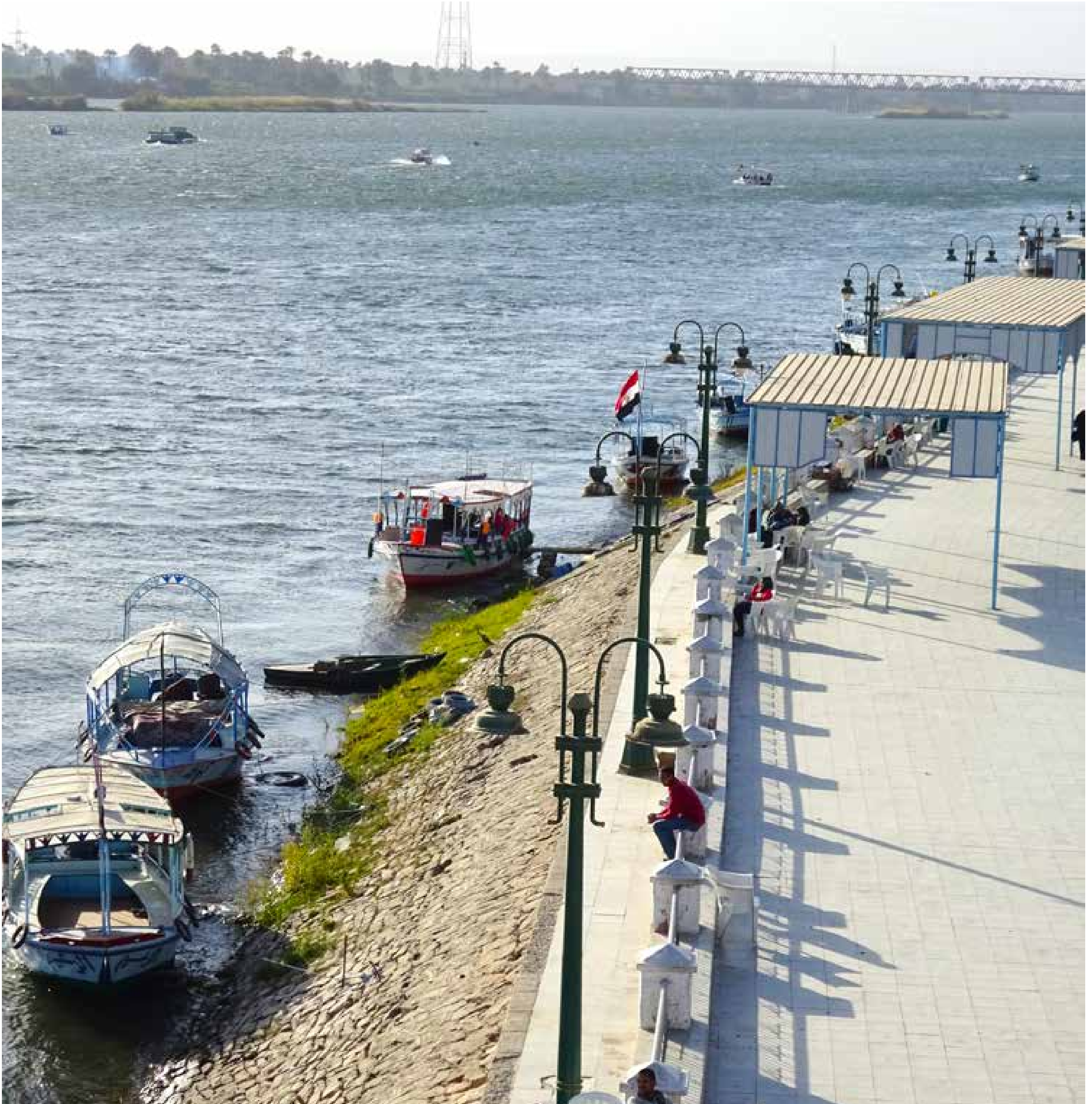
INTRODUCTION

As part of the project on "Participatory Review of Egyptian Planning and Related Urban Development Legislation to Support Sustainable Urban Development" the UN-Habitat Cairo office in collaboration with the Urban Legislation Unit of UN-Habitat has completed a legislative map of the Egyptian instruments and institutions of relevance to a range of urban law issues. This report builds upon that work by developing a Black Letter law and practice analysis of the area of land management and planning law and with a specific reference to issues around planned city extensions and new cities.

In general terms, the aim is to describe how land is secured for public infrastructure and how the essential elements of detailed level plans are defined and implemented. This includes mandatory and voluntary tools for accessing land, the hierarchy of plans required under national and devolved law and administrative practice, the stipulated scale and required content of plans, how essential elements of planning are implemented and analysis of the roles of relevant institutions.

The relationship between the different levels of plans in the hierarchy are considered, including the legal effect of each, and consideration is also given to how plans at various levels can be modified. The implementation of the essential elements of plans, in particular for planned city extensions, is an important element of the analysis.

Accordingly, this report includes seven sections, each discussing one of the following issues: (i) jurisdictional boundaries; (ii) urban planning framework; (iii) land acquisition; (iv) public space; (v) plotting regulation; (vi) development rights and (vii) building code. Additionally, Annex A offers further details using a legal assessment tool (provided by UN-Habitat and still under development and experimentation) designed to assess de jure and de facto compliance with international good practices.



01

JURISDICTIONAL **BOUNDARIES**

Before July 1952, Egypt was divided into five governorates and 14 provinces. Each governorate (*muhafza*) or province *(mudirya)* was headed by a governor *(muhafz or mudir)*. The governor was responsible to the Minister of Interior but enforced the mandates of all other ministers. The desert regions were excluded from the civil administration and placed under the control of the Ministry of War.

Governorates were subdivided into precincts (*qism, pl. aqsam*), each under a commissioner (*mamur*), who was responsible for internal security and police matters only. Other local government matters were centralized under the governorate (*muhafza*). Meanwhile, precincts were further subdivided into localities (*shiakha, pl. shiakhat*), each controlled by a leader (*sheikh, pl. mashayekh*)[1].

Similarly, provinces were subdivided into districts (*markaz, pl. marakiz*)[2], self-contained administrative sub-units with their own police, each under a commissioner, who would control the headman (*omda*) of each village in his district and was responsible for the general local government of his district.

After the 1952 revolution, Egypt began a phase of decentralization. In 1960, Egypt witnessed the creation of the first comprehensive system of local administration through a decree law (124/1960) promulgated in that year. It was a three tier-system including the governorate (*muhafza)*, the city (*madina*) and the village (*qariya*).

In conformity of the law, the Presidential Decree 1755/1960 divided the country into 21 governorates and specified their boundaries. The Decree also listed the cities and villages in each governorate.

Under Article 161 of the 1971 Constitution, the Arab Republic of Egypt was divided into legally-recognized administrative units. These were the governorates, cities and villages. Moreover, the provision stated that 'other administrative units may be created with legal personality if this is required by the public interest.' Following the adoption of the 1971 Constitution, the Decree Law 57/1971 was issued, replacing the Decree Law 124/1960 and allowing the creation of regions consisting of economically integrated governorates as well as the division of major cities into quarters (Article 2).

In 1975, the legislature passed a new local government law; Law 52/1975. This explicitly states in Article 1 that local government units include governorates, districts *(markaz, pl. marakiz),* cities, quarters *(hay, pl. ahya'a)* and villages, each having its own legal personality. Article 5 of the Law makes mention of 'economic regions'. Under Law 52/1975, the Presidential Decree 495/1977 divided the country into eight economic regions:

1. **Cairo Region:** having as capital the city of Cairo and including the governorates of Cairo, Giza [and Qalyubia].

2. **Alexandria Region:** having as capital the city of Alexandria and including the governorates of Alexandria and Beheira.

3. **Delta Region:** having as capital the city of Tanta and including the governorates of Monufia, Gharbia, Kafr el-Sheikh, Damietta and Dakahlia.

4. **Suez Canal Region:** having as capital the city of Ismailia and including the governorates of Sinai, Port Said, Ismailia, Suez and the northern part of the Red Sea governorate unto the end of the Gulf of Suez.

5. **Matruh Region:** having as capital the city of Matruh and including the governorate of Matruh.

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[1] This system of leaders (mashayekh) was abolished by Decree Law 16/1963. However, the locality (shiakha) remains the smallest urban administrative unit for which the Central Agency for Public Mobilization and Statistics (CAPMAS) collects and publishes census and other data.

[2] Spatially, districts (marakiz) may be roughly equivalent to city regions.

6. **Northern Upper Egypt Region:** having as capital the city of Minya and including the governorates of Beni Suef, Minya, Fayoum and part of the northern Red Sea governorate.

7. **Assiut Region:** having as capital the city of Assiut and including the governorates of Assiut and New Valley *(al-Wādī l- adīd)*.

8. **Southern Upper Egypt Region:** having as capital the city of Aswan and including the governorates of Sohag, Qena, Aswan and the southern part of the Red Sea governorate.

A few years later, Law 52/1975 was revised and replaced by the Local Administration Law promulgated by the Decree Law 43/1979. Despite later amendments, Decree Law 43/1979 is still the current legal basis of the local administration system in Egypt.

The current Local Administration Law (Decree Law 43/1979) retains the same multi-level local administrative structure stipulated by its precursor. Article 1 of the Law (as amended by Law 50/1981) stipulates the legal instruments to create the administrative units, to set their boundaries, to change their names or to abolish any of them, as follows:

(a) **Governorates:** By a decree of the President of the Republic. The jurisdiction of the governorate may be one city.

(b) **Districts, cities and quarters:** By a decision of the Prime Minister after the approval of the Local People's Council of the governorate.

(c) **Villages:** By a decision of the Governor, at the suggestion of the Local People's Council of the competent district and after the approval of the Local People's Council of the governorate.

The jurisdiction of the local unit of a village may include a group of adjacent villages. The one-city governorate shall have the resources and remits stated for the governorate and the city.

The district (markaz) or quarter (hay), as appropriate, shall assume the remits of the local unit of the village, with regard to villages that do not fall within the jurisdiction of local rural units."

This last paragraph of Article 1 is creating some confusion as it allows villages to be part of a city, thus expanding the definition of the city to include nearby rural areas. One example is Borg el-Arab city, in the urban governorate of Alexandria, which comprises nine villages: Bahig, Abu Sir, al-Zeraa al-Bahari, al-Guwayra, al-Sanafra, al-Gherianyat, Hamlees, el-Nahda and Houd Sukkara w Abu Ahmed.

Article 7 of the Local Administration Law restates that the country "is to be divided to economic regions, each of them includes one governorate or more, and each shall have a capital, in the manner for which a decree shall be issued by the President of the Republic." According to the decision of the Prime Minister 181/1986 issued under this Law, the two regions of Alexandria and Matruh regions were merged to form a new and expanded Alexandria Region.

The administrative boundaries of a city are commonly referred to as the cordon. This definition is included in Article 2 of the Building Law (Law 119/2008). Article 80 of the Executive Regulations of the [annulled] Urban Planning Law (Law 3/1982) provided a slightly different definition. It defines the cordon as "the administrative boundaries [of a territory] controlled by the competent local council," thus allowing the term to be used for cities and villages.

There are two other important definitions included in the same Article 2 of the Building Law. The first one is the definition of the *zimam* [of a village] as "the area of cultivated and uncultivated land of the village, including the built-up area and surrounding or crossing water bodies and roads." The *zimam* was also defined in Article 1 of Law 143/1981 on Desert Land as "the bounds of land which has been surveyed in detail, registered in the cadastre and in the real estate tax register (al-mukalafa), and was subject to real estate tax on agricultural land." This article further states that, for the desert governorates[3], the cordon (administrative boundaries) of a city or a village and up to a distance of two kilometres shall be considered as *zimam*.

Despite later amendments, Decree Law 43/1979 is still the current legal basis of the local administration system in Egypt.

[3] The decision of the Prime Minister 203/1982 names the desert governorates (a.k.a. frontier governorates): Matruh, Red Sea, New Valley, North Sinai and South Sinai.

However, this Law (as well as others) is silent about the relation between the *zimam* of a village and its administrative boundaries in other non-desert governorates. Practically, in some non-desert delta governorates, the *zimam* of a village and its administrative boundaries coincide but this is not the case for other non-desert governorates.

Linguistically, the word *zimam* means the totality of agricultural land exploited by the village[4]. Historically, the term is connotated with the tax on agricultural land (daribet al-atyan) and the cadastral survey (fak al-*zimam*) required to impose it. The word has become popular after the enactment of the unified tax system for agricultural land by the Khedivial decree (decreto) on 10 May 1899. Based on this background, the creation or alteration of the fiscal *zimam* of any village is a joint process between the Real Estate Taxation Administration (RTA, or maslahat al-darayeb al-aqareya) and Egyptian Survey Authority (ESA, or hay'at al-misaha).

After the approval of the ESA, the RTA issues a decision to create/alter the *zimam*. Subsequently, the ESA issues a decision to create/alter the *zimam* in its maps and books. One example is the RTA's fiscal decision 26/1982 (on 13 October 1982) to establish an independent fiscal *zimam* for the village of al-Bariya, Kafr el-Sheikh district (currently al-Riyad district), Kafr El-Sheikh governorate based on the approval of the ESA. Following the RTA's fiscal decision, the ESA's decision 25/1982 was issued (on 2 November 1982) to implement the changes on maps and books.

The second important definition included in Article 2 of the Building Law (Law 119/2008) is the one provided for urban growth boundaries (al-hayz al-'umrani): "'the area demarcated in the approved general strategic plan of city or village for urban development purposes according to clear coordinates and landmarks."

The Building Law is silent about the relation between the cordon of a city and the urban growth boundaries; whether they overlap or not and whether the the urban growth boundaries introduced by the approved general strategic plan may entail the amendment of the city's cordon or not. Yet, historically, Article 80 of the Executive Regulations of the [annulled] Urban Planning Law (Law 3/1982) defined the urban growth boundaries as "the area to be planned by the local unit, whether this area is located within the city's cordon or extends beyond it." The article also requires the competent council to define this area prior to initiating the planning process and after agreement with the local units affected by the increase of the city's cordon.

Since the mid 1970s, the successive establishment of new towns has created a quasi-parallel and independent system.[5] The first new town venture began in 1977 with a decree by President Sadat to establish the new town of Tenth of Ramadan. Between 1978 and 1979, four more new towns were created: Fifteenth of May, Sadat, Sixth of October and New Borg el-Arab (by the Presidential Decrees 119/1978, 123/1978, 504/1979 and 506/1979 respectively). The legislative and institutional framework for the new towns was formalized in 1979 with the promulgation of the New Communities Law (Law 59 of 1979).

Table 1.1 below shows the number of administrative divisions and new urban communities in Egypt's governorates as of June 2014.

[4] Arabic Language Academy (Majma' al-Lughah al-'Arabiyyah), Al-Mu'jam al-Wasit, fourth edition, 2004, p. 401
[5] Article 50 of the New Communities Law (Law 59 of 1979) stipulates that, once developed, new towns are to revert to standard local administration status under the relevant governorates. This has never taken place, although an independent local administration unit was established for the Sadat City in 1992 and another for the Fifteenth of May City in 2001.

Table 1.1 Administrative divisions and new urban communities in Egypt's governorates as of June 2014

SN	Governorate	No. of precincts (aqsam)	No. of districts (marakiz)	No. of cities	No. of localities (shiakhat)	No. of villages	No. of quarters (ahya'a)	New urban communities	Uncategorised units	Ports
I. Urban governorates										
1	Cairo	46	–	1	341	–	35	4	–	–
2	Alexandria	17	–	2	137	9	8	2	4	1
3	Portsaid	11	–	2	22	–	6	–	2	1
4	Suez	5	–	3	16	–	5	1	–	1
Subtotal		**79**		**8**	**516**	**9**	**54**	**7**	**6**	**3**
II. Lower Egypt governorates										
5	Damietta	4	5	10	5	85	–	1	–	1
6	Dakahlia	5	17	19	21	487	2	–	–	–
7	Sharqia	8	15	17	18	501	2	2	–	–
8	Qalyubia	9	7	10	10	197	2	1	1	–
9	Kafr El-Sheikh	4	10	13	11	223	2	–	3	–
10	Gharbia	5	8	8	38	322	4	–	–	–
11	Monufia	3	9	9	6	315	2	1	–	–
12	Beheira	3	15	15	5	497	–	1	60	–
13	Ismailia	4	6	7	10	38	3	–	11	–
Subtotal		**45**	**92**	**108**	**124**	**2665**	**17**	**6**	**75**	**1**
III. Upper Egypt governorates										
14	Giza	14	8	13	68	167	7	2	1	–
15	Beni Suef	2	7	7	10	222	–	1	3	–
16	Fayoum	1	6	6	6	163	–	1	–	–
17	Minya	5	10	9	17	361	–	1	–	–
18	Assiut	3	11	11	24	235	2	1	–	–
19	Sohag	5	12	11	8	270	3	2	–	–
20	Qena	1	9	9	5	152	–	1	–	–
21	Aswan	2	6	10	18	124	–	2	21	–
22	Luxor	1	5	7	4	56	–	1	–	–
Subtotal		**34**	**74**	**83**	**160**	**1750**	**12**	**12**	**25**	**–**

IV. Frontier governorates										
23	Red Sea	8	–	7	10	11	2	–	6	–
24	New Valley	1	4	5	–	128	–	1	–	–
25	Matruh	9	–	8	–	56	–	1	17	–
26	North Sinai	11	–	6	1	85	–	–	159	–
27	South Sinai	8	–	9	–	13	–	–	273	–
Subtotal		**37**	**4**	**35**	**11**	**293**	**2**	**2**	**455**	**–**
Total		**195**	**170**	**234**	**811**	**4717**	**85**	**28**	**561**	**4**

Article 8 of the New Communities Law (Law 59 of 1979) stipulates that a distance of land not exceeding five kilometres around the new urban community from all sides – as determined by the New Urban Communities Authority (NUCA) – shall be earmarked. Except with the approval of NUCA, the disposition of such land by any means shall not be allowed; nor shall it be allowed the exploitation, utilization or subdivision thereof; nor shall it allowed the erection of any structures, projects or buildings thereon. Also, a distance of 100 metres of land on the two sides and all along the public roads conducting to the new urban communities shall be earmarked and is subject to the same restrictions as provided in the previous clause.

According to Article 9 of the Law, a decision shall be issued by the Prime Minister, after the approval of the Cabinet, to allocate gratis the State-owned land selected for the establishment of a new community and roads conducting thereto, as well as the land reserve around. The decision shall bind all ministries, agencies, authorities and bodies concerned with State property, of all types. Such land shall be considered as land for building and for other purposes for which the new community shall be established.

The above article was amended by Article 2 of Law 7 of 1991. The Article stipulates that the President of the Republic shall issue as appropriate – after the approval of the Council of Ministers and upon the presentation of the competent minister – a decree designating the areas covered by the plan for land reclamation projects, or the areas to establish new urban communities or the tourist areas. The New Urban Communities Authority shall be responsible for the management, exploitation and disposition of land allocated for the purposes of establishing new urban communities. Table B.1 in Annex B shows the changes in the legal instruments establishing new towns over the years.

02

URBAN PLANNING **FRAMEWORK**

Although Law 3/1982 on Urban Planning was considered by many as a new stage in the planning field, the Law had many weaknesses and the central planning authority (the General Organisation for Physical Planning or GOPP) felt the need to revise it. Following the appointment of a reformist cabinet in July 2004, the GOPP, with the support of UN-Habitat, embarked on a country-wide programme to revise its urban planning process and enact a new urban planning law.

Also, there was dire need to harmonise and streamline the multiplicity of laws and regulations governing the use, subdivision and development of land. The [Unified] Building Law (Law 119/2008) came as an attempt to meet all those needs. The Law is made up of four parts: (i) urban planning and development; (ii) urban harmony; (iii) regulation of building works and (iv) maintenance of real properties. Thus, the Law combines planning, subdivision and building regulations and provides new frameworks for urban harmony and building maintenance.

The Building Law contains, in its first part, a number of innovations concerning urban planning and urban standards. In particular, the Law sets up a Supreme Council for Urban Planning and Development under the Prime Minister with membership from all concerned ministries and authorities in addition to a number of urban experts.

....there was dire need to harmonise and streamline the multiplicity of laws and regulations governing the use, subdivision and development of land.

It also calls for changing the tools of urban planning from the traditional master plans and structure plans which were largely physical land use plans, to strategic plans and action plans which will incorporate socio-economic and environmental issues and which will also focus more on local economic development, environmental management and on promoting public private partnerships and stakeholder participation. [6]

The Law sets the framework for strategic urban planning under GOPP and its regional centres (including the preparation of guidelines and standards and the monitoring of urban growth) and sets the modalities for participatory planning at the local levels. In addition, it sets operational procedures for dealing with slums, informal settlements, downtown areas, industrial zones, and historic urban areas. Moreover, the Law allows the imposition of betterment taxes for urban improvements and allows the application of land readjustment (or pooling) in special development zones on private land.

The following paragraphs describe the planning framework that currently exists in Egypt. According to the Building Law (Law 119/2008), there are four main levels of urban planning in Egypt:

1. National strategic
2. Regional strategic
3. Governorate strategic
4. Local (strategic and detailed planning).

2.1 Strategic Planning

Article 2 of the Building Law defines the national strategic plan, the regional strategic plan and the governorate strategic plan as well as the strategic urban plan at the [local] level of a city or a village:

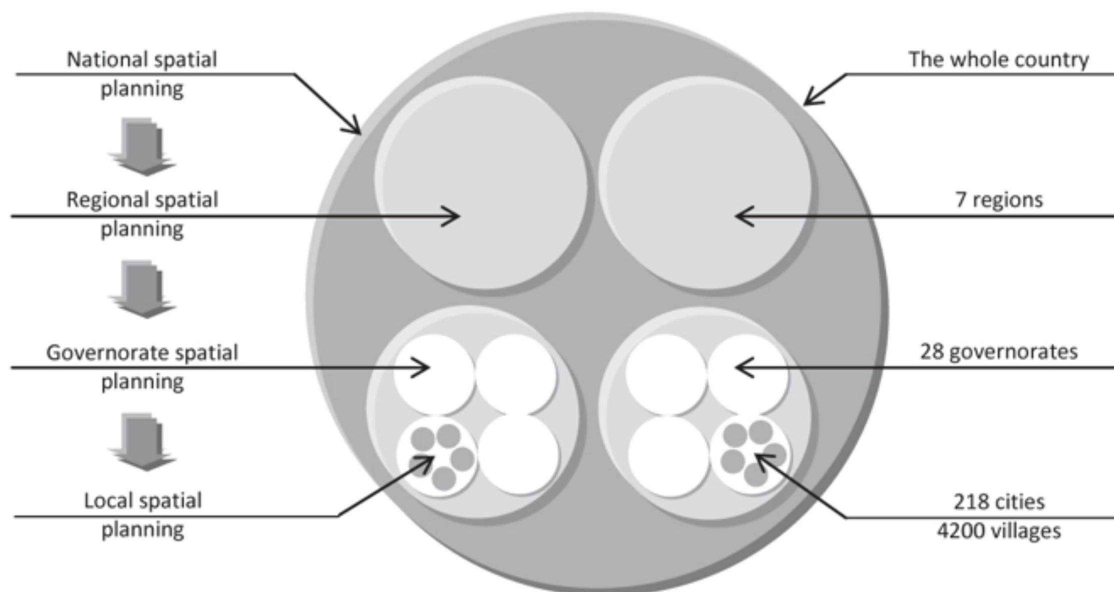
- The national strategic plan: "the plan that sets out the urban development objectives, policies and programs for the whole territory of the Republic. It further indicates the national projects to be implemented, their phases of implementation, and the role of each of the public and private agencies in such implementation."

- The regional strategic plan: "the plan that sets out the urban development objectives, policies and programs for each economic region. It further indicates the regional projects to be implemented, their phases of implementation, and the role of each of the public and private agencies in such implementation, within the framework of the national strategic plan."

- The governorate strategic plan: "the plan that sets out the urban development objectives, policies and programs for each governorate, within the framework of the plan for the region

[6] Adopting strategic and action plans is very close to the City Development Strategy (CDS) approach sponsored by the Cities Alliance.

Figure 2.1 Tiers of urban planning in Egypt [7]



encompassing the governorate. It further indicates the projects to be implemented, their phases of implementation, and the role of each of the public and private agencies in such implementation."

- The general strategic plan of a city or a village: "the plan of the city or village that identifies the future needs for urban expansion, the projects and plans of economic, social, environmental and urban development needed to realize the sustainable development at the local level within the framework of the future vision of the governorate plan that includes the city or the village. It further defines the urban area of the city or the village, uses of different land, planning and building requirements within the urban area, implementation programs, priorities and mechanisms as well as the source of finance."

According to Article 5 of the Building Law, the General Organisation for Physical Planning (GOPP) is the agency in charge of preparing the plans at the national, regional and governorate levels. This mandate is stated again in Article 10: "The General Organisation for Physical Planning shall prepare the strategic plans for urban development at the national, regional and governorate levels."

As per Article 11, the regional centres of the GOPP are in charge of preparing the general strategic plans for cities and villages by commissioning them to experts, consultants or specialized engineering and consulting bodies and offices, registered with the GOPP. Articles 5 and 12 designate the GOPP as responsible for reviewing and confirming general strategic plans for cities and villages. The general strategic plan shall be approved by the competent Minister or his/her delegate after its presentation to the competent local council. The decision approving the general strategic plan shall be published in the Government Gazette (al-Waqa'ia al-Masriya).

2.2 Detailed Planning

According to Article 2 of the Building Law, the detailed plan denotes "the action plan of the planning and building requirements and the implementation programs of land use zones and infrastructure in the approved general strategic plan of the city or village. It shall include all the integrated development projects, in relation to housing estates, land subdivisions or landscaping projects, proposed in the general strategic plan."

[7] Ibrahim Hegazy, Strategic Environmental Assessment and Urban Planning System in Egypt (PhD diss., University of Liverpool, 2010)

Article 20 of the executive regulations lists the components of the detailed plan as including the following:

- "Maps and reports of the detailed planning studies of networks of streets, transportation and public utilities and of the distribution of services, green areas, public spaces, business centres, residential areas, etc.
- Implementation programs of housing, utilities, services, transportation sectors, etc., and their time schedule in order to guarantee their integration and harmonious implementation.
- Building and planning requirements of zones in accordance with the general strategic plan."

Article 8 of the Law stipulates the establishment of a General Department for Urban Planning and Development (GDUPD) at each governorate. Within its remit, the Department is in charge of preparing the detailed plans "in accordance with the planning and building requirements for the different land use zones as well as with the programs and priorities of the integrated development projects in the approved general strategic plan of the city or village, through experts, consultants, or specialized engineering and consulting bodies and offices registered with the General Organization for Physical Planning (GOPP), under the supervision of the regional centre of the GOPP for the governorate's region – according to the rules and the procedures specified in the executive regulations hereof". Article 14 of the Law restates this responsibility.

Article 21 of the Executive Regulations repeats also the provisions of Articles 8 and 14 of the Law: "Upon the completion of the general strategic plan of a city or village and in light of its outcomes and priorities, the General Department for Urban Planning and Development (GDUPD) shall prepare the detailed plans - within a specific time schedule - for the areas designated in the general strategic plan, through experts, consultants, or consulting engineering offices and bodies, registered with the General Organisation for Physical Planning, in accordance with the detailed plan terms of reference, and guidelines (if any), prepared in collaboration with the Regional Centre for Urban Planning and Development which reports to the Authority.

As regards the industrial or tourist areas defined in the general strategic plan of the city or village, their detailed plans shall be prepared by the Industrial Development Authority (IDA) or the Tourism Development Authority (TDA), pursuant to the same procedures followed in the preparation of any detailed plan."

Article 15 of the Law stipulates that the General Departments for Urban Planning and Development at the governorates shall prepare the detailed plans for cities and villages and have them approved, according to the provisions of the Law and its executive regulations, within two years from the date of issuing the executive regulations of the Law.

In the absence of master plans or before the approval of general strategic plans, the General Department for Urban Planning and Development (GDUPD) shall lay down temporary rules and provisions for detailed plans to regulate development within two months of the issuance of the executive regulations of the Law. The temporary rules and provisions shall be issued by a decision of the competent Governor after their presentation at the Local People's Council of the governorate and after coordination with the competent bodies of the Ministry of Defense. The temporary rules and provisions shall be in force until the preparation and approval of detailed plans.

The General Department for Urban Planning and Development (GDUPD) shall specify temporary building provisions for existing areas that lack such provisions; notably the building lines and heights to meet the requirements of lighting, ventilation, urban and architectural character; the requisites of civil defence, firefighting, and state defence; and the environmental specifications; in accordance with the building densities specified in the executive regulations of the Law. The overall height of the building may not exceed 1.5 the width of the street at a maximum of 36 metres. Such temporary provisions shall apply until the preparation and approval of strategic and detailed plans.

Article 15 implies that all the general strategic plans and detailed plans for roughly 230 cities and about 4400 villages had to be prepared and approved by 6 April 2011 at the latest (as the executive regulations were issued in 6 April 2009). A listing of detailed plans

approved by various Governors during the period 2009-2011, as presented in Table B.2, reveals that this target was quite ambitious and even impractical.

Article 16 lists the areas for which detailed plans are usually needed: (i) downtown; (ii) replanning areas; (iii) unplanned areas; (iv) industrial areas; (v) craft areas; (vi) expansion areas and (vii) areas of outstanding value. After the approval of the Local People's Council of the governorate, a decision by the competent Governor shall approve the detailed plans for these areas. The approved plan shall be published in Government Gazette (al-Waqa'i'a al-Masriya) with a copy being kept, at the regional centre of GOPP. The provisions of Law 222/1955 on imposing betterment levy on real property improved by causes for which the public is responsible shall apply on real property subject to improvement as a result of approving the detailed plans.

Although Article 16 refers only to seven types of areas/zones for which detailed plans are typically needed, the Executive Regulations (Articles 29 to 49) specify the expected components of ten different detailed plans:

1. Residential communities
2. Housing estates
3. Commercial areas within urban growth boundaries (including the neighbourhood market, community shopping centre, downtown, regional commercial centre)
4. Public service areas (educational, health, social, religious, commercial, cultural, administrative and recreational services as well as open areas)
5. Economic, commercial and service areas (≈ central business districts)
6. Craft areas
7. Industrial areas within urban growth boundaries
8. Infrastructure
9. Recreational areas
10. Areas of peculiar nature

An analysis of the decisions by various Governors approving detailed plans during the period 2009-2015, as presented in Table B.2, uncovers a slightly different typology. The scope of detailed plans typically covered:

i. Entire villages or cities (such as the cities of El-Mahalla El-Kubra and Beni Suef)

ii. Downtown or city centre (such as the city centre of Kafr el-Dawwar)

iii. Tahzim (containment) areas (to control urban expansion) (such as tahzim areas in Suez and Alexandria)

iv. Existing areas (such as in Cairo governorate)

v. Expansion areas (with a majority in Beheira governorate)

Yet, the majority of the decisions were to amend previous detailed plans prepared before the approval of general strategic plans or even before the enactment of the Law and its executive regulations.

Finally, Article 17 (first paragraph) of the Law stresses the importance of local plans (strategic and detailed plans). The Article stipulates that the provisions listed in the general strategic and detailed plans of cities and villages shall be deemed binding building conditions as those stipulated with regard to the regulation of building works. The local units shall ensure the application of the requirements contained in all plans, the abidance by such before parties concerned, the adoption of all decisions and procedures that guarantee their implementation and the cessation of executing any works in violation thereto.

03

LAND **ACQUISITION**

3.1 The Right to Private Property

The right to private property is the social-political principle that human beings may not be prohibited or prevented by anyone from acquiring, holding and trading (with willing parties) valued items not already owned by others. Such a right is, thus, inalienable and, if in fact justified, is supposed to enjoy respect and legal protection in a just human community. This principle is enshrined in Article 17 of the Universal Declaration of Human Rights, which declares: "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property."

The successive constitutions of Egypt since 1923 have stated the sanctity of all types of ownership, including private ownership. Article 33 of the most recent constitution (the Amended Constitution of 2014) stipulates that the State shall protect ownership whether public, private or cooperative. However, in practice, the right to property is more complicated. Private property should play a social function in the service of society and the realization of public good. These two, sometimes competing, interests (private and public) need to be balanced so that individual property owners enjoy their private property rights and that these rights are not violated by others, while concurrently ensuring that this property is not impeding the public good.

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The complexity of the right to property increases when the right to private property contradicts the collective interests of the community as a whole. In most countries, while laws and regulations protect the right to property, they also enable governments, under specific circumstances, to appropriate private property. The concept of the social function of property (fonction sociale de la propriété) was articulated paradigmatically by the French jurist Léon Duguit in the beginning of the 20th century. However, this notion is much older, as Aristotle seems to have been the first to propose a social function of ownership.

In Egypt, the social function of property was thoroughly discussed during the preparations for the [new] Civil Code (of 1948). The draft Article 802 reads: "The owner of a thing, as long as he observes the limits of the law, has the right to use (usus), to enjoy (fructus) and to dispose of (abusus) it, without any interference from third parties, provided that this is consistent with the social function of the right to property."

The Civil Code Committee at the Senate decided to remove the clause "provided that this is consistent with the social function of the right to property" as the applications cited by the legislator were considered enough. The Medium Commentary on the Civil Code (1952 – 1970) concludes that property is a subjective right (droit subjectif) and in the same time has a social function (fonction sociale).

The social function of the right to property was first enunciated explicitly in Article 11 of the 1956 Constitution that reads: "Private property is inviolable and the law regulates the fulfilment of its social function. It may not be expropriated except in the public interest and against fair compensation according to the law." In the eyes of the judiciary, "the modern legal thought has settled on the notion that the private property has a social function, and therefore the community, as represented by the authorities, has the right to set the general rules, measures and regulations to regulate the exploitation of this property to the fullest, without excess or transgression, which can void them."[8]

In fact, the social function of property underpins several legislations including the Rent Control Laws (Law 52/1969, Law 49/1977 and Law 136/1981), the Agriculture Law (Law 53/1966), the [annulled] Physical Planning Law (Law 3/1982), the current Building Law (Law 119/2008) and so on.

[8] Judgment of the Administrative Court in the lawsuit 27816/61J, dated 5 January 2010.

3.2 Land Acquisition for Public Benefit

When land acquisition is necessary for public need in Egypt, the State can acquire land either by voluntary purchase, by compulsory acquisition or by land readjustment (or pooling).

General legislation

In some instances, the State may have to expropriate private land for public use, such as to provide infrastructure. The Constitution (Article 34 of the 1971 Constitution and Article 35 of the 2014 Constitution) prohibits the expropriation of private property except in the public interest against [fair] compensation determined pursuant to the law. Law 10/1990, concerning the Expropriation of Ownership in the Public Interest, was issued to reflect this constitutional mandate.

It regulates the circumstances and procedures for the State to exercise the power of eminent domain and also to ensure that landowners receive fair compensation for their expropriated property. Additionally, although Law 10/1990 is mainly about compulsory acquisition, it allows some room for quasi-voluntary purchase (Article 11)[9].

The general principles guiding the expropriation of private property (according to the Civil Code and Law 10/1990) include the following:

- Property expropriation shall be only on tangible real estate property, there shall be no expropriation of movable possessions[10]
- The real property, which can be expropriated, includes only land (whether agricultural or vacant and whether in urban or rural areas) and buildings above this land
- Expropriation is applicable only to property belonging to private persons (individuals or legal entities), thus, public property is excluded from the procedures
- Public property[11] may not be expropriated; rather the needed property would be reassigned to another public use or entity

The two substantive conditions governing the application of Law 10/1990:

- The purpose of expropriation shall only be for realizing public interest (intérêt général). The public benefit is the cornerstone underpinning any decision of expropriation, and without which such decision shall not have any legal existence. Yet, the administrative authority has the right to appreciate the circumstances related to expropriation, as well as the authority to implement the expropriation, in order to achieve public benefit. The administrative authority may not be challenged or judged on the grounds that it could have chosen more appropriate real estate property to achieve public benefit than the one(s) that it has already chosen.

- Owners whose properties are expropriated shall receive fair compensation for the losses they incur, through special rules ensuring the compensation is paid timely. The compensation shall be assessed according to the prices prevailing at the time of the issuance of the expropriation decision. Subject to their consent, the property owners may receive the entire compensation or part thereof in kind. Moreover, the property owners have the right to contest the amount of compensation offered and also to appeal to the court of first instance.

The term 'public interest' in the context of expropriation has been defined in Article 2 of Law 10/1990. The Article specifies the acts that are considered for public interest. These include:

- Constructing, widening, improving, or extending roads, streets, or squares, or the construction of new quarters

- Water supply and sewage projects

[9] For further explanation, refer to page 23.
[10] According to Article 82 of the Civil Code, the term real property means "anything that is fixed in its space affirmed therein, which may not be moved without being damaged."
[11] Public property, as per Article 87 of the Civil Code, is property owned by the State or by any public legal person and is dedicated for the public benefit either de facto (in reality) or de jure (by law, decree or decision of the competent minister).

- Irrigation and drainage projects
- Energy projects
- Construction or improvement of bridges, cross roads for railway and tunnels
- Transportation and telecommunication projects
- Urban planning purposes and improvements to public utilities
- Other acts considered as acts for public interest mentioned in other laws

Other Laws allowing property expropriation in the public interest include the Electricity Law (Law 87/2015) and the Law on the Protection of Antiquities (Law 117/1983).

Article 2 of Law 10/1990 also delegates the Cabinet of Ministers to add other acts to the foregoing list. Accordingly, the following acts were added to the list:

- Projects of government educational buildings (by the Prime Minister decision 160/1991)
- Establishment of fish hatcheries by the ministries, administrations, local administration units, public authorities and government agencies (by the Prime Minister decision 2166/1994)
- Productive projects of the public [enterprise] sector and its factories (by the Prime Minister decision 173/2002)
- Demolition of buildings and structures in unsafe areas, which do not meet the requirements of security, life safety and adequate housing, by the Informal Settlements Development Fund (ISDF) in partnership with the governorates concerned (by the Prime Minister decision 3096/2009)
- Construction of multi-storey car parks in the Egyptian cities (by the Prime Minister decision 3117/2009)

Expropriation may not be limited to land or buildings directly subjected to the previous Acts but it could include also any other neighbouring properties that are deemed necessary to achieve the purpose of the project or whose form or size is not in harmony with the aimed improvement.

Additionally, Article 2 stipulates that the "statement of the public interest" shall be made by a decree from the President of the Republic[12], to which shall be attached:

(a) a memorandum describing the project to be implemented

(b) a drawing showing the layout of the project and the real properties needed for its implementation

Article 3 requires the decree to be published, together with a copy of the memorandum referred to in Article 2, in the Official Journal (al-Jarida al-Rasmiya).

In practice, the Prime Minister is the one who commonly issues the decree stating the public interest by delegation[13]. However, the Supreme Administrative Court has recently nullified such delegation as regards Article 2 of Law 10/1990. In this respect, the Supreme Administrative Court differentiates between two provisions in the Expropriation Law (Law 10/1990), namely the provisions of the Articles 2 and 14. Article 2 specifies the competent executive to state the public interest: the President of the Republic who shall solely issue the decree on this, accompanied by a memorandum describing the project as well as its layout and the properties needed for its implementation. In other words, this remit is reserved for the President of the Republic who has to assume it in person without any delegation.

[12] The former Expropriation Law (Law 577/1954) stipulated that the statement of public benefit / interest, which justifies property expropriation, shall be made by a decision from the competent minister. However, that Law was amended by Law 252/1960 requiring such statement to be emanated by a Presidential Decree to increase the guarantees governing the application of the Law.
[13] The Presidential Decree 293/2014 is the latest decree delegating this authority to the Prime Minister.

If the legislature wanted to give the President the right to delegate this remit, it would explicitly state so as is the case with the provision of Article 14 of the Law on the direct seizure of real property. Article 14 provides that the agency requesting the expropriation can seize, by way of direct enforcement (exécution d'office), the real property deemed necessary in the public interest, following a decree from the President or his delegate. The Supreme Administrative Court asserts that the difference between the two provisions leads to varied judgments. This results in the nullity of the decree if delegated to the Prime Minister to state the public interest. The general Law of Delegation (Law 42/1967) cannot be used as a pretext as the Expropriation Law is a special law, and any special law typically restricts the general law. Moreover, the general rules of delegation imply that only allowed remit(s) can be delegated.

The Egyptian Survey Authority (hay'at al-misaha) is – according to Article 1 of the Executive Regulations (issued by the decision of the Minister of Public Works 319/1990) – the agency in charge of expropriation [procedures] referred to Articles 4 to 7, 13, 14 and 25 of the Law, but with the exception of projects taken over by other agencies in accordance with the law.

According to Article 5 of Law 10/1990 and Article 3 of its executive regulations, a committee will be formed to create an inventory of and demarcate the properties required for the public interest. The members of the committee shall include a representative of the Egyptian Survey Authority; a representative of the local administration unit where the project is located and the cashier of the locality (shiakha) or settlement (naheya).

Article 6 of Law 10/1990 requires the Minister of Public Works and Water Resources to form a committee within each governorate to be charged with the determination of compensation. The committee is chaired by a representative of the Egyptian Survey Authority and comprises one representative from each of the Directorate of Agriculture, the Directorate of Housing and Utilities and the Directorate of the Real Estate Tax at the governorate. The members of this committee shall be changed every two years. The Article further requires the compensation to be determined on the basis of prevailing prices at the date of issuance of the expropriation decision.

The composition of the [assessment] committee referred to in Article 6 is purely from government officials, not necessarily trained or experienced in appraisal, which may influence the fairness of the estimated compensation. Also, the participation of a representative from the Directorate of Agriculture as a member of the committee might be irrelevant in the case of properties located in urban areas. Additionally, as the law is somehow antiquated, it does not consider or benefit from the system of real estate appraisers introduced by Law 148/2001 and its Executive Regulations. Conversely, the Executive Regulations of Building Law try to capitalize on this system. Article 69 of the Regulations allows the competent governor to assign the appraisal to one or more registered appraisers or to any committee formed of registered real estate appraisers. In any case, the engagement of registered and experienced appraiser(s) in the committee referred to in Article 6 of Law 10/1990 is expected to improve its performance and fairness, especially after the issuance of appraisal standards (by the decision of the Chairman of the Egyptian Financial Supervisory Authority 39/2015).

Article 11 of Law 10/1990 provides that the owners of properties, in respect of which no contestations have been submitted, shall sign certain forms transferring the ownership thereof in the public interest. This may be considered as a quasi-voluntary purchase as the transfer of property takes place without a decision prescribing its expropriation.

For the properties, which have not been transferred by this means, for any reason whatsoever, the competent minister – according to Article 11 – shall issue a decision with their expropriation. The forms or ministerial decision shall be deposited at the competent Real Estate Publicity office. This deposit shall result in, for the properties recorded therein, all the implications of the contract of sale.

While Article 6 requires the compensation to be determined on the basis of prevailing prices at the date of issuance of the expropriation decision, Article 11 is silent about the basis on which to determine the prices of properties to be voluntarily purchased, if no expropriation decision is issued.

As mentioned above, Article 14 allows the agency requesting the expropriation to seize, by way of direct enforcement, the real property deemed necessary in the public interest, following a decree from the President or his delegate, published in the Official Journal. The publication of the seizure decree shall result in the consideration of such property as earmarked for the public benefit. The owner(s) shall have the right to an indemnity for deriving no benefit from the real property, from the effective date of seizure, and until the payment of compensation for expropriating the property. The indemnity for deriving no benefit from the real property shall be assessed by the committee provided for in Article 6 of the Law within one month from the date of seizure. Any land improvements shall not be demolished except after finishing off the procedures for assessing all the compensations conclusively.

Article 15 of the Law allows the temporary seizure of real property. In the case of flooding, bridge blockage, epidemic outbreak or any emergent or urgent conditions, the competent Minister shall, at the request of the competent agency, order the temporary seizure of real property needed to carry out the restoration works, the prevention works, or other works. This seizure shall take place, once the delegates of the competent agency finish off recording the description, area and condition of the real property, without the need for any further action. The indemnity due to the owner(s) for deriving no benefit from the real property shall be assessed by the committee provided for in Article 6 of the Law within one month from the date of seizure.

Article 16 sets the maximum period for temporary seizure of real property. The Article reads: "The temporary seizure of real property shall be terminated at the expiry of the purpose for which it was seized or the lapse of three years from the effective date of the seizure, whichever comes first. The real property must be returned at the end of this period, in its original condition at the time of the seizure, while indemnifying each and every damage or decrease in the value thereof. If it proves necessary to extend the period of the said three years, without its being possible to reach an agreement to that with the owner(s), the competent agency shall undertake the expropriation procedures within sufficient time prior to the lapse of this period. In such case, the value of the real property shall be assessed according to its condition at the time of seizure and according to the prevailing prices at the date of expropriation. However, if the real property becomes unusable, as a result of the temporary seizure, the competent agency has to restore the property to its initial condition or to pay fair compensation to the owner(s) or right holder(s)."

Article 21 of Law 10/1990 provides that, if partial expropriation of a real property is required, and the owner cannot benefit from the remaining unappropriated part, the owner shall have the right to submit a request within the time limit stipulated in Article 9 (four months starting from the date of expiry of the period for giving publicity to the property list(s) necessary in the public interest) for the purchase of the entire property.

Special legislations

The expropriation of property is further regulated by the New Communities Law (Law 59/1979) and the Building Law (Law 119/2008).

According to Article 5 of the New Communities Law (Law 59/1979), if the establishment of new urban communities or the building of roads connecting thereto overlaps land belonging to individuals or private entities, the acquisition of such land shall take place through voluntary purchase with price and terms as agreed upon between the New Urban Communities Authority and the landowner(s). If no agreement can be reached, the land shall be taken away according to the law governing the expropriation of ownership for public interest or improvement. In such a case, the compensation shall be in cash and may also be in kind with the consent of the landowner.

Article 6 further stipulates that the statement of public interest and the expropriation of properties required according to the provisions of the Law shall be emanated by a decision from the Cabinet.

Article 24 of the Building Law (Law 119/2008) allows land readjustment as a tool for urban replanning/redevelopment. The Article states that the administrative agency concerned with

planning shall announce the replanning areas – as determined by the general strategic plan or the detailed plan and as approved by the Supreme Council for Urban Planning and Development upon the presentation of the competent governor – as areas subject to land use amendment. The designation of such areas as well as procedures to be followed in their respect shall conform to the essentials and standards listed in the executive regulations of the Law.

Article 64 of the executive regulations details the essentials and standards to determine the replanning areas:

- The area shall be among priority projects as agreed upon by stakeholders and included in the strategic plan as an area of amended use according to the outputs of the general strategic plan or detailed plan in this regard

- The amendment of land use shall benefit the land and the administrative agency for which such area lies within its jurisdiction as well as the inhabitants of the city or village

- The amendment of use shall maximize benefit to the inhabitants of the city and area and contribute to the implementation of the general strategic plan and its outputs

- A mechanism for the execution of such amendment is available

According to Article 24 of the Law, the competent governor shall issue a decision designating such areas – deemed of a special nature – and the procedures to be followed in their respect while specifying the priorities of preparing the renewal and development projects for these areas. An example of such decision is that of Cairo Governor 1790/2015 designating Maspero Triangle as a replanning area.

Article 24 authorizes the administrative agency concerned with planning – by virtue of the abovementioned announcement – to negotiate with the property owners within the replanning area so as to draft a land resubdivision/redistribution plan, in accordance with the steps and procedures identified by the executive regulations of the Law. Articles 66, 67, 68 and 70 of the executive regulations list the steps and procedures for negotiation with property owners.

Should no agreement be reached with any of the property owners within the area, Article 24 of the Law allows the Supreme Council for Urban Planning and Development – upon the presentation of the competent governor – to issue a decision to expropriate the properties in the public interest in order to replan the area. The Council shall then determine the compensation against the confiscated property according to the specified use of the expropriated land. The owners shall have the following options:

1. Receive compensation based on the value of their individual shares in the land on the issuance of the expropriation decision based on the estimated value of the land – before undertaking the replanning project – as decided upon by the Supreme Council for Urban Planning and Development

2. Receive compensation after undertaking the replanning project and selling the new parcels of lands – based on estimating the share of the expropriated land in the total value of the land parcels in the area at their new value – after excluding the land that were allocated for both the roads and public services and deducting the costs of implementing the project

The procedures followed in preparing and approving the draft detailed plan of city or village shall apply to the preparation and approval of renewal and development project for replanning areas. This stipulation is in line with Article 16 of the Building Law. Article 65 and the last paragraph of Article 66 of the executive regulations restate this provision. Article 24 of the Law further stipulates that the government provides alternative housing units for tenants other than owners or those exercising their activities before the commencement of the execution.

In a much similar way, Article 25 of the Building Law (Law 119/2008) deals with the unplanned areas. The Article states that the administrative agency concerned with planning shall announce the unplanned areas – as determined by the general strategic plan or the detailed plan and as approved by the Supreme Council for Urban Planning and Development upon the presentation of the competent governor – as areas subject to upgrading and improvement. The designation of such areas as well as procedures to be followed in their respect shall conform to the essentials and

standards listed in the executive regulations of the Law. The Executive Regulations hereof shall set out the essentials and standards for the designation of such areas and the approach(es) to deal with them. The competent governor shall issue such announcement. Article 71 of the Executive Regulations stipulates that the essentials and standards for designating the unplanned areas subject to upgrading and improvement, as announced by the competent governor and approved by the Council, shall be the same used for replanning areas, as mentioned in Article 64.

Article 25 of the Law states that the administrative agency concerned with planning shall – in cooperation with the Local People's Council and the civil society representatives – determine the most important projects required to develop the area and decide on the priorities thereof in light of the State financial resources allocated for such purposes as well as the resources available from local contributions and any other bodies.

According to Article 25, the administrative agency concerned with planning shall devise the upgrading and improvement plan for the area. The same steps followed in the preparation and approval on the detailed plan shall be followed in preparing and approving the upgrading plan for the unplanned area. Article 71 of the Executive Regulations restates the provision of Article 25 of the Law.

Additionally, Article 25 requires the procedures of negotiating with property owners, of issuing expropriation decisions in the public interest for purposes of upgrading and improvement, and of providing alternative housing units for tenants other than owners, to follow the rules and procedures stipulated with regard to the replanning areas prescribed in Article 24. Article 71 of the Executive Regulations iterates that the administrative agency shall negotiate with owners of properties and vacant land in the area in pursuance of the same procedures stated for negotiations with owners in the replanning areas.

It should be noted that both the Building Law and its regulations are silent about the potential benefit to the administrative agency. Moreover, such benefit may be perceived as exceeding the limits of public interest and of special goal(s) (spécialité du but) the public administration has to pursue. In other words, this provision is likely to be challenged before the Supreme Constitutional Court.

It should be underlined that the Building Law stipulates land readjustment for replanning and unplanned areas only (Articles 24 and 25). There is no mention of this technique in relation to urban expansion areas, though this does not rule out its use for the planning of expansion areas.

On a different front, Article 35 of the Building Law (Law 119/2008) allows the National Organization for Urban Harmony (NOUH) to suggest the expropriation of some buildings of outstanding value or parts thereof in the public interest in order to preserve them, in pursuance of the provisions of Law 10/1990 on the Expropriation of Ownership in the Public Interest. Such expropriation shall be based on a decision by the Supreme Council for Urban Planning and Development. Compensation for the expropriation shall be determined in accordance with the provisions of Law 144/2006 regulating the Demolition of Buildings and Structures Not Liable to Collapse.

3.3 Land Acquisition for State Use or Investment

The properties of the State, local authorities and public institutions, which do not belong to the public domain (ownership), belong to the private domain (domaine privé) of the public person and are generally subject to private law. Public persons can acquire additional land and/or other real properties for their private ownership by means of voluntary purchase. The Tenders and Auctions Law (Law 89/1998) regulates the procedures and rules to purchase or rent real property to this end.

Article I of Law 89/1998 promulgating the Law on Tenders and Auctions stipulates that the provisions of Law shall apply to the state machinery, whether ministries, administrations, or bodies with separate budgets; to the local administration units; and to the public authorities, whether administrative or economic – concerning all matters not otherwise provided for in the laws or decisions on their establishment or organisation or in their bylaws issued based on those laws and decisions.

Chapter 2 (Articles 27 to 29) of the Tenders and Auctions Law directs the acquisition of real property by public persons [for their private ownership]. Article 27 states that the process of contracting for the purchase or rental of property must be preceded by a decision from the competent authority. The purchase or rental, and the terms of each, shall be advertised according to the rules prescribed by the executive regulations.

Article 28 stipulates that a committee shall be formed by a decision of the competent authority to compare between the offers submitted, using technical, financial and legal elements, as prescribed by the executive regulations. The membership of the committee shall include a representative from each of the Ministry of Finance and the Ministry of Housing as well as a member of the competent legal opinion (fatwa) department at the State Council.

According to Article 29, the committee referred to in Article 28 shall negotiate with the bidders whose offers fit the needs of the agency requesting the purchase or rental of property to reach the best terms and the lowest price. It shall submit its recommendations to the competent authority to take the decision to its discretion, including the delegation of the committee to conclude the contract directly, if justified.

The urban right of first refusal (droit de préemption urbain) as practiced in other countries such as France or Tunisia is not known in Egypt, although the Egyptian Civil Code provides the legal basis for such right (Articles 935 to 948 on Pre-emption).

In France, the urban right of first refusal is one of the pre-emptive rights under the public law. It is granted to the municipalities with a local development plan, a land use plan or a municipal map. This right enables the municipality to acquire primarily a land or real property when it is about to be sold. When an owner is selling a land or house to a buyer, and before the sale is concluded, the municipality must express its willingness to use its right of pre-emption. If it chooses to do, it will have a priority for the acquisition of the property. Otherwise, the sale will take its course.

Box 2.1 Pre-emption in Islamic Law and Egyptian Civil Code

One of the ways to secure ownership in Islamic Law is through pre-emption (shuf'a). The term pre-emption relates to a purchase by one person before opportunity is offered to others. It is a legal right of buying a thing before all others[14], in other words first right to purchase. The Mecelle (Majalla)[15] defined pre-emption as "the acquisition of [real] property sold at the cost price to the purchaser"[16]. Additionally, pre-emption is defined in Article 935 of the Egyptian Civil Code as "the opportunity for a person has to position himself in place of the purchaser in the sale of immovable property..." According the formula for shuf'a, if a person sold his property to a given purchaser, the holder of the right of shuf'a would enjoy an opportunity to displace the purchaser, moving him aside and purchasing the property in his place.

According to Article 936 of the Civil Code, the right of pre-emption belongs to:

a. the bare owner, in the case of sale of all or part of the usufruct attached to the bare property (nue-propriété)
b. the co-owner in common, in the case of sale to a third party of part of the property held in common
c. the usufructuary, in the case of sale of all or part of the bare property, which produces his usufruct
d. the bare owner, in case of hekr, if the sale relates to the right of hekr, and to the beneficiary of the hekr, if the sale relates to the bare property
e. the neighbouring owner in the following cases:
    1. in the case of buildings or building land whether situated in a town or in a village
    2. if the land sold enjoys a right of servitude over the land of a neighbour, or if a right of servitude exists in favour of the land of a neighbour over the land sold
    3. if the land of a neighbour adjoins the land sold on two sides and its value is at least half of the value of the land sold

[14] Rakesh Kumar Singh, Textbook on Muslim Law (New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2011), 295
[15] The Mecelle (from the Ottoman Turkish, Mecelle- i A kām-ı Adlîye, also transliterated Majalla, from Arabic, Majallah el-Ahkam-i-Adliya) was the civil code of the Ottoman Empire in the late 19th and early 20th centuries. It was the first attempt to codify a part of the Sharia-based law of an Islamic state.
[16] The Mecelle (Majalla), Article 950.

3.4 Property Rights in Informal Areas

The best definition of informal areas is that they are the result of extra-legal urban development processes that first appeared in the aftermath of World War II, and they exhibit a complete lack of urban planning or building control. In fact, al-manatiq gheir al-mukhattata (unplanned areas) is now the preferred terminology used by the government. These areas can also be designated as illegal areas, as they do not comply with at least one of the laws governing urban land development and building (planning and subdivision laws, building laws and so on). Moreover, most of the transactions in these areas are not registered; constructions do not have building permits and properties lack formal title deeds.

In Cairo, 'illegality' refers to two main situations: either settlements located on privately-owned agricultural land (the plot might have been bought legally but construction has been strictly prohibited since the 1960s) or on State-owned land (so-called 'squatting'). Squatting consists of appropriation and occupation of a plot (wad' al-yad, or usucaption) by an individual (inhabitant or entrepreneur) or, more rarely, a group, without the authorization of the true owner, in this case, the State.

The following paragraphs will set out the practices and strategies implemented by owners who built their own properties (families and small entrepreneurs) to access a certain degree of 'legality' and to secure their tenure. This will include looking at all the extra-legal procedures, negotiations, strategies and 'fraudulent' practices (including payoffs) used by inhabitants to gain official recognition, and sometimes legalisation, or to obtain a building permit even if the land where they have built is officially prohibited for development. Finally, it will be demonstrated that this form of urbanisation is 'negotiated' and widely tolerated even though rarely legalised. It certainly constitutes an ordinary and commonplace mode of housing.

Any legal urbanisation involves two stages: legal acquisition of land and planning permission to build on land, both representing major problems for developers in informal/illegal areas, as elaborated in the following paragraphs.

Purchasing a private plot of land is quite simple. The buyer and the seller must sign a preliminary contract ('aqd ibtida'i or 'urfi), which contains various details: size of the parcel, its location, price of sale and so on. Two or more witnesses (often the heirs of the seller) may sign the contract. However, until the contract is registered with the Real Estate Publicity Office (al-shahr al-'aqari) – either in the Deeds System (el-siguel el-shakhsi) or the Title System (el-siguel el-ainee) – the property is not officially transferred.

Box 2.2 Property Registration Systems in Egypt

Egypt has two registration systems: the 'deeds' system (*el-siguel el-shakhsi*), and the 'title' system (*el-siguel el-ainee*). The deeds system (*el-siguel el-shakhsi*) is the older of the two. It was first introduced following the enactment of the old Civil Code[17] (by the Khedivial decree in 28 October 1883). According to Articles 611, 612 and 613 of the Code, any legal instruments that affect the title of real estate have to be recorded at the Court House. As of the beginning of the 20th century, the Government realized the importance of reforming the 'real' property registration. A decision was made to adopt the [Torrens][18] title registration system, based on a recommendation by the study conducted by Sir Ernest Dowson[19] during the period from 1917-1921.

However, it was deemed appropriate to postpone the title system, until necessary reforms take place to pave the way for its implementation. To this end, reforms were brought in by Law 18/1923 (applied by National Courts) and Law 19/1923 (applied by Mixed Courts).

Following the 1937 Montreux Convention regarding the Abolition of the Capitulations in Egypt (by the year 1949), it was found suitable to introduce further reforms and merge the offices where deeds were registered. Accordingly, Law 114/1946 was passed in 11 August 1946. It is still the current legal basis for deeds registration in Egypt but operates mainly in urban areas. In 1964, the title system was eventually introduced following the enactment of Law 142/1964.

The Law, a typical registration-of-title law, sets up a property-based system in which all matters affecting a particular property are registered with reference to that property. It also governs the transition from el-siguel el-shakhsi to el-siguel el-ainee (a process sometimes called 'first registration'). Although, the Law had the aim of converting the entire country to a registration-of-title-type system but it has only been implemented in rural areas.

From 2004-2008, the USAID-funded Egypt Financial Services project supported the improvement of the Registration System for Urban Real Properties. Under this task, the project provided technical assistance services to the Ministry of Justice (MoJ) and the Egyptian Survey Authority (ESA).

The project aimed to develop and put into operation – with the project's key counterparts, the MoJ and the ESA – a computerized title-registration system that conforms to international standards and best practices. This objective was to be achieved by the establishment of two model registry offices and the introduction of the pilot system.

However, due to delays resulting from a lack of agreement with the Ministry of State for Administrative Development (MSAD) on the selection of an information technology platform, and requests from the Government of Egypt to focus on improving the existing deeds registration system, only one model registry office was established during the project period [20].

Meanwhile, the Government of Egypt decided to implement its own project for urban real estate registration separately. As of 2006, the National Urban Title Registration Project, coordinated by MSAD, intended to introduce title registration in nine urban areas (four quarters and five new cities) in the Greater Cairo Region. The project, which had an original duration of three years, was not closed out until 2013.

[17] Applied by National Civil Courts (al-Mahākim al-Wataniyyah al-Ahliyyah).
[18] The system is named after Sir Robert Richard Torrens, the third Premier of South Australia, who is largely credited with designing and implementing it.
[19] Sir Ernst MacLeod Dowson was adviser to the Egyptian Ministry of Finance and Director-General, Survey of Egypt.
[20] The model property registration office in Mokattam opened in late September 2008.

According to Article 9 of the Real Estate Registration Law (Law 114/1946), "all acts that would establish, transfer, amend, or annul any of the primary real estate rights, as well as the final judgments confirming any of these acts, must be publicised by registration, including any endowment (waqf) or will. The failure to receive such registration implies that the rights referred to are not established, transferred, amended, or annulled, between parties and vis-à-vis others (third parties). The unregistered acts have no effect except for personal obligations between parties."

The registration of a plot of land can take place only if the seller is registered as the last owner. The registration process itself is often complex and expensive. According to the World Bank's Doing Business 2015 report, Egypt ranks 84 out of 189 economies for registering property. There are reportedly eight procedures legally required to register property, generally taking 63 days and costing about EGP 7,000 or USD 910 (0.7 per cent of the value of the property which has been used as an example). In reality, and according to other sources, registration procedures are more complicated, time consuming and costly. At the end of the procedures, the new owner receives a copy of his title deed (aqd nehaie or 'blue paper').

If the plot of land is built, the new owner (developer) can register his property only if he can prove the building was constructed in compliance with the building permit. To obtain a building permit at first, the plot must be in a zone where construction is permitted, which by law, excludes most agricultural land (Article II of Law 119/2008 promulgating the Building Law). Additionally, the owner/developer has to provide documents proving his ownership of the land subject matter of the permit (Article 112 of the executive regulations of the Building Law). As the overwhelming majority of informal settlements were contrarily developed on what had been privately held agricultural land or on squatted land with no proof of ownership, practically no property owners in these areas have building permits or registered titles to their plots of land. It is, therefore, not surprising that urbanisation in Egypt is considered mostly illegal.

The second course of action available to register a property is a court action against the seller of the property (da'wa sihha wa nafadh 'aqd al bai') requesting the court to issue a decision confirming the validity of the sale of the property and claiming the purchaser as the legitimate owner of the property. The original purpose of this court action is to rule in cases between the purchaser and the seller after conclusion and before official registration of the preliminary contract when the seller refuses to participate in the registration procedures. It might also be resorted to if the seller is not registered as the last owner. At the end of such court action, the transfer of property will be considered valid and will allow the purchaser to register the property with the Real Estate Publicity Office.

Thus, this legal action, requesting the confirmation of the sale's validity, is sometimes used as a first step in the registration process. Although this procedure is unpredictable, complicated, and expensive, the decision issued by the Court, if in favour of the purchaser, represents a strong proof of ownership. For some, it represents a kind of official recognition, almost like a title deed, even though it is not recognized as such by the authorities, since registration of the property (or the court judgment) is the only way to obtain a proper title deed and true legal status.

A third possible procedure is a court action against a disputant over real property (da'wa tathbeet melkia). An individual who occupies a plot of land without a title deed can initiate a legal procedure to obtain a judgment that declares that the claimant has a real property right based on the evidence of occupation. This right can be obtained if the claimant is able to prove that the hiyaza (possession or control of immovable/movable property) has been peaceful, unchallenged and uninterrupted for a period of 15 years (Articles 968 of the Civil Code). Hiyaza applies to private property.[21] So it is a way to acquire ownership through adverse possession.

The claimant has to provide for the Court all documents proving the occupation or possession of the property (real estate tax payment receipts, a certificate from the agricultural cooperative,

[21] It also applies to properties belonging to the private domain of the State but never to the public domain.

electricity bills and so on). Usually, evaluation of the evidence depends on experts commissioned by the Court. If the judge gives a positive answer, the occupant can register his property. However, this procedure is extremely long, typically taking more than ten years. The main obstacle facing the claimant is the difficulty of proving possession and occupation for 15 years. This procedure is mostly used by those who do not have documents proving the land transaction and who, as such, cannot register their asset.

In short, the excessive regulations and formalities are so strict, complicated and expensive that they prevent owners from obtaining legal status for their property. This applies typically to property built on privately-owned agricultural land.

Actions taken by inhabitants to secure their tenure

Faced with this judicial, legislative, and prescriptive system, inhabitants of illegal/informal settlements take certain actions, implement strategies and use certain practices to obtain official legitimacy and, in rare cases, regularization of their situation, to obtain proof that they own their land and building or to secure their tenure. These practices and strategies differ according to the type of informal area where the property is located, whether developed on privately held land or on state owned land.

Inhabitants of informal areas developed on privately-owned agricultural land take procedures to bypass the registration problems and blockages or to obtain a document that gives them a certain degree of official recognition that is sufficient to prove their ownership. Frequently, inhabitants resort to procedures in Court or in the Real Estate Publicity Office (al-shahr al-'aqari) to give their contract a certain form of legality, either by the attestation of the signature (da'wa sihha wa tawqi') or confirmation of the date of sale (ithbat tarikh).

In the first procedure, called da'wa sihha wa tawqi', the judge orders the seller to appear before the Court in order to verify his identity and signature on the contract. This procedure is easy to carry out. Moreover, it is relatively inexpensive. In the second procedure, ithbat tarikh, the buyer goes to the local Notarization Office and asks a public notary to register the date of signature of his sale contract and affix a stamp on it to confirm that the date is registered. This second procedure is regulated by Law 68/1947 on Notarization.

Here again, neither of these documents is equivalent to an official property title deed since the judge or the notary public neither verifies the contents of the contract nor confirms them. So although these procedures do not amount to formal recognition of the property, they are used to support a file which ensures de facto security of tenure.

On the other hand, inhabitants who already occupy state land (wad' al-yad) upon which they have built their domicile can legally acquire this land after the event.This method is only possible on State private domain land. It can be implemented only after the launching of a legalization campaign by the authorities or, less frequently, after a lawsuit. In order for squatters to obtain a property title to their land, authorities that control the land must approve the property transfer (generally the governorate in urban areas). Law 148/2006, amending the Tenders and Auctions Law (Law 89/1998), is the most recent law governing land legalisation (taknin). The decision of the Prime Minister 2041/2006 lays down the conditions, rules and procedures referred to in Law 148/2006 [22]. The decision of the Prime Minister 2843/2009 further specifies the parameters for legalising the occupation of state owned land.

Sometimes, the inhabitants of an illegal settlement on State-owned land may appeal to the court to avoid the arbitrary demolition of their settlement and sometimes obtain its regularisation. Such was the case in the area of Izbit Khayrallah, in southeast Cairo[23]. This kind of appeal is uncommon, and collective mobilization (lawyers acting on their own initiative or, sometimes, at the request of a group of inhabitants), such as that started in 'Izbit Khayrallah, is also uncommon.

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[22] Article 7 of the decision stipulates that the Minister, the Governor or the Chairman of the Board of Directors issues a decision to form committees (a technical committee, a valuation committee and an applications committee) so as to proceed with the transaction in accordance with the provisions of Law 148/2006. One example for such decisions is the recent decision of Aswan Governor 323/2014 (replacing the decision of Aswan Governor 188/2012).

[23] Judgment of the Supreme Administrative Court in the appeals 1875 and 1914/30J, dated 9 March 1991.

Legally speaking, construction on agricultural land and occupation of State-owned land is strictly forbidden. Yet, paradoxically, many property owners in illegal areas used to pay built property taxes *(al-'awa'id)*[24]. These were paid locally to the Real Estate Taxation Administration (maslahat al-darayeb al-aqareya) under the Ministry of Finance, an office of which is located in the quarter (hay), and are recharged to the Ministry's central budget. These taxes were calculated from an estimate made by a committee which inspects land and buildings and writes reports containing all the information relating to the building unit and to the land (description of the asset, location and so on). Thus, every property has a file that is kept in the tax administration at the quarter office [25].

Property owners can obtain a copy of this file (kashf rasmi) from the administration. The cost of acquiring this document is quite cheap, though a few extra 'fees' (payoffs) might have to be paid to employees to facilitate and expedite the process. This document is essential for their property to be connected to the various public utilities when the government plans the installation of services in the quarter, whether or not the property is legal. For inhabitants, this real estate tax document is proof that the property belongs to them or that they occupy it. This document is also required by the authorities when they plan to launch a campaign of land and real estate regularisation in a settlement located on State-owned land. In such cases, it constitutes important proof of ownership of the property, and is often the only proof that residents of illegal areas hold. Most of the inhabitants consider that paying these taxes guarantees them security and legitimacy of occupation of the property.

Likewise, the majority of inhabitants in illegal/informal areas pay regularly expenses related to the use of utilities (consumption of water, electricity and so on) when they exist in the neighbourhood. Payment for such utilities represents for them a strong sign of recognition on behalf of the authorities, although it is not a sign of legitimacy.

When electricity or water bills for all the building and the electric meter are recorded in the name of the owner of a building, it is highly unlikely that his ownership will be disputed. As for the tenant, he can request the installation of a meter in his name, from the date when the owner cancels his meter rental agreement with the Electricity (or Water) Company; bills will then be in his name. The electricity and water bills are thus documents that are perceived to prove ownership of a property for the owner and its occupation for the owner and/or the tenant. They play a particularly important role in the most recent (illegal) areas where owners cannot pay 'awa'id (built property taxes).

Undeniably, the record of the practices and strategies carried out by inhabitants and developers of illegal urbanisation, whether it is to circumvent the law or take advantage of it, is a unique register which records their competences. Their aim is usually to protect them from arbitrary eviction, or from a dispute of their ownership of land and/ or real estate, and to give them a certain 'degree' of legality.

De facto tenure security

For many inhabitants who have neither a legally-recognized title deed nor building permits, the security of tenure of the land on which they are settled is rarely a problem. They do not feel particularly threatened by the demolition of their domicile at the instigation of the authorities even if they have built on land unsuitable for development; nor are they concerned about expropriation, even if they occupy State-owned land.

In practice, the Egyptian state shows much tolerance toward such illegal areas. It even tends to grant them a certain de facto recognition. 'Unofficial' recognition is shown by the progressive integration of these areas into the rest of the city (whether they are located on agricultural land or on desert land), in particular by their connection to public utility networks (electricity, sewerage and drinking water), or by the setting up of public facilities such as schools and police stations, or by the establishment of local administrative bodies at the quarter (hay) level. The residents of illegal areas consider that, once infrastructure or services is in place, their eviction or the demolition of their property will be almost impossible.

[24] The first [built] property tax legislation was the Khedivial Decree issued in 13 March 1884. Following the 1952 revolution, this legislation was replaced by Decree Law 56/1954. A new [Built] Property Tax Law (Law 196/2008), introduced in 2008, has replaced the previous property tax system (created by the Decree Law 56/1954), with the aim to close loopholes and improve collection.

[25] The Real Estate Taxation Administration (RTA) keeps registers on built properties dating back to 1902.

Moreover, although illegal areas are the first to suffer from the lack of infrastructure and services, they are not the only ones. Paradoxically, certain popular legalized areas (quarters located in the old parts of the city, for instance) are indeed as poorly equipped with public utilities as many informal settlements. Moreover, public housing neighbourhoods (built by the State) suffer from the same lack of infrastructure and basic services as certain illegal areas. Therefore, it seems that the status of the occupation of the land (illegal/legal) is less important than the size and the age (maturity) of these settlements when it comes to the installation of public services and infrastructure.

While the number of inhabitants in illegal areas is a sufficient condition for the authorities to gradually provide infrastructures and, consequently, grant them de facto recognition, the demographic 'critical mass' that they represent is also seen by most of the residents as a guarantee which protects them from any attempted eviction.

A host of legislations and decisions has allowed this de facto recognition since 1956. Article 1 of Decree Law 259/1956, and its amendment by Decree Law 32/1958, disallowed any judgments ordering the removal, correction or demolition of works for buildings and works erected in violation of the provisions of Law 51/1940, Law 93/1948 or Law 52/1940 [26] during the period from the date of entry into force of each of these three Laws until 20 June 1956 – with the exception of: buildings and structures built on State-owned land; and buildings and structures projecting out beyond approved building lines.

Similarly, Law 29/1966 interdicted any judgments or decisions ordering the removal, correction or demolition of buildings and works erected in violation of the provisions of Law 52/1940, Decree Law 656/1954, Decree Law 45/1962 or Decree Law 55/1964 [27] during the period from the date of entry into force of each of these Laws until the date of entry into force of the Law [7 July 1966]. The Law also arrested the definitive decisions and criminal judgments for crimes that took place during this period, in violation of the provisions of the aforementioned laws, with respect to removal, demolition, or correction of buildings and works. Exceptions include buildings and structures built on land owned by the state, public corporations or their subsidiaries; buildings and structures projecting out beyond approved building lines and buildings and structures that needs for urban planning and zoning require their removal. However, the Minister of Housing and Utilities may issue a decision to arrest any decisions or judgments in respect of all or some of these three cases.

A resembling law was enacted in the early 1980s: Law 135/1981. According to Article 1 of the Law, within five years from the date of entry into force of the Law [31 July 1981], it is forbidden to:

- issue decisions or judgments to remove, demolish or correct buildings and works erected in contravention of the provisions of Law 52/1940 on subdivision of land for building

- impose a fine for contravention of the provisions of Decree Law 55/1964 regulating building works, and the first chapter of Law 106/1976 regulating building works

- impose a fine for failure to obtain a building permit in contravention of the provisions of the referred to Decree Law 45/1962 and Law 106/1976, with respect to all buildings and works erected in contravention of the provisions of the referred to Law 52/1940, during the period from 6 July 1966 to the date of the entry into force of the Law

During the mentioned five years, the definitive decisions and judgments concerning those buildings and works shall be arrested with respect to their removal, demolition, or correction. In all cases, the provision of this Article shall not apply to:

1. decisions or judgments in this regard, which were actually executed before the entry into force of this Law

[26] Law 51/1940 was concerned with building regulation and was replaced by Law 93/1948. Law 52/1940 was the first Egyptian legislation on sub-division of land for building.
[27] Decree Law 656/1954 replaced Law 93/1948 on building regulation. Likewise, Decree Law 45/1962 supersedes Decree Law 656/1954. Two years later, Decree Law 55/1964 regulating building works was issued to complement Decree Law 45/1962.

2. violations committed by the sub-divider of any of the aforementioned laws

3. decisions or judgments issued concerning violations due to non-compliance with the building requirements as per the provisions on building control, whether committed by the sub-divider, by the buyers or by their successors

4. buildings and structures built on land owned by the state, local government, public legal persons or public sector companies

In the past decade, Law 138/2006 was passed to allow the provision of some built properties with basic infrastructure services. The decision of the Prime Minister 1626/2006 details the parameters and procedures for the provision with utilities.

Infrequency of demolitions and evictions

Under current legislation in Egypt, only owners with a title deed which is duly registered with al-shahr al-'aqari and with a proper building permit benefit from full and complete security of tenure and are guaranteed for their asset will never be subjected to arbitrary demolition.

Thus, from the legal aspect, parcels located on state land can be taken back at any time by the authorities to whom they belong without squatters being either compensated or rehoused. Buildings constructed on private farmland can be demolished.

Nevertheless, unlike in certain countries where demolition campaigns ('the bulldozer policy') of illegal areas and the 'eviction' of their inhabitants without compensation have been carried out on a large scale, in Egypt the cases of arbitrary demolition of settlements constructed on privately-owned land or on State-owned land are quite rare. The infrequent occurrence of arbitrary demolitions is due to the authorities' concern for the preservation of social order and fear of the potential political 'disturbance' that such tough action could provoke. This does not, however, prevent the authorities from occasionally using this threat as they did for example in Manshiyat Nasir (the biggest illegal settlement on State-owned land in Cairo) until 1999. Nor does it prevent them from occasionally demolishing property, as they did in the potters' area al-Fawakhir (in old Cairo) in January 1997.

In practice, the demolition of informal areas or parts of them is rare. When this does occur, it is generally for the construction of public projects (utilities, development projects, renovation of the area and so on). In such cases, the government has a right of expropriation and can thus proceed with the demolition of houses. Nevertheless, the State must pay compensation to the inhabitants, whether or not they have a registered title. Clearing large informal areas for redevelopment is thus a very expensive undertaking for a chronically cash-poor government.

The compensation that has to be paid is linked to the fact that Article 40 of the [annulled] Urban Planning Law (Law 3/1982) required the State to provide tenants of properties subject to demolition with alternative units (to use for residence or for exercising their activities). Articles 24 and 25 of the Building Law (Law 119/2008) restate this stipulation, though they differentiate between owners and non-owners/tenants.

As a general rule, alternative units are provided in one of the public housing developments, usually carried out by governorates or the Ministry of Housing. It applies to all residents, whether they live in settlements built on agricultural land or are squatters on state owned land. Apparently, the inhabitants are aware of this and consider that, once occupied, their houses will not be destroyed without payment of compensation by the authorities. Certain inhabitants are even well informed of the case law concerning compulsory rehousing after a demolition order and thus mobilize various resources to press the authorities in order to obtain maximum compensation.

Furthermore, when projects of utility services, rehabilitation or regularisation are planned in an area, there is often a spate of construction activity. Such builders, who are generally private individuals, are aware that their actions are illegal and that their houses will be destroyed if they are not occupied. Therefore, they rush to build and especially to occupy buildings. They do so because they know that they will thus be very likely to get a replacement apartment in a public housing programme.

Thus, although in theory the registered title deed is the only means to be recognized and protected by the law, there are many other 'elements' that give inhabitants the impression of the relative security of their tenure or their occupation.

In conclusion, the 'success' of illegal forms of urbanisation is linked to two main factors. Firstly, in spite of the occasionally-violent declarations against their inhabitants, both squatters and private owners, on farmland have benefited from a certain degree of tolerance for more thanhalf of a century. Secondly, except for squatters (who constitute a minority of 'illegal' inhabitants), the reality of the situation is paradoxical. Indeed, although agricultural land cannot legally have urban constructions for housing use (in which case it is urbanisation that is illegal), land is purchased within a framework of 'normal' and legal transactions: the landowner receives payment for the parcel, either from the inhabitant himself or from a developer. This transaction is generally carried out within a traditional legal framework (the signing of a sale contract – often drafted by a lawyer – by both parties in the presence of witnesses) that is completely legal, even though it cannot give the right to a building permit, as the plot cannot be developed.

Nevertheless, inhabitants (whether they built their homes themselves, had their houses built for them or bought an existing property) consider themselves to be the owner of their homes, and their ownership is generally undisputed. As a precautionary measure, they nevertheless try to obtain various documents by taking legal steps (which are sometimes fraudulent) that ensure a certain form of 'legality' of the property's transaction and construction.

The practices and strategies implemented to access a degree of legality, sometimes also carried out by 'ordinary city dwellers,' highlight the skilfulness of residents of illegal districts. They use these skills to overcome the 'restrictions' of the strict and prescriptive framework of 'legality,' which they are trying to enter into, either to resist, to 'make do,' according to their resources, to their breathing space or they try to bypass this framework of legality and to instrumentalise it.

These practices also prove inhabitants' aspirations to conform to 'legality' as far as possible. In other words, through these strategies of manipulation of the legal system - fraud, corruption and so on - they are attempting to secure tenure of their domicile. Yet, it is also a means to be integrated as far as possible into the 'legal' city and to acquire recognition from the authorities, 'recognition by society as a whole,' and a 'right to the city.' They try to do this without political contestation or confrontation or 'challenging the police.' Their practices sometimes enter the domain of politics but are mostly simple actions of 'quiet encroachment.' In spite of the rigidity and the severity of the legal and prescriptive framework (which is itself part of the spreading of land and real estate illegality) that is imposed by the authorities and that defines a legal city, the Egyptian authorities are manifestly tolerant toward illegal settlements. This tolerance can he considered as de facto recognition thereof; however, it does not prevent these authorities from despising the inhabitants, sometimes threatening them, and regularly stigmatizing them.

Because of the expansion of these areas and their high population density, the utilities that they progressively obtain and the very low number of demolitions, it can be concluded that the authorities eventually accept this situation and try to meet social demand – at least to a minimal extent. If the inhabitants and creators of these illegal areas are 'opposed' to the authorities by the fact that they violate established laws and standards (sometimes by choice but mostly because they cannot do otherwise), they certainly do not act alone. They generally benefit from the 'complicity' (imposed or deliberate) of officials (of the administrative and technical system in particular) and, more generally and tacitly, the 'complicity' of key authorities, who adopt a laissez-faire attitude. This 'complicity' is seen in the number of evictions in illegal areas. The creation of these illegal areas in particular, and the city in general, is thus the result of a 'co-production' between the inhabitants and the authorities. Indeed, everything happens as if it is a kind of 'negotiated' and 'tolerated' urbanisation.

Nevertheless, the State must pay compensation to the inhabitants, whether or not they have a registered title. Clearing large informal areas for redevelopment is thus a very expensive undertaking for a chronically cash-poor government.

04

PUBLIC **SPACE**

A public space is a social space that is generally open and accessible to people. In urban planning, public space has historically been described as 'open space,'[28] meaning the streets, parks and recreation areas, plazas and other publicly-owned and managed outdoor spaces, as opposed to the private domain of housing and work. However, the recent evolutions of the forms of urban settlement and the growing number and variety of semi-public spaces managed by private-public or entirely private partnerships questions this notion inherited from a legal perspective.[29] Somehow today, public space needs to be understood as different from the State domain and its divisions; rather as a space accessible to the public.[30]

To a limited extent, buildings that are open to the public, such as public libraries, are public spaces, although they tend to have restricted areas and greater limits upon use. A broader meaning of public space or place includes also places where everybody can come if they pay, such as a café, train or cinema. A shop is an example of what is intermediate between the two meanings (a semi-public space): everybody can enter and look around without obligation to buy but activities unrelated to the purpose of the shop are not permitted without limit. The halls and streets (including skyways) in a shopping centre may be declared a public place and may be open when the shops are closed. Railway platforms and the waiting rooms of public transport are similar although a travelling ticket is sometimes required.

In an all-inclusive manner, a 'public place' is generally defined as "an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose."[31]

In Egypt, there is no explicit legal definition for public space. There are however definitions for resembling terms, like 'urban space' and 'public place.' Article 27 of the Building Law (Law 119/2008) defines urban spaces as "non-built areas interposing the built environment defined by the facades of buildings, fences, or trees." Article 1 of the Environment Law (Law 4/1994) defines public place [for smoking provisions] as "a place equipped to receive people or a specific category of people for any purpose."

The same Article provides two more definitions to differentiate between closed public place and semi-closed public place. A closed public place is defined as "a public place which is in the form of an integrated building that receives no incoming air except from designated inlets. Vehicles for public transport are considered closed public places." Meanwhile, a semi-closed public place is defined as "a public place which is in the form of a non-integrated building with direct access to the ambient air and which cannot be completely closed."

Institutional roles and responsibilities in this sphere are concentrated in local administration units that are responsible for direct planning, implementation and maintenance of public spaces or for supervision and control of these activities when carried out by private actors. Unfortunately, those local administration units don't always perform efficiently.

The planning, demarcation, implementation and maintenance of public spaces are regulated by a number of laws and regulations, which include but are not limited to the Building Law (Law 119/2008) and its executive regulations, the Local Administration Law (Law 43/1979) and its executive regulations, and the New Communities Law (Law 59/1979). Moreover, the General Organisation for Physical Planning (GOPP) has recently published several volumes of a guide on planning standards for public facilities and spaces to satisfy these specific individual or community needs (education, health, youth and sports).

[28] In land use planning, urban [open] spaces are open space areas for parks, green spaces and other open areas. Streets, piazzas, plazas and urban squares are not always defined as urban [open] spaces.
[29] Stéphane Tonnelat, The sociology of urban public spaces, in Territorial Evolution and Planning Solution: Experiences from China and France, ed. Wang Hongyang et al. (Paris: Atlantis Press, 2010), 84.
[30] In terms of law, it is perhaps closer to the older concept of the 'commons.'
[31] Public Place Law & Legal Definition, accessed November 19, 2015, http://definitions.uslegal.com/p/public-place/.

The following sections discuss the laws and regulations on planning, demarcation, implementation and maintenance of public spaces. Table A.1 (in Annex A) provides further details using the legal assessment tool developed by UN-Habitat.

4.1 Planning and Demarcation of Public Spaces

The planning and demarcation of public spaces are discussed in the Building Law and its executive regulations at the level of detailed plan and sub-division.

At the level of detailed plan

According to Article 2 of the Building Law, the detailed plan shall include "all the integrated development projects, in relation to housing estates, land subdivisions or landscaping projects, proposed in the general strategic plan." Landscaping projects refer to the design and creation of outdoor public areas, landmarks, and structures to achieve environmental, socio-behavioural or aesthetic outcomes.

Likewise, Article 20 of the Executive Rregulations lists the components of the detailed plan as including: "Maps and reports of the detailed planning studies of networks of streets, transportation and public utilities and of the distribution of services, green areas, public spaces, business centres, residential areas, etc."

Article 26 of the regulations requires a minimum width of ten metres for roads in the urban expansion areas of cities and a minimum width of six metres for roads in the existing areas of cities without approved building lines. For existing streets, the property boundaries shall be recessed by half the difference between the current road width and the stipulated road width at the time of building or rebuilding the parcels facing roads of width below the aforesaid minimum level.

As mentioned previously in Section 2.2, Articles 29 to 49 specify the components of different detailed plans such as residential communities, housing estates, commercial areas and service areas. All these articles touch, to varying degrees, on the planning of public facilities and spaces within the areas for which detailed plans are produced.

At the level of subdivision

Article 2 of the Building Law defines the land subdivision as the act of dividing a tract or parcel of land into more than one lot or piece.

Article 20 of the Law states that, as a result of issuing the decision approving the draft sub-division plat, areas allocated for roads, streets, squares, gardens, parks and service facilities shall be deemed as public goods. The Article also refers to the executive regulations for subdivision types as well as for rules and conditions governing the subdivision of land.

Article 22 requires the drawings to be attached to the sub-division application or any amendments thereto to be approved by engineers or specialized engineering offices according to the rules issued by a decision of the competent minister. Such rules shall incorporate the necessary conditions that should be met in the engineers according to the size and importance of the draft sub-division plats to be approved as well as the statement of the subdivisions of special nature to be prepared by specialized consulting engineers.

Article 51 of the executive regulations (as per the decision of the Minister of Housing 67/2014) lists two types of sub-division:

1. Land parcels located on existing or planned roads whose sub-division does not need the construction of new roads or their provision with infrastructure while observing all the planning and building requirements in the approved plans.

2. Land parcels whose sub-division entails the building of internal roads and the construction of infrastructure and public services required according to the approved plans and that have to be implemented on a part of it.

Article 53 of the Executive Regulations details the conditions of land subdivision in cities and villages, which fall into two main areas: planning standards, and required improvements and services.

Under the area of planning standards, any land sub-division shall be planned in compliance with the principles and bases of the detailed plan of the city or village as well as the conditions of zones, notably as regards land uses, traffic and availability of public utilities and services.

Streets, blocks and parcels in the sub-division shall be organized in a way that would allow the full utilization of topographic and natural characteristics, without destroying the afforested areas and large trees. The planning and design of streets shall observe the technical standards included in the instructions set out by the competent administrative agency. The width of road on which a parcel of land (its frontage) abuts shall not be less than eight metres and ten metres for existing areas and expansion areas in cities respectively.

In the case of a sub-division entailing the implementation of internal road network as well as of public utilities and services (the second type stated in the regulations), at least one-third of the sub-division land shall be assigned gratis for roads, squares, gardens, parks and public services. In the case of sub-division land with area of at least five feddans (acres) that does not require the construction of public services in accordance with the approved plans at least 25 per cent out of the sub-division land shall be assigned gratis for roads, squares, gardens and parks.

Overall, the total area deducted for roads shall not be less than 20 per cent of the sub-division land area.

If the administrative agency concerned with planning considers this percentage as not fulfilled, the expropriation procedures shall be followed to expropriate the difference in conformance to the provisions of the Expropriation Law (Law 10/1990).

4.2 Implementation and Maintenance of Public Spaces

The implementation and maintenance of public spaces are tackled in a number of laws and their executive regulations as discussed hereafter.

Article 2 of the Local Administration Law (Law 43/1979) states that:

- The local administration units – within the State's public policy and general plan – shall take charge of establishing and managing all public services within their dominion.
- These units – each within its jurisdiction – shall also carry out all the functions exercised by the ministries pursuant to the applicable laws and regulations, with the exception of national services or those having special nature for which a decree shall be issued by the President of the Republic.

The Article refers to the executive regulations, which shall specify the services to be established and managed by the governorates, and those to be established and managed by other local administration units. The Executive Regulations shall also prescribe the functions, referred to in the Article, to be exercised by the governorates and by the other units. The governorates shall undertake all the functions related to the public services which are out of the remits of other local units.

Article 7 of the Executive Regulations states that "the planning and construction of public parks; the building, paving and maintenance of roads and streets; ..." are among the functions that the local units, each within its jurisdiction, shall undertake. [32]

In urban areas, the responsibility of local units (cities and quarters) for roads and streets covers generally the three types of urban roads: arterial roads (typically bounding superblocks); collector or distributor roads and local streets. However, internal roads within subdivisions have to be constructed by the sub-divider as per Article 20 of the Building Law and Article 53 of its executive regulations. The Law and its executive regulations remain are silent about their maintenance.

[32] Articles 5 and 6 of the executive regulations regulate the implementation and management of educational and health facilities.

Article 53 of the executive regulations also provides that:

- A subdivision may not be established unless connected to a public road.
- Should that not be the case, and the administrative agency decides to build a road to connect the said sub-division to a public road, the agency may oblige the sub-divider to bear the cost of its construction and provision with public utilities.

Nationwide, Law 84/1968 and its amendments regulate all types of public roads: freeways; highways; main roads; and local roads. Article 1 of the amended Law stipulates that the freeways, highways and main roads shall be established, amended and their types determined by a decision of the Minister of Transport, and supervised by the General Authority for Roads, Bridges & Land Transport. Meanwhile, local roads are supervised by the local administration units. The decision of the Minister of Transport 190/2009 lists all the freeways, highways and main roads in Egypt. According to Article 2 of the decision, roads other than those listed in the decision are considered local roads to be supervised by local administration units.

On the other hand, the New Urban Communities Authority (NUCA) is in charge of building road networks and other public spaces (gardens, parks and so on) in the new towns according to Articles 11 and 28 of the New Communities Law (Law 59/1979). Article 11 provides that the Authority – toward the realization of its objectives – may undertake all acts or works it deems likely to realize the set programmes and priorities.

It may contract directly persons, companies, banks, local and foreign bodies, according to the rules set in the internal regulations of the Authority. Article 28 stipulates that the Authority carries out master and detailed planning for the sites selected, according to the provisions of the Law; endeavours to implement of works and projects through international and local bids, tenders or negotiations or through direct contracting, in accordance with the regulations of the Authority and supervises the implementation of these projects, either on its own or through the Development Agency of each new urban community.

Article 7 of the Executive Regulations states that "the planning and construction of public parks; the building, paving and maintenance of roads and streets; …" are among the functions that the local units, each within its jurisdiction, shall undertake

05

PLOTTING **REGULATION**

Land plots are regulated by the Building Law (Law 119/2008) and its executive regulations. The preamble of the executive regulations defines a plot of land as: "any part of a block or any parcel of land for transfer or development". The plots (and their boundaries) are only identifiable at the level of the detailed plan or the sub-division (plat). In other words, plots can practically be established, adjusted, subdivided and consolidated through detailed plans or subdivision plats.

The following sections tackle the legal rules on the planning and demarcation of plots; the adjustment, subdivision and consolidation of plots as well as the provision of sub-division(s) with infrastructure and services. A discussion of variations between rural and urban jurisdictions follows. Table A.2 (in Annex A) offers additional details using the legal assessment tool (provided by UN-Habitat).

5.1 Planning and Demarcation of Plots

The following paragraphs discuss the planning and demarcation of plots at the level of detailed plan and subdivision.

At the level of detailed plan

As previously mentioned, plots can be created by a detailed plan (refer to Figure 5.1 for a sample detailed plan). Article 22 of the executive regulations states that, during the preparation of the detailed plan, the dimensions of buildings, the areas of land parcels and so on shall be consistent with the conditions and standards prescribed in the Law and its regulations. According to Article 23, the studies developed during the preparation of the detailed plan shall set minimum plot area and dimensions according to its use.

As of 2009, Article 26 of the executive regulations stipulated that the area of land plot shall not be less than 120 square metres for land situated within the urban expansion of a city. The frontage of the land plot abutting on the road shall not be less than 10 metres in the urban expansion areas within the approved urban growth boundaries of a city. However, the Article was amended in 2010 (by the decision of the Minister of Housing 200/2010) and the minimum plot area and frontage were removed. This amendment seems rational as the detailed planning may deal with existing areas where a plot area or frontage might be less than the minimum specified in the Article before its amendment.

According to Article 30 of the regulations, the detailed plans for integrated residential areas shall determine the average plot area for different classes and the special conditions of residential areas, which shall take into account the dimensions of land plots, on condition that the length of a plot does not exceed twice its width.

Article 40 of the regulations specifies the minimum plot area and dimensions in craft areas. The plot area shall not be less than 100 square metres in the case of a workshop and not less than 500 square metres in the case of a small factory. The minimum plot width shall be 10 metres, with length not exceeding twice its frontage. Likewise, Article 43 of the regulations specifies the minimum plot dimensions in industrial areas. The plot frontage shall not be less than 20 metres, with length not exceeding twice its frontage.

At the level of subdivision

Plots are typically created by a sub-division (plat). Articles 18 to 23 of the Building Law and Articles 51 to 63 of the Executive Regulations govern the preparation and approval of land sub-division plats. Article 53 of the Regulations specifies the minimum plot area and dimensions for residential plots in a subdivision. The plot area shall not be less than 120 square metres in the urban expansion areas of the city. The minimum plot frontage shall be 10 metres, with length not exceeding twice its frontage. The Article also stipulates that iron markers such as pipes or angles shall be deeply fixed at the corners of blocks and parcels of land.

5.2 Adjustment, Subdivision and Consolidation of Plots

The following paragraphs discuss the adjustment, subdivision and consolidation of plots at the level of detailed plan and subdivision.

At the level of detailed plan

Article 16 of the Building Law stipulates that the detailed plan(s) shall be approved by a decision from the competent governor, after the approval of the Local People's Council at the governorate. Although the Law does not explicitly state the procedure of amending the detailed plans, and the plots created by such plans, it is understood that they can be amended in the same way they were initially prepared and approved. The decision of the Governor of Beheira 957/2014 provides an example for amending the detailed plan for a tract of land in the city of Kafr el-Dawwar.

Meanwhile, Articles 24 and 25 of the Law allow land readjustment as an important tool for reorganising urban areas but only for replanning areas and unplanned areas. According to the two Articles, the procedures followed in preparing and approving a detailed plan for a city or a village shall apply with regard to preparing and approving the plan for a replanning area or an unplanned area. The decision of the Governor of Minya 862/2013 is an example for approving the detailed plan for Eshash Mahfouz, as a replanning area, located in the southern quarter of Minya city.

At the level of subdivision

Article 20 of the Building Law states that the competent Governor shall – upon the presentation of General Department for Urban Planning and Development – issue a decision approving the draft subdivision plat and conditions thereof – including the obligation to implement the onsite public services – or the amendment of such draft or of an already existing subdivision within the urban growth boundaries of the city or the village. Article 21 further stipulates that "no amendment may be allowed in an approved or existing subdivision, except after approving such amendment, according to the terms and conditions stipulated in this law and its executive regulations."

The consolidation and/or subdivision of existing plots within a sub-division is/are considered as an amendment of this sub-division [plat] that has to be approved by the competent Governor. An example for plot consolidation is the decision of the Governor of Kafr el-Sheikh 71/2012 consolidating the two plots (14 and 15) within the subdivision of the building and housing cooperative for international accountants and auditors.

On the other hand, an example for further plot sub-division is the decision of the Governor of Sharqia 9581/2015 sub-dividing (splitting) the plot (290) in Neighbourhood C of the Fourth Subdivision for Cooperative Housing into two plots (290A and 290B).

5.3 Provision of Subdivision(s) with Infrastructure and Services

As elaborated above, Article 20 of the Building Law requires the sub-divider to implement the onsite public services. The needed infrastructure and services vary according to the sub-division type as per Article 51 of the Executive Regulations. Article 53 of the Regulations restates the responsibility of the sub-divider to provide the sub-division with public services and infrastructure as follows:

- The sub-division shall be provided with the stated onsite water systems, and street sprinklers and fire hydrants, in compliance with the terms, conditions and specifications of the appropriate administrative agency and under its supervision

- The sub-division has to be provided with an electric power network for its buildings as well as with a public lighting system, including cables, poles and appurtenances in areas where electricity is available

- The sub-division shall have a sewerage system if such a system can be connected to the public sewerage system and according to the decision of the competent administrative agency. The sewerage system shall also incorporate surface

water sewers and pumping stations for the sub-division. In areas without public sewerage system or where connecting to the public sewerage system is not appropriate, the wastewater shall be disposed of using an appropriate system approved by the competent administrative agency.

According to Article 61 of the executive regulations, if the infrastructure networks are not executed, the sub-divider shall submit a bank letter of guarantee for the implementation of infrastructure according to the sums decided upon by the relevant companies. The administrative agency may – in agreement with the sub-divider – execute the needed infrastructure on its own or through the competent bodies, deducting the costs from the value of the letter of guarantee.

Furthermore, Article 62 of the executive regulations prohibits the advertisement of a subdivision unless the sub-divider submits a statement showing the completion of infrastructure or a copy of the letter of guarantee mentioned in Article 61.

5.4 Urban-Rural Variations

Article 27 of the executive regulations (as per the decision of the Minister of Housing 200/2010) lays down the additional requirements of the detailed plan of any village:

The following requirements shall be applied – alongside the general requirements of the detailed plan – to land situated in built-up area(s) within the approved urban growth boundaries of Egyptian village(s). This means that any vacant land, run-down building or any building that would be replaced or its height increased shall be subject to the following requirements:

- The dimensions of any land plot (plot area and frontage) shall follow the general strategic plan the village
- Uses – subject matter of these requirements – shall apply to land intended to be used or reused for residences, services or both, in addition to activities related to daily needs of inhabitants, unless such activities cause disturbance or harm to the environment

Likewise, Article 56 of the executive regulations specifies the additional requirements of sub-division(s) in any village:

If the landowner desires to sub-divide his land to more than one piece or to erect more than one building thereon, a subdivision shall be designed in pursuance of the following requirements:

- Each plot of land shall be bordered with a road or street from at least one side.-
- The length of any planning block in the subdivision shall not exceed 100 metres.-
- The length of any closed road (cul-de-sac) shall not exceed 50 metres
- The minimum widths of roads and internal streets shall be six metres, whereas the minimum width of loop road (dayer el-nahiyah) encircling the [old] built-up area shall be eight metres, while considering the street hierarchy according to the subdivision requirements
- For land added to the built-up area, the plot frontage shall be at least seven metres, whereas its length shall not exceed twice its frontage
- The plot area shall not be less than 70 square metres for land situated in the urban expansion areas of the village
- Heights shall be set in accordance with the general strategic plan

Meanwhile, the processes for the planning and adjustment of plots do not differ between rural and urban jurisdictions.

Figure 5.1 Detailed plan (land use map) for a residential community in Katameya showing land plots created by the plan. [33]

[33] Cairo Governorate, General Organisation for Physical Planning and Sites International, Planning of Mountainous Areas, Urban Services Project in Katameya, Cairo, October 2013, p. 30

06

DEVELOPMENT **RIGHTS**

Development rights refer to the rights that allow landowners to develop their land or build on it within the limitations of law. These rights add value to land as they represent the development potential. Such rights are conferred on the landowners by the local authority responsible for regulating land use in the jurisdiction.

In Egypt, there is no inherent right to develop land; rather, development rights are regulated by the Building Law (Law 119/2008). Development rights arise from detailed plans or temporary provisions, as elaborated in the following paragraphs. Table A.3 in Annex A provides more details on development rights using the legal assessment tool developed by UN-Habitat.

Detailed plans

According to Article 13 of the executive regulations of the Law, the general strategic plan shall specify "the planning and building requirements for each zone, including the building density (floor area ratio) and the maximum building height." At the level of general strategic plan, the Ministry of Defence (the Military Operations Authority) plays a major role in deciding the maximum building height for each zone/area within the city or village. Article 17 of the executive regulations obliges the General Organisation for Physical Planning (GOPP) to submit the draft general strategic plans of cities and villages with military bases to the competent bodies at the Ministry of Defence to "express their military point of view and maintain the requirements of State defence."

According to Article 18 of the executive regulations, the approval of the competent bodies at the Ministry of Defence is one of the preconditions to complete the revision process of the general strategic plan. As the Ministry of Defence can not reveal the location of military bases, in practice the general strategic plans of all cities and villages have to be approved by the Military Operations Authority. The ministerial decision approving the general strategic plan typically refers to the decision (number and year) of the Military Operations Authority.

Yet, development or construction is not allowed based solely on the strategic plan. According to the second paragraph of Article 17 of the Law, the local units may not issue "a certificate of site validity for building or a building permit in the absence of an approved detailed plan, without prejudice to the provisions of Article (15)."

As the name implies, the detailed plan fills in details left unspecified by the general strategic plan, and typically should conform to it. According to Article 23 of the executive regulations, the studies developed during the preparation of the detailed plan shall include setbacks from the land boundaries as well as maximum building height and building density. Article 26 states that each zone/area in the detailed plan shall have building conditions, which have to be compatible with the general requirements stated in the general strategic plan of the city or village. Among such conditions are the maximum coverage ratio,[34] building density and building height. Moreover, Article 29 requires the building conditions of residential areas to determine the overall building density, the setbacks and the maximum heights. The Article allows that setbacks may be employed depending on the circumstances of the land parcel.

In other words, the main features of a building or construction, including the right to build, is as a rule already decided if a detailed plan exists. The detailed plan gives almost automatic development rights. What, therefore, remains is in reality mainly a check-up that building regulations are followed through the building permit process.

Temporary provisions

The second paragraph of Article 15 of the Building Law compels the governorate's General Department of Urban Planning and Development (GDUPD) – in the absence of master plans or before the adoption of the general strategic plans – to lay down temporary rules and provisions for detailed plans to regulate development within two months of the issuance of the executive regulations of the Law. The said rules and provisions shall be issued by a decision

[34] Articles 40 and 43 of the executive regulations specify the maximum coverage ratio for two types of areas only: 65 per cent in the case of craft areas and 70 per cent for industrial areas.

from the competent Governor after their presentation to the Local People's Council of the governorate and after coordination with the competent bodies at the Ministry of Defence. The temporary rules and provisions shall be in force until the preparation and approval of detailed plans.

According to Article 19 of the executive regulations of the Law (as amended by the ministerial decision 200/2010), when the General Department of Urban Planning and Development (GDUPD) lays downs temporary provisions to regulate development – in the absence of master plans or before the adoption of the general strategic plans – the building density shall not exceed four times the total land area for land parcels in villages and six times the total land area for land parcels in cities.

The last paragraph of Article 15 of the Law also requires the General Department of Urban Planning and Development to specify temporary building provisions for existing areas that lack such provisions, notably the building lines and heights, to meet the requirements of lighting, ventilation, and urban and architectural character; the requisites of civil defence, firefighting, and sound State defence and the environmental specifications in accordance with the building densities set by the executive regulations of the Law. The total height of the building may not exceed 1.5 times the width of the street up to a maximum of 36 metres. Such temporary provisions shall apply until the preparation and approval of strategic and detailed plans. It is worth mentioning that this maximum of 36 metres is only stipulated in this Article on temporary provisions for existing areas. However, it is used conventionally as the maximum allowed building height in the general strategic plans of major cities.

Examples of the temporary provisions include the decision of the Governor of Cairo 3717/2009 (amended by the decision 559/2011); the decisions of the Governor of Giza 6097/2009, 2979/2010 and 11682/2011; the decision of the Governor of Beheira 1084/2011 and the decision of the Governor of Ismailia 263/2015.

Exceptional cases

The last paragraph of Article 17 of the Building Law states that the Supreme Council for Urban Planning and Development may – by a justifiable decision to realize a national purpose – constrain or exempt a city, an area or part(s) thereof, or a specific building by/from all or some building provisions contained in the general strategic plan. The Council may – upon the proposal of the competent Governor – agree on changing the land use(s) for an area or parts thereof or for a specific building. The Executive Regulations implementing this law shall specify the conditions and procedures to be followed in this regard as well as the rules to determine the due compensation or betterment levy according to the provisions of Betterment Levy Law (Law 222/1955).

Chapter 6 (Articles 72 to 74) of the Executive Regulations of the Law provides such conditions, procedures and rules. Article 72 governs the submission and approval of petition to impose constraints and the associated compensation where appropriate. Article 73 regulates the submission and approval of petition to exempt a city, an area or part thereof, or a building from the building provisions and the accompanying betterment levy according to the provisions of Law 222/1955. Likewise, Article 74 directs the submission and approval of petition to change the land use of an area, or part thereof, or of a specific building, and the related betterment levy (muqabil al-tahsin) as per the provisions of Law 222/1955.

The betterment levy is among the city's financial resources as understood from Article 1 of Law 222/1955 and as restated in Article 51 of Law 43/1979. In other words, the value of purchasing development rights is directed to the city rather than to the governorate as was the case historically. Article 31 of Law 106/1976 required the licensee, in the case of exempting a specific building from height restrictions, to pay a fee in exchange for the increase in the utilization of land. Article 36 of Law 43/1979 includes this utilization fee in the resources of governorate's account to finance economy housing projects. As Article 31 of Law 106/1976 was annulled by Law 101/1996, this item included in Article 36 of Law 43/1979 has been void since June 1996.

Over the period from 1996 to May 2008, no fee was paid for the exemption from height restrictions. One example is the exemption of the extension of Le Méridien Hotel (now the Grand Nile Tower) by the Nile Corniche owned by the Egyptian Saudi Company for Tourism Development – by the Prime Ministerial decision 1979/1996 (in July 1996). According to the Prime Ministerial decision, the new maximum height was set to 142 metres instead of the typical 36 metres.

It is worth mentioning that this maximum of 36 metres is only stipulated in this Article on temporary provisions for existing areas. However, it is used conventionally as the maximum allowed building height in the general strategic plans of major cities.

Purchase or transfer of development rights

The purchase or transfer of development rights, as known in some countries is not familiar in Egypt although the Egyptian Civil Code provides the legal basis for similar tools (Articles 1015 to 1029 on Servitude).

In the United States, the purchase of development rights means that a landowner voluntarily sells or donates his development rights to a governmental agency or a land trust. When the sale or donation occurs, a legal document called a conservation easement (or conservation servitude) is created. In legal terms, this easement is 'an interest in real property established by agreement between a landowner and land trust or government agency' so as to achieve certain conservation purposes. This easement typically forbids subdivision and other real estate development, and restricts the use of the land to farming, open space or wildlife habitat. In accepting the conservation easement, the easement holder has a responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

The landowner retains private ownership of the land and can sell it, hold it or pass it on to heirs. The restrictions of the easement, once set in place, are perpetual and potentially reduce the resale value of the associated property. The conservation easement 'runs with the land', meaning it is applicable to both present and future owners of the land. As with other real property interests, the grant of conservation easement is recorded in the local land records; the grant becomes a part of the chain of title for the property.

As for the transfer of development rights, it is a market-based technique that encourages the voluntary transfer of growth from places where a community would like to see less development (called sending areas) to places where a community would like to see more development (called receiving areas). The sending areas can be environmentally-sensitive properties, open space, agricultural land, wildlife habitat, historic landmarks or any other places that are important to a community.

The receiving areas should be places that the general public has agreed are appropriate for extra development because they are close to jobs, shopping, schools, transportation and other urban services. Landowners in the sending areas sell their development rights to developers who use them in the receiving areas to build at higher densities than allowed under existing zoning.

In Egypt, the Articles of the Civil Code allow the establishment of servitudes or easements. Article 1015 defines the servitude as "a right which limits the enjoyment of a property for the benefit of another property belonging to another owner". The right to a servitude is mainly acquired by a legal transaction (acte juridique). A contract of sale is an example of such legal transaction.

The development servitude (servitude non ædificandi) – by which a landowner surrenders the right to develop a designated parcel of property – is one of the possible applications of the Civil Code's provisions. However, such negative servitude should be established for the benefit of another property or other properties as elaborated above. This does not seem to correspond exactly with the conservation easement as known in the United States.

Historically, other types of servitude were also common in relation to real estate development, limiting the building height (servitude non altius tollendi), coverage, use and so on. These building restrictions made by mutual agreement, referred to in Article 1018, are known as reciprocal servitudes. Such restrictions were widely used in land subdivisions (either carried out by the government or by land companies) and typically included within the conditions of sale. Examples of these conditions were witnessed in the contracts of sale of government land in specific quarters like Zamalek and in the contracts of land companies such as the Maadi Company. Even Law 52/1940 – the oldest law on land subdivision in Egypt – stipulates in Article 17 that the property-related restrictions contained in the conditions of the sale shall be considered positive or negative

servitudes (easements) the buyers or tenants or beneficiaries of hekr (long-term leases of land) can enforce against each other.

Overall, these private law servitudes are restrictive, and no transfer of development rights is known to take place throughout the modern history of Egypt, as is the case in the United States. Over and above, the former Urban Planning Law (Law 3/1982) nationalized the right to develop land (Articles 23 and 24 on sub-division). Article 23 requires the sub-divided land transaction agreements to refer to the sub-division approval decision and the list of conditions attached thereto. The agreements shall stipulate the applicability of this list to the buyers and their successors, and the Real Estate Publicity Department (REPD, or maslahat al-shahr al-ʿaqari) has to take that into account. The list of terms referred to is considered a part of the sub-division approval decision. These conditions are considered servitudes the buyers and the sub-divider can enforce against each other. Article 24 further states that these conditions are considered building conditions at the same rank of provisions included in the building laws and regulations and have to be applied to the sub-division covered by these conditions. The competent local unit has to observe the application of those conditions, enforce them against the sub-dividers and buyers, and to take all decisions and procedures to ensure their implementation in accordance with the provisions of Law.

07

BUILDING **CODE**

The following sections discuss what can be considered building code(s) in Egypt. Table A.4 in Annex A provides additional details using the legal assessment tool provided by UN-Habitat.

7.1 Building Law

A building code can be defined as a collection of laws and regulations governing the branch of public law on building [development]. Building or planning codes are known in a number of countries, including France, Morocco, Algeria, Tunisia, Belgium, Senegal and Ivory Coast.[35] In this sense, the [Unified] Building Law (Law 119/2008) can be considered the Building Code of Egypt. The Code is made up of four parts:

1. Physical Planning
2. Urban Harmony
3. Regulation of Building Works [36]
4. Maintenance of Real Properties

Each of the four parts has a different geographic scope for application. The scope of Part 1, according to Article 1, covers the "local administration units, tourist areas, urban communities, industrial areas, and all development and reconstruction bodies throughout the Republic". However, there is no reference in the Articles of this Part to the new communities, tourist areas or development and reconstruction bodies.

Article 26 defines the scope of Part 2: "cities (as per Law 43/1979), tourist areas, new urban communities and buildings, as well as areas and buildings of outstanding value throughout the Republic in the areas decided upon by the Supreme Council for Urban Planning and Development". Likewise, Article 38 (as amended by Decree Law 23/2015) specifies the geographic scope of Part 3 to cover the "local administration units, tourist and industrial areas, new urban communities, strategic areas of military importance, land allocated to or owned by the armed forces, national projects implemented by the armed forces upon a decision from the Council of Ministers, as well as buildings and residential communities determined by a decision from the competent minister".

As for Part 4, it includes two chapters. Chapter 1 is about the tenants' association and Article 69 defines its scope: "buildings and structures in local administration units, new urban communities, as well as buildings specified by a decision from the competent minister, excluding:

- Buildings fully utilized as offices for government agencies
- Establishments subject to Law 1/1973 concerning hotel and tourist establishments
- Housing units owned by a legal person and allocated entirely as housing for its employees
- Housing occupied via temporary occupation licenses in cases of emergencies
- Properties totally subject to Law 4/1996 concerning the applicability of the Civil Law provisions to places not rented hitherto and to places with rental contracts already expired or going to expire as far as no one has the right to stay at these places".

Chapter 2 is about the maintenance and renovation of built properties and the demolition of run-down structures. It is understood from Article 90 that this chapter applies to local administration units, though this is not explicitly stated.

The Building Code was enacted on 11 May 2008. The Code has been most recently reviewed and amended by Decree Law 23/2015 issued on 20 April 2015. Decree Law 23/2015 amended Article IV of Law 119/2008 promulgating the Building Law as well as Article 38 of the Building Law (referred to above) and added a new article: Article 39 bis.

[35] In Francophone countries, such code is typically called 'Planning Code' (Code d'Urbanisme).

[36] The Building Law can also be considered as the Building Code because it includes a part on building regulation. This part, along with the executive regulations of the Law and the thematic building codes (referred to in the Law and its regulations, and discussed in section 7.2), provide the set of rules that that specify the minimum standards for constructed objects (commonly referred to internationally as building code or building control).

The Building Law and its executive regulations pay little attention to local materials, practices and resources. Only Article 23 of the regulations state that the studies underlying the preparation of the detailed plan shall consider the "character of the area including the provisions related to the building facades and their colours, materials, architectural character, etc."

7.2 Rules for Construction and Building Works

A building code can mean a set of rules that specify the minimum standards for constructed objects such as buildings and structures. The main purpose of building code(s) is to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

Law 6/1964 concerning the design and implementation essentials of construction and building works form the legal basis for the series of Egyptian codes developed by the Housing and Building National Research Centre (HBRC). Although several codes were issued following the promulgation of the referred to law, the term 'Egyptian code' itself was first used officially in 1984. Table 6.1 below provides a roughly complete list of the codes produced to date and the decisions of the Minister of Housing issuing them.

Article 4 of Law 6/1964 requires the ministries, administrations, public agencies, public corporations and subsidiaries and local councils to design and implement construction and building works that they undertake on their own, are commissioned with or contract out to third parties, according to the design and implementation essentials specified in the decisions of the Minister of Housing. According to Article 5, the provisions of this law do not apply to the buildings and structures of the armed forces.

The Building Law (Law 119/2008) refers to the Egyptian codes in several articles of Part 3. The second paragraph of Article 39 allows permits for buildings/works to be issued only if such buildings/works are in conformity with the provisions of law, approved planning and building requirements, design and implementation essentials included in Egyptian codes, technical principles, general specifications, safety and security requisites, health rules, provisions on lighting, ventilation and yards as well as fire safety requirements.

The last paragraph of Article 40 requires the engineer or engineering office applying for building permit – when reviewing or amending the drawings – to abide by the site planning and building requirements, codes, technical principles, and Egyptian Standard Specifications, applicable at the time of submitting the permit application.

The second paragraph of Article 41 states that the engineer or engineering office shall be responsible for the correctness of the documents attached to the application and design works as well as for their compliance with the site planning and building requirements, codes, and governing technical specifications.

Likewise, the last paragraph of Article 43 stipulates that the engineer or engineering office – in case of applying to add more floors to the building – shall be responsible for the safety of the property and of the additional floors and their conformity with the site planning and building requirements, codes, and technical specifications. Moreover, three articles in the Law (Articles 48 to 50) refer to specific codes the building permit applicant has to observe. Article 48 demands the permit applicant to provide parking spaces with number, area and design to serve the building, as per the area planning requirements and the provisions on garages in the Egyptian code on safety requirements for multi-purpose facilities, and according to the rules elaborated in the executive regulations.

Article 49 requires the permit applicant to apply the fire safety requirements in accordance with the Egyptian code for the fire protection of structures.

Article 50 commands the permit applicant to install the number of elevators corresponding to the building's height, number of floors and units and purpose; conforming to the requirements of insurance against incidents; complying with the technical specifications and requirements included in the Egyptian code for electric and hydraulic elevators and in accordance with the executive regulations of the law.

Table 6.1 Egyptian codes produced to date and the decisions of the Minister of Housing issuing them.

100	Infrastructure codes	
101	Egyptian code for water/wastewater treatment plants and pumping stations	
101/1	Egyptian code for wastewater pumping stations	Decision of the Minister of Housing 168/1997
101/2	Egyptian code for wastewater treatment works	Decision of the Minister of Housing 169/1997
101/3	Egyptian code for drinking water treatment plants	Decision of the Minister of Housing 52/1998
101/4	Egyptian code for drinking water pumping stations	Decision of the Minister of Housing 53/1998
102	Egyptian code on the essentials for design and implementation of water/wastewater networks' pipes	Decision of the Minister of Housing 197/2010
103	Egyptian code on the technical conditions for the operation and maintenance of water/wastewater treatment plants, pumping stations and networks	Decision of the Minister of Housing 331/2007 (Volumes 1 and 2)
		Decision of the Minister of Housing 27/2012 (Volumes 3 and 4)
104	Egyptian code on the essentials for design and implementation of urban and rural roads (ten volumes)	Decision of the Minister of Housing 369/2008
200	**Structural Work Codes**	
201	Egyptian code for calculating loads and forces in structural and masonry works	Decision of the Minister of Housing 431/2011
202	Egyptian code for soil mechanics and foundation design and implementation	Decision of the Minister of Housing 139/2001
203	Egyptian code for reinforced concrete structures	Decision of the Minister of Housing 44/2007
204	Egyptian code for masonry works	Decision of the Minister of Housing 351/2004
205	Egyptian code for design and implementation of metallic/steel structures and bridges	Decision of the Minister of Housing 279/2001
206	Egyptian code on the essentials for planning, design and implementation of the bridges and interchanges	Decision of the Minister of Housing 233/2015
208	Egyptian code for the use of fibre reinforced polymers in construction	Decision of the Minister of Housing 492/2005
300	**Building services codes**	
301	Egyptian code for sanitary engineering	
301/1	Egyptian code for sanitary engineering: Sanitary installations in buildings	Decision of the Minister of Housing 532/2013
301/2	Egyptian code for sanitary engineering: Water supply and wastewater treatment in small residential communities	Decision of the Minister of Housing 10/2012
301/3	Egyptian Code for sanitary engineering: Hot water supply and swimming pools	Decision of the Minister of Housing 149/1999
301/4	Egyptian Code for sanitary engineering: Commercial kitchens and laundries – hospitals – waste disposal	Decision of the Minister of Housing 289/1992
302	Egyptian Code for electrical connections and installations	
302/1	Egyptian Code for electrical connections and installations: Design essentials	Decision of the Minister of Housing 159/2013
302/2	Egyptian code for electrical connections and installations: Implementation conditions	Decision of the Minister of Housing 520/2012
302/3	Egyptian code for electrical connections and installations: Testing and handover	Decision of the Minister of Housing 531/2013
302/4	Egyptian code for electrical connections and installations: Earthing	Decision of the Minister of Housing 212/2015
302/5	Egyptian code for electrical connections and installations: Lightning prevention	Decision of the Minister of Housing 16/2004

302/6	Egyptian code for electrical connections and installations: Special systems - Power factor improvement	Decision of the Minister of Housing 829/2014
302/7 to 302/10	Egyptian code for electrical connections and installations (Volumes seven to ten)	Decision of the Minister of Housing 16/2004
303	Egyptian code for electric and hydraulic elevators	
303/1	Egyptian code for electric and hydraulic elevators: Electric elevators	Decision of the Minister of Housing 136/2006
303/2	Egyptian code for electric and hydraulic elevators: Hydraulic elevators	
303/3	Egyptian code for electric and hydraulic elevators: Electric escalators and conveyors	Decision of the Minister of Housing 331/2010
304	Egyptian code for cooling and air conditioning	Decision of the Minister of Housing 139/2004
305	Egyptian code for fire protection of structures	
305/1	Egyptian code for fire protection of structures: Design and implementation essentials	Decision of the Minister of Housing 152/1998
305/2	Egyptian code for fire protection of structures: Building services requirements	Decision of the Minister of Housing 154/2000
305/3	Egyptian code for fire protection of structures: Fire detection and alarm systems	Decision of the Minister of Housing 260/1999
305/4	Egyptian code for fire protection of structures: Water fire suppression systems	Decision of the Minister of Housing 344/2007
306	Egyptian code for energy efficiency improvement of buildings	
306/1	Egyptian code for energy efficiency improvement of buildings: Residential buildings	Decision of the Minister of Housing 482/2005
306/2	Egyptian code for energy efficiency improvement of buildings: Commercial buildings	Decision of the Minister of Housing 190/2009
306/3	Egyptian code for energy efficiency improvement of buildings: Government buildings	Decision of the Minister of Housing 433/2010
307	Egyptian code for ventilation in buildings	Decision of the Minister of Housing 160/2013
308	Egyptian code for lighting	
308/1	Egyptian code for building lighting	Decision of the Minister of Housing 368/2008
308/2	Egyptian code for road and tunnel lighting	Decision of the Minister of Housing 334/2010
	Egyptian code for damp-proofing and water-proofing in buildings	Decision of the Minister of Housing 537/2012
	Egyptian code for acoustics and noise control in some buildings	Decision of the Minister of Housing 578/2013
311	Egyptian code for construction project management	Decision of the Minister of Housing 364/2009
400	**Complementary work codes**	
401	Building Finishing Codes	
401/1	Egyptian code for plaster works in buildings	Decision of the Minister of Housing 454/1991
500	**Environmental engineering codes**	
501	Egyptian code for the use of treated wastewater and sludge in agriculture	Decision of the Minister of Housing 171/2005
600	**Architectural standards codes**	
601	Egyptian code for the design of external spaces and buildings for use by disabled people	Decision of the Minister of Housing 303/2003
602	Egyptian code on safety requirements for multi-purpose facilities	
602/1	Egyptian code on safety requirements for multi-purpose facilities (Volume one: Garages)	Decision of the Minister of Housing 379/2007
603	Egyptian code on the design standards for houses and residential communities	Decision of the Minister of Housing 80/2009
	Egyptian code of Ethics and Conduct for Engineering Practice	Decision of the Minister of Housing 123/2013

Table A.1 Public Space

Indicator	Sub-indicator	Weighting		
			0	**1**
Functional effectiveness of law	Objectives of the regulations	1	The regulatory framework in this area has no policy and no clear objectives	Inconsistent policies exist and laws have diverse policy objectives
	Mechanisms and processes	2	Unclear, complicated and bureaucratic process with the outcome of the decision left completely to the discretion of public officers	Complex and non-transparent process. Some rules exist to guide the outcome of the decision but they can easily be played around.
	Institutional/ organisational responsibilities and roles	2	Several institutions have responsibilities in implementing the regulations and no coordination mechanism is in place	Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they do not work.
	Ambiguity and standard of drafting	1	Extremely unclear and ambiguous language with the interpretation left completely to the discretion of public officers	Unclear and ambiguous language with some rules or court decisions to guide the outcome of the decision but they can easily be played around with
	Capacity to implement the legislation	1	Human and financial resources are completely inadequate to implement the legislative framework	Human and financial resources are inadequate to implement the legislative framework but could be improved in five+ years with capacity development and more efficiencies
	Mechanisms to allocate adequate space to streets (percentage of land, number of intersections, width and length and so on	3	No mechanism	less than five per cent of the land
	Mechanisms to allocate adequate space to non-street public space (green areas, play grounds, sport facilitiesand so on)	1	No mechanism	less than five per cent
				more than 60 per cent

Ranking			Score	Comments
2	**3**	**4**		
Consistent policies exist in this area but regulations have different objectives	Regulatory measures in this area have consistent objectives	Regulatory measures in this area have consistent objectives based on clear policies	0	There is a lack of policy framework on public spaces, place-making and urban quality of life
Processes are clearly defined with a fair amount of discretion. There are dysfunctional checks and balances -. hierarchical approval by different institutions, public participation, consultation, court appeal and so on.	Processes are clearly defined with a fair amount of discretion. There are functioning checks and balances -. hierarchical approval by different institutions, public participation, consultation, court appeal and so on.	Processes are clearly defined and the outcome of the decision does not involve any discretion	3	
Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they work only occasionally.	Institutional roles and responsibilities in this sector are concentrated in one institution that not always works efficiently	Institutional roles and responsibilities in this sector are concentrated in one efficient institution or in several well-coordinated institutions	3	
Unclear and ambiguous language with some rules or court decisions that aid the interpretation	Legislative texts are written in clear and unambiguous language understandable by professionals only	Legislative texts are written in clear and unambiguous language understandable by professionals and common citizens	0	
Human and financial resources are inadequate to implement the legislative framework but could be realistically improved in two to three years) with capacity development and more efficiencies	Human and financial resources are barely adequate	Human and financial resources are adequate for the successful implementation of the legislative framework in this area	0	
five-15	16-25	26 or more	0	No clear mechanism as it is generally left to the detailed plan and planning norms
between five and 15 per cent	between 15 and 20 per cent	between 20-30 per cent	0	No clear mechanism as it is generally left to the detailed plan and planning norms
between 40 and 50 per cent	between 30 and 40 per cent			

Technical provisions	Acquisition of land for public space	3	No mechanism to obtain land from private owners exists and land is acquired through expropriation	Land is contributed by land owners in the process of urbanizing/ subdividing the land. The requirements are too vague and leave room to discretion in the approval.
	Scale at which percentages are calculated for streets and public space.	1	No scale	At plot level
	Existence of design guidelines for buildings facades	2	No	some basic guidelines (setbacks and building lines)
	Responsibilities for ownership/ maintenance of streets and public space.	2	Very unclear and/or fragmented among various institutions	Clear roles and responsibilities but poor maintenance for lack of adequate funding and personnel

Table A.2 Plots and Blocks

Indicator	Sub-indicator	Weighting		
			0	**1**
Functional effectiveness of law	Objectives of the regulations	1	The regulatory framework in this area has no policy and no clear objectives	Inconsistent policies exist and laws have diverse policy objectives
	Mechanisms and processes	2	Unclear, complicated and bureaucratic process with the outcome of the decision left completely to the discretion of public officers	Complex and non-transparent process. Some rules exist to guide the outcome of the decision but they can easily be played around.
	Institutional/ organisational responsibilities and roles	2	Several institutions have responsibilities in implementing the regulations and no coordination mechanism is in place	Several institutions have responsibilities in implementing the regulations Coordination mechanisms exist but they do not work
	Ambiguity and standard of drafting	1	Extremely unclear and ambiguous language with the interpretation left completely to the discretion of public officers	Unclear and ambiguous language with some rules or court decisions to guide the outcome of the decision but they can easily be played around with
	Capacity to implement the legislation	1	Human and financial resources are completely inadequate to implement the legislative framework	Human and financial resources are inadequate to implement the legislative framework but could be improved in five+ years with capacity development and more efficiencies.

Land is contributed by land owners in the process of urbanizing/ subdividing the land. The requirements are either not adequate or not followed.	Land is contributed by property owners in the process of urbanizing the land. Sub-division or building rights are conditioned to the land contribution.	Land is contributed by property owners in the process of urbanizing the land. Sub-division or building rights are conditioned to the land contribution. Once the street plan is approved, no buildings can be erected or compensated if erected afterwards.	2	In reality, the requirements for land contribution are not always followed, bringing about informal urbanization in extra-legal informal settlements and in declared expansion areas
Only in one planning instrument	At all scales (from city master plan to detailed planning) but with no coordination.	At all scales (from city master plan to detailed planning)	2	Mainly at the detailed plan level
Detailed guidelines (walls and fences)	very detailed (building types, facades and roofs)	Extremely detailed (furniture, kind of trees, material of the pavement and so on	1	Detailed urban design guidelines are typically absent
Clear roles and responsibilities, good coordination and adequate funding and personnel. Public space properly maintained but its access is restricted to citizens or subject to a fee.	Clear roles and responsibilities, good coordination and adequate funding and personnel. Public space properly maintained and open to citizens.	Clear roles and responsibilities, good coordination and adequate funding and personnel. Public space properly maintained, vibrant and open to citizens that are involved in its management and use.	1	Local governments own and are to maintain most of the public spaces, yet they are under-resourced

Ranking			Score	Comments
2	**3**	**4**		
Consistent policies exist in this area but regulations have different objectives	Regulatory measures in this area have consistent objectives.	Regulatory measures in this area have consistent objectives based on clear policies	0	
Processes are clearly defined with a fair amount of discretion. There are dysfunctional checks and balances (hierarchical approval by different institutions, public participation, consultation, court appeal and so on	Processes are clearly defined with a fair amount of discretion. There are functioning checks and balances (hierarchical approval by different institutions, public participation, consultation, court appeal and so on	Processes are clearly defined and the outcome of the decision does not involve any discretion	3	
Several institutions have responsibilities in implementing the regulations Coordination mechanisms exist but they work only occasionally	Institutional roles and responsibilities in this sector are concentrated in one institution that not always works efficiently	Institutional roles and responsibilities in this sector are concentrated in one efficient institution or in several well-coordinated institutions	4	
Unclear and ambiguous language with some rules or court decisions that aid the interpretation	Legislative texts are written in clear and unambiguous language understandable by professionals onl	Legislative texts are written in clear and unambiguous language understandable by professionals and common citizens.	0	The language used in drafting the Building Law is unclear and ambiguous, especially Articles 15 and 16
Human and financial resources are inadequate to implement the legislative framework but could be realistically improved in two to three years with capacity development and more efficiencies.	Human and financial resources are barely adequate	Human and financial resources are adequate for the successful implementation of the legislative framework in this area	1	

Technical provisions	Minimum lot size for residential use (in square metres)	3	801 and more	501-800
	Plot subdivision	3	No mechanism is present and if present no rules are set to guide the subdivision	Lengthy and costly process. Very vague rules to be followed. Subdivision done by private owner with public approval (highly discretional).
	Plot consolidation (adjacent lots of the same or different owners)	3	No mechanism is present	A mechanism for consolidation is present but requires a complex and expensive process. Vague rules to be followed. IApproval is highly discretional.
	Plots readjustment	3	No mechanism is present	A mechanism for plots readjustment is present but the rules and process to be followed are vague. Its approval is highly discretional.
	Maximum block size (maximum length in any direction)	3	No criteria is present	more than 400m

[37] Najy Benhassine, From Privilege to Competition: Unlocking Private-Led Growth in the Middle East and North Africa (Washington, D.C.: World Bank, 2009), 140.

301-500	101-300	20-100	4	The requirement of minimum size of 120 square metres applies to sub-divisions only, as a recent amendment of the executive regulations resulted in removing this requirement for detailed plans
Lengthy and costly process. Rules to be followed are clear but sub-division standards are not adequate. Sub-division done by private owner with public approval.	Sub-division can be proposed by the public authorities in consultation with the owners. Clear indication of plot shapes and required urban standards for public space, streets and other facilities.	Easy and straightforward with clear indication of plot shapes and required urban standards for public space, streets and other facilities. Development of the required standards and infrastructure are borne by the owner.	2	The delay to obtain the land subdivision permit can take two years. [37]
Lengthy and costly process. Standards are not adequate. No consideration is given to the adequacy of the existing infrastructure.	Easy and straightforward. Consolidation is used to increase densities in urban areas already serviced (infill) and it is part of urban policy and programmrs.	Easy and straightforward. Consolidation is used to increase densities in urban areas already serviced (infill) and it is part of urban policy and programmes. Existence of incentives (right of first refusal for neighbours, higher densities allowed and so on)	1	
Rules and requirements are complicated and difficult to use. Municipal institutions involved are not coordinated. Owners participation is not adequate (more than 70 per cent or less than 60 per cent consent) and not meaningful.	Rules and requirements are straightforward. Owners participation is adequate (between 60 and 70 per cent) and institutional coordination sufficient.	Effective mechanism exists to readjust plots with adequate participation, projects take into account city-wide objectives. It tries to avoid gentrification. It takes into consideration also tenants and non-property rights.	1	Land readjustment is introduced by the Building Law for replanning and unplanned areas but the Law does not discuss its application in other cases such as expansion areas
300-200m	200-130m	less than 130m	2	

Table A.3 Development rights

Indicator	Sub-indicator	Weighting		
			0	1
Functional effectiveness of law	Objectives of the regulations	1	The regulatory framework in this area has no policy and no clear objectives	Inconsistent policies exist and laws have diverse policy objectives
	Mechanisms and processes	2	Unclear, complicated and bureaucratic process with the outcome of the decision left completely to the discretion of public officers	Complex and non-transparent process. Some rules exist to guide the outcome of the decision but they can easily be played around.
	Institutional/ organisational responsibilities and roles	2	Several institutions have responsibilities in implementing the regulations and no coordination mechanism is in place.	Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they don't work.
	Ambiguity and standard of drafting	1	Extremely unclear and ambiguous language with the interpretation left completely to the discretion of public officers	Unclear and ambiguous language with some rules or court decisions to guide the outcome of the decision but they can easily be played around with
	Capacity to implement the legislation	1	Human and financial resources are completely inadequate to implement the legislative framework	Human and financial resources are inadequate to implement the legislative framework but could be improved in five+ years with capacity development and more efficiencies
Technical provisions	Vertical development rights	3	Property rights on the land gives the right to build on it (no permit required)	Use of the development rights is conditioned to a building permit and administrative fee
	Attribution of building potential to plots	1	No regulation exists on building potentials in urban plans and/or no urban plan	Regulations on building potential exist but they attribute different potentials with great discretion
	Plot coverage in urban areas: it is the percentage of plot covered by the building(s) or structure(s)	2	less than 30 per cent	between 40 per cent and 50 per cent
	Setbacks: Mandatory regulations in terms of the setbacks. Excessive setbacks and distances between buildings do not allow for a compact and walkable city.	3	No regulations at all	Setback regulated on all sides (front, back and sides)

Ranking			Score	Comments
2	3	4		
Consistent policies exist in this area but regulations have different objective.	Regulatory measures in this area have consistent objectives	Regulatory measures in this area have consistent objectives based on clear policies	1	
Processes are clearly defined with a fair amount of discretion. There are dysfunctional checks and balances (. hierarchical approval by different institutions, public participation, consultation, court appeal and so on)	Processes are clearly defined with a fair amount of discretion. There are functioning checks and balances (. hierarchical approval by different institutions, public participation, consultation, court appeal, and so on)	Processes are clearly defined and the outcome of the decision does not involve any discretion	3	
Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they work only occasionally.	Institutional roles and responsibilities in this sector are concentrated in one institution that not always works efficiently.	Institutional roles and responsibilities in this sector are concentrated in one efficient institution or in several well-coordinated institutions	2	
Unclear and ambiguous language with some rules or court decisions that aid the interpretation	Legislative texts are written in clear and unambiguous language understandable by professionals only	Legislative texts are written in clear and unambiguous language understandable by professionals and common citizens	3	
Human and financial resources are inadequate to implement the legislative framework but could be realistically improved in two to three years with capacity development and more efficiencies	Human and financial resources are barely adequate	Human and financial resources are adequate for the successful implementation of the legislative framework in this area	1	
Use of the development rights is conditioned to a building permit and the fee is proportioned to the volumes built	Development rights need to be acquired and paid for	Development rights need to be acquired and paid for. Additional volumes can be bought and/or received from the municipality as a compensation for any taking. Unused rights can be sold/used elsewhere in the city.	3	
Regulations on building potential exist and they attribute different building potentials with criteria to limit the discretion (existing/ planned infrastructure, environment, historic sites and so on)	Regulations on building potential exist and they attribute different building potentials with criteria to limit the discretion. Mechanisms exist to capture the increments in land values.	All land has the same virtual building potential. Differences (higher/lower) with attributed building potentials are either compensated or usable elsewhere.	3	
between 50 per cent and 60 per cent	between 60 per cent and 80 per cent	more than 80 per cent	4	
Setback regulated only on two sides (front/back or sides)	Setback regulated only on two sides (front/ back or sides) but regulations do not allow fencings and walls	Regulations allow for continuous street facades that promote a compact, walkable and vibrant city	4	

Table A.4 Building code

Indicator	Sub-indicator	Weighting		
			0	1
Functional effectiveness of law	Objectives of the regulations	1	The regulatory framework in this area has no policy and no clear objectives	Inconsistent policies exist and laws have diverse policy objectives
	Mechanisms and processes	2	Unclear, complicated and bureaucratic process with the outcome of the decision left completely to the discretion of public officers	Complex and non-transparent process. Some rules exist to guide the outcome of the decision but they can easily be played around.
	Institutional/ organisational responsibilities and roles	2	Several institutions have responsibilities in implementing the regulations and no coordination mechanism is in place	Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they don't work.
	Ambiguity and standard of drafting	1	Extremely unclear and ambiguous language with the interpretation left completely to the discretion of public officers	Unclear and ambiguous language with some rules or court decisions to guide the outcome of the decision but they can easily be played around
	Capacity to implement the legislation	1	Human and financial resources are completely inadequate to implement the legislative framework	Human and financial resources are inadequate to implement the legislative framework but could be improved in five+ years with capacity development and more efficiencies
Technical provisions	Age of building code	2	No building regulations	30 to 50 years
	Uniform or differentiated application	2	No building regulations are present at national or local level	National building code establishes rules for the whole country. No local adaptation is possible.
	Scope for local materials	1	No building regulations are present at national or local level	Local/traditional building materials are not allowed in the building codes
	Resource efficiency measures: water, land, energy, material and waste	1	No building regulations are present at national or local level	Building regulations have no consideration for resources efficient measures: water, land, energy, material and waste
	Consideration of low cost options for small/low cost housing	1	No building regulations are present at national or local level	No consideration in the building regulations for low cost options

Ranking			Score	Comments
2	3	4		
Consistent policies exist in this area but regulations have different objectives	Regulatory measures in this area have consistent objectives	Regulatory measures in this area have consistent objectives based on clear policies	1	
Processes are clearly defined with a fair amount of discretion. There are dysfunctional checks and balances (. hierarchical approval by different institutions, public participation, consultation, court appeal and so on)	Processes are clearly defined with a fair amount of discretion. There are functioning checks and balances (hierarchical approval by different institutions, public participation, consultation, court appeal and so on)	Processes are clearly defined and the outcome of the decision does not involve any discretion	0	
Several institutions have responsibilities in implementing the regulations. Coordination mechanisms exist but they work only occasionally.	Institutional roles and responsibilities in this sector are concentrated in one institution that not always works efficiently	Institutional roles and responsibilities in this sector are concentrated in one efficient institution or in several well-coordinated institutions	0	
Unclear and ambiguous language with some rules or court decisions that aid the interpretation	Legislative texts are written in clear and unambiguous language understandable by professionals onl.	Legislative texts are written in clear and unambiguous language understandable by professionals and common citizens	3	
Human and financial resources are inadequate to implement the legislative framework but could be realistically improved in two to three years with capacity development and more efficiencies	Human and financial resources are barely adequate	Human and financial resources are adequate for the successful implementation of the legislative framework in this area	1	
20 to 30 years	Ten to 20 years	Zero to ten years	4	
No national building code or guiding legislation exist. Municipalities adopt their own building regulations.	National legislation gives broad principles and local building codes are adopted	Local jurisdictions adopt a building code based on a national model	1	
Constructions require building materials not available locally, difficult to find, expensive and so on	Broad range of acceptable construction materials. Use of locally available materials and construction is allowed.	Use of locally available materials and construction techniques is allowed and encouraged through incentives such as subsidised materials, fast track approval, housing typology provided and so on		
Constructions require resources efficient measures not available locally, difficult to find, expensive and so on	Use of resource efficiency measures is mandatory	Use of resource efficiency measures is mandatory and encouraged through incentives such as subsidised materials, fast track approval and housing typology provided	3	
Constructions with certain building materials are explicitly forbidden (wood, mud, soil, corrugated iron,and so on) even for small/low cost housing	Low cost options are accounted for: a special set of rules exist for low cost houses (less than 20 m2 and no more than two floors) with minimum/basic standards.	Low cost options are allowed and encouraged such as subsidized materials, fast track approval, housing typology provided and so on	0	

Table B.1 The different legal instruments establishing the new communities since 1977

New Community	Legal Instrument
10th of Ramadan	Presidential Decree 249/1977
15th of May	Presidential Decree 119/1978
Sadat	Presidential Decree 123/1978
6th of October	Presidential Decree 504/1979
New Borg el-Arab	Presidential Decree 506/1979
North West Coast	Prime Ministerial Decision 540/1980
New Damietta	Prime Ministerial Decision 546/1980
Badr	Prime Ministerial Decision 335/1982 amended by the Prime Minister decision 542/1982, the Presidential decree 449/2001 and the Presidential decree 87/2009
New Salehya	Prime Ministerial Decision1237/1982
Obour	Prime Ministerial Decision1290/1982 amended by the Prime Minister decision 1608/1990 and the Presidential decree 59/2003
New Minya	Prime Ministerial Decision278/1986 amended by the Presidential decree 392/2004
New Nubaria	Prime Ministerial Decision375/1986
New Beni Suef	Prime Ministerial Decision643/1986
North Gulf of Suez	Presidential Decree458/1993
Sheikh Zayed	Presidential Decree325/1995
Shorouk	Presidential Decree326/1995
New Aswan	Presidential Decree96/1999
New Cairo	Presidential Decree191/2000
New Fayoum	Presidential Decree193/2000
New Assiut	Presidential Decree194/2000
New Akhmim	Presidential Decree195/2000
New Sohag	Presidential Decree196/2000
New Qena	Presidential Decree197/2000
New Thebes	Presidential Decree198/2000
New Toshka	Presidential Decree199/2000 amended by the Presidential Decree268/2006
New Luxor	Presidential Decree55/2010

Table B.2 Decisions of Governors approving detailed plans published during the period from 2009 to 2015

R = Replanning area, E = Existing area, M= Markaz, Amdt = Amendment, and (n) = number of decisions

Governorate	City	Village(s)	General strategic plan	Detailed plan						
				Replanning area/ Existing area	Tahzim	Downtown	Expansion area	Amendment of a previous detailed plan	Entire city	Entire village(s)
Cairo				(1) : 12/2014 (E)						
Alexandria					(1) : 3/2012			(1) : 7/2013		
Suez					(1) : 11/2014		(1) : 11/2014			
Damietta	Ras el-Bar		–				(1) : 6/2009	(1) : 6/2010		
Dakahlia	Mansoura		12/2013				(1) : 3/2015	(2) : 8/2014 and 9/2014		
		17 villages, M. Mansoura	11/2011							(1) : 7/2015
	El-Matareya		11/2011				(1) : 1/2013			
	El-Senbellawein		1/2012				(1) : 1/2013			
		16 villages, M. Talkha	11/2011							(2) : 6/2015 and 7/2015
		8 villages, M. Nabaroh	11/2011							(2) : 6/2015 and 7/2015
		25 villages, M. Bilqas	11/2011							(1) : 7/2015
		5 villages, M. Sherbin	11/2011							(1) : 7/2015
		1 village, M. Manzala	11/2011							(1) : 7/2015
Qalyubia	Benha		2/2013				(1) : 2/2015			

Kafr el-Sheikh	Desouk		–				(1) : 5/2011			
	Baltim		–				(2) : 11/2011 and 9/2012			
	Sidi Salem		10/2014				(2) : 5/2011 and 7/2012			
		six villages, M. Sidi Salem	–					(20) : 9/2010, 12/2010, 1/2011, 5/2011, 6/2011, 7/2011, 11/2011, 5/2012, 1/2013, 6/2013 and 9/2013		
		two villages, M. el-Hamoul	–					(3) : 2/2011, 6/2010, 11/2011		
	Fouah		12/2012					(1) : 8/2010		
		two villages, M. Fouah	–					(2) : x/2012 and 3/2012		
		two villages, M. el-Riyad	–					(2) : 6/2010 and 4/2011		
		two villages, Markaz Kafr el-Sheikh	–					(2) : 5/2010 and 10/2010		
	Qellin		–					(1) : 1/2013		
		two villages, Markaz Qellin	–					(2) : 7/2012 and 9/2015		
Gharbia	Tanta		–	(5) : 4/2011, 6/2011, 7/2011, 9/2012 and 12/2013 (E)				(3) : 9/2011, 1/2012 and 2/2012		
	El-Mahalla El-Kubra		12/2011						(1) : 4/2012	
Monufia	Berket El-Sabaa		1/2011						(1) : 2/2012	
	Bagour		4/2011						(1) : 2/2012	
	Menouf		4/2011						(1) : 5/2012	
	Ash-Shuhada'		12/2012						(1) : 9/2013	
	Shebin el-Kom		1/2011				(2) : 5/2012			
	Ashmun		4/2010				(1) : 5/2012			

	Damanhur		2/2010				(1) : 3/2010	(3) : 3/2010, 4/2010, 7/2015 (amdts of plans before 2010)		
	El-Delengat		3/2015				(1) : 9/2015	(2) : 6/2010 and 7/2015 (amdts of 2002 plans)		
	Kom Hamada		2/2010					(4) : 11/2010, 03/2011 and 6/2015 (amdts of 2000-01 plans)		
		one village, M. Kom Hamada	5/2014							(1) : 7/2015
	Idku		–				(2) : 3/2011 and 6/2015			
Beheira	Kafr el-Dawwar		2/2010			(1) : 9/2015	(5) : 5/2011	(2) : 5/2011 and 9/2015 (amdts of plans before 2010)		
								(2) : 7/2014 and 6/2015 (amdts of plans after 2010)		
	Hosh Issa		–				(1) : 7/2010	(1) : 9/2014 (amdt of a 2007 plan)		
	Rosetta (Rashid)		2/2010				(1) : 3/2010	(1) : 7/2015 (amdt of a 2010 plan)		
	Al-Mahmoudiyah		3/2015				(1) : 8/2014			
	Etay el-Baroud		–					(1) : 5/2011 (amdt of a 2000 plan)		
	Al-Rahmaniya		3/2015					(1) : 11/2010 (amdt of a 2003 plan)		
	Shubra Khit		–					(2) : 5/2011 (amdts of 2000 plans)		
Giza			–					(2) : 4/2013 and 5/2013		

Beni Suef	Beni Suef		9/2009						(1) : 3/2011	
	El Wasta		3/2015						(1) : 8/2015	
	Nasser		3/2015						(1) : 8/2015	
		20 villages, M. Nasser	5/2014							(1) : 3/2013
		46 villages, M. Beba	5/2014							(1) : 12/2013
		18 villages, M. Samasta	5/2014							(1) : 11/2014
Fayoum		158 villages, M. Abshway, Fayoum, Itsa, Senuris, Tamiya, and Youssef el-Seddik	6/2014							(1) : 5/2015
Minya	Minya		10/2014	(1) : 9/2013 (R)						

Annex

Mapping the Legal Framework **Governing Urban Development in Egypt**

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Introduction: Overview & Legal Framework of Egypt

This document provides an overview of the key legislations and decrees that govern ur-ban development in Egypt. The Constitution of the Arab Republic of Egypt is the funda-mental law of Egypt. The current Constitution was issued in 2012 and was amended in January 2014 where it passed in a referendum. According to the current legal frame-work, the House of Representatives has the competency of drafting and passing laws where the responsibility then falls on the President to approve those laws; bearing in mind that all laws must adhere to constitutional provisions. Laws in Egypt are subject to review by the Supreme Constitutional Court to ensure the adherence to the Constitution.

Presidential decrees have the power of law; however, they still need the approval of the People's Assembly before they can be implemented. The Prime Minster has the power to issue decrees necessary for the creation and organization of public utilities and ser-vices, upon the approval of the Council of Ministries. Ministers and governors have the power to issue decrees; however, they should not contradict with the Constitution, laws, Presidential decrees or Prime Minsterial decrees.

This document is divided into five parts. The first presents the key articles of the Egyp-tian Constitution that stipulate the principles governing urban development and the role of the key actors. The second presents key laws related to property and tenure, ur-ban governance, planning, housing, infrastructure and basic services, municipal taxation and finance, environment and natural resources. The third outlines the presidential de-crees concerned with urban development and the establishment of new organizations. The fourth presents key Prime Ministerial decrees, and the fifth presents the decrees issued by the Minister of Agriculture and the Minister of Housing, Utilities and Urban Communities.

Part 1: The Egyptian **Constitution of 2014**

The Constitution of the Arab Republic of Egypt is the fundamental law of Egypt. The Egyptian Constitution of 2014 was passed in a referendum in January 2014. The Consti-tution took effect after the results were announced on 18 January 2014. The new Con-stitution of 2014 introduces for the first time in the history of Egypt, comprehensive ar-ticles that stipulate that "the state shall develop and implement a plan for the compre-hensive economic and urban development of border and underprivileged areas.

This is to be achieved by the participation of the residents of these areas in the development projects and the priority in benefiting from them, taking into account the cultural and environmental patterns of the local community." Relevant articles include Articles 29, 33, 34, 35, 38, 41, 63, 78, 101, 148, 175, 176, 177, 178, 179, 180, 181, 182, 183 and 236.

Article (29): The State shall protect and expand agricultural land, and shall criminalize encroachments thereon. It shall develop rural areas; raise the standard of living of their population and protect them from environmental risks; and shall strive to on develop agricultural and animal production and en-courage industries based thereon.

Article (33): The State shall protect ownership with its three types: the public, the private and the cooperative.

Article (34): Public properties are inviolable and may not be infringed upon. Protection thereof is a duty according to the Law.

Article (35): Private properties shall be protected, and the right to inher-itance thereto is secured. It is not permissible to impose guardianship thereon except in the cases defined by Law and by virtue of a court judgment. Expropri-ation shall be allowed only in the public interest and for its benefit, and against fair compensation to be paid in advance according to the Law.

Article (38): The tax system, as well as other public liabilities, aim at de-veloping State resources and achieving social justice and economic development.

Public taxes may not be created, altered, or cancelled except by a law; and ex-emption there from may only be made in the cases defined by the law. No person may be required to pay other taxes or fees except as provided for in the Law.

Multi sources shall be observed in imposing taxes. Progressive multi-bracket taxes shall be imposed on incomes of individuals according to their respective financial capabilities. The taxation system shall ensure promoting labour-intensive economic activities and motivating their role in the economic, social and cultural development.

The State shall improve the taxation system and develop modern systems that guarantee efficiency, easiness and control in tax collection. The Law shall define the methods and tools of collecting taxes, charges and any other sovereign proceeds, and amounts thereof to be deposited into the State Public Treas-ury.

Tax payment is a duty and tax evasion is a crime.

Article (41): The State shall implement a population programme aiming at striking a balance between population growth rates and available resources; and shall maximize investments in human resources and improve their characteristics in the framework of achieving sustainable development.

Article (63): All forms and types of arbitrary forced displacement of citizens shall be prohibited and shall be a crime that does not lapse by prescription.

Article (78): The State shall ensure the citizens' right to adequate, safe and healthy housing in a manner which preserves human dignity and achieves social justice.

The State shall devise a national housing plan which upholds the environmental particularity and ensures the contribution of personal and collaborative initiatives in its implementation. The State shall also regulate the use of State lands and provide them with basic utilities within the framework of compre-hensive urban planning which serves cities and villages and a population distribution strategy. This is to be applied in a manner serving the public interest, improving the quality of life for citizens and safeguarding the rights of future generations.

The State shall also devise a comprehensive national plan to ad-dress the problem of unplanned slums, which includes re-planning, provision of infrastructure and utilities, and improvement of the quality of life and public health. In addition, the State shall guarantee the provision of resources necessary for implementing such plan within a specified period of time.

Article (101): In the manner stated in the Constitution, the House of Rep-resentatives is entrusted with the authority to enact legislations and approve the general policy of the State, the general plan of economic and social devel-opment and the State budget. It exercises oversight over the actions of the ex-ecutive power.

Article (148): The President of the Republic may delegate some of his powers to the Prime Minister, his deputies, ministers or governors. None of them may delegate such authorities to others. All of the foregoing shall be regu-lated by Law.

The Local Administration

Article (175): The State shall be divided into administrative units that enjoy le-gal personality. Such units shall include governorates, cities and villages. Other administrative units that have the legal personality may be established, if public interest so requires. When establishing or abolishing local units or amend-ing their boundaries, the economic and social conditions shall be taken into account. All the foregoing shall be regulated by Law.

Article (176): The state shall ensure administrative, financial, and economic decentralization. The law shall regulate the methods of empowering adminis-trative units to provide, improve, and well manage public facilities, and shall define the timeline for transferring powers and budgets to the local administra-tion units.

Article (177): The State shall ensure the fulfilment of the needs of local units in terms of scientific, technical, administrative and financial assistance, and the equitable distribution of facilities, services and resources, and shall bring de-velopment levels in these units to a common standard and achieve social justice between these units, as regulated by Law.

Article (178): Local units shall have independent financial budgets. The re-sources of local units shall include, in addition to the resources allocated to them by the State, taxes and duties of a local nature, whether primary or auxiliary. The same rules and procedures for the collection of public funds by the State shall apply to collection of such taxes and duties. The foregoing shall be regulated by law.

Article (179): 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.

Article (180): Every local unit shall elect a local council by direct and secret bal-lot for a term of four years. A candidate shall be at lease twenty-one (21) Grego-rian years of age. The law shall regulate the other conditions for candidacy and procedures of election, provided that one quarter of the seats shall be allocated to youth under thirty-five (35) years of age and one quarter shall be allocated for women, and that workers and farmers shall be represented by no less than 50 per cent of the total number of seats, and these percentages shall include an appropriate representation of Christians and people with disability.

Local councils shall be competent to follow up the implementation of the devel-opment plan, monitor of the different activities, exercise of oversight over the executive authorities using tools such as providing proposals, and submitting questions, briefing motions, interrogations and others, and to withdraw con-fidence from the heads of local units, as regulated by Law. The law shall define the competences of other local councils, their financial sources, guarantees of their members, and the independence of such councils.

Article (181): Local councils' resolutions that are issued within their respective mandates shall be final. They shall not be subject to the interference by the ex-ecutive authority, except to prevent the council from overstepping its jurisdic-tion, or causing damage to the public interest or the interest of other local councils.

Any dispute pertaining to the jurisdiction of these local councils in villages, centres or towns shall be settled by the governorate-level local council. Dis-putes regarding the jurisdiction of governorate-level local councils shall be re-solved, as a matter of urgency, by the General Assembly of the Legal Opinion and Legislation Departments of the State Council. The foregoing shall be regu-lated by Law.

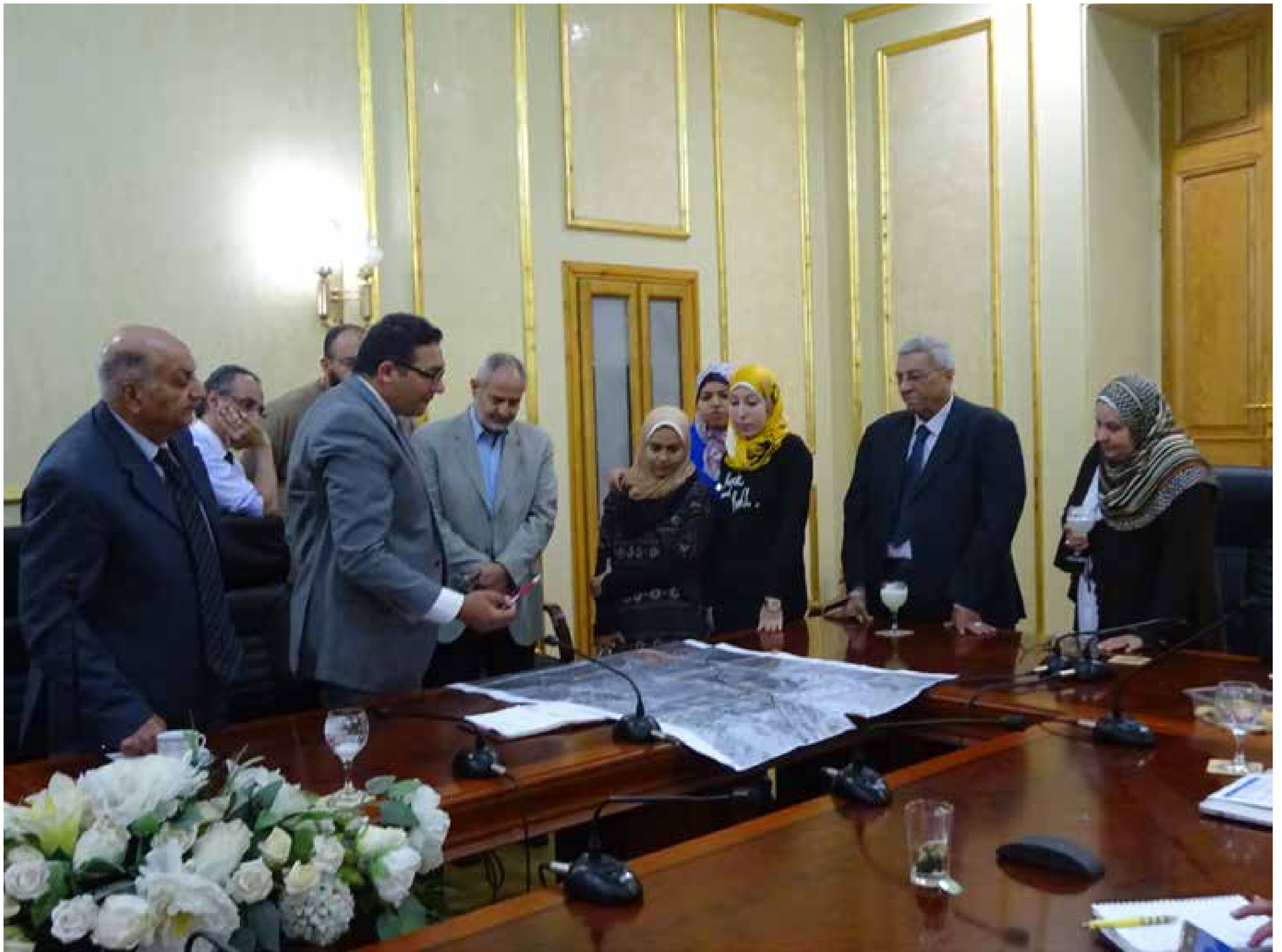
Article (182): Every local council shall develop its own budget and final ac-counts, as regulated by Law.

Article (183): Local councils shall not be dissolved by virtue of a general admin-istrative action. The Law shall regulate the manner of dissolving and re-electing local councils.

Article (236): The State shall guarantee setting and implementing a plan for the comprehensive economic and urban development of border and underprivi-leged areas, including Upper Egypt, Sinai, Matrouh and Nubia.

This shall be made with the participation of the residents of these areas in the development projects, and they shall be given a priority in benefiting therefrom, taking into account the cultural and environmental patterns of the local community, within ten years from the date that this Constitution comes into effect, as regu-lated by Law.

The State shall work on setting and implementing projects to bring back the residents of Nubia to their original territories and develop such territories within ten years, as regulated by law.



Part 2: The Egyptian **Laws**

The People's Assembly passes laws and the President approves those laws. All laws must adhere to constitutional provisions. The Supreme Constitutional Court has the right to review the constitutionality of laws. Presidential decrees have the power of law; however, they still need the approval of the People's Assembly. In 2008, Law 119/2008 promulgating the building law was released with the intention to condense and include all laws related to building related legislations. However, Law 70 / 1973, known as the planning law, is still considered the main law organizing the urban planning processes.

In addition, Law 43/1979 on the local government system specifies the relationship be-tween different national, regional and local governmental entities which are entrusted with implementing the state's urban development policies and plans. Additionally, there are tens of other laws that are related to urban development governing in Egypt. Rele-vant Laws include:

Law 119/2008 (The Building Law)

The Building Law 119/2008 is considered a solemn attempt towards including urban planning and building related legislations in one integrated law. In brief, Article 2 of the law stipulates meanings assigned to important urban phrases, Articles 3 & 4 state the specific responsibilities of the Supreme Council for Planning and Urban Development and Articles 5 & 6 stipulate that the General Organization for Physical Planning (GOPP) is responsible for drawing the general policy for planning and sustainable urban development. This policy will then be used to prepare plans and programs of this development on the national, regional and governorate levels. Arti-cle 16 discusses what is meant by the regulations of the betterment levy. Article 24 states the conditions where expropriation of properties for public interest is applicable. Articles 26, 27 & 29 state the objectives of The National Urban Harmony Authority.

Article 2 stipulates meanings assigned to each of following phrases:

The Strategic Plan
It is the plan which defines the future vision for urban development. It could be on the national, regional, governorate, city or village level. It exhibits the objective, policies, economic and social development plans, and the urban environment necessary for sustainable development. It defines future requirements for urban expansion, use of diverse lands, programmes, priorities, execution mechanisms and financial resources for each planning level.

The National Strategic Plan
The plan which defines the objectives, policies and urban development programmes on the whole republic's space. It exhibits the national pro-jects which shall be implemented, implementation stages and the role of each of the public and private bodies in this implementation.

The Regional Strategic Plan
The plan which specifies the objectives, policies and urban develop-ment programmes for each the economic region, and exhibits the re-gional projects that shall be implemented, execution stages and the role of each of the public and private bodies in this implementation within the national strategic plan's framework.

The Governorate's Strategic Plan
The plan which specifies the objectives, policies, urban development programs for each governorate within the regional framework that in-cludes the governorate, and exhibits projects that shall be implement-ed, their priorities, their implementation stages and the role of each of the public and private bodies in this implementation.

The General Strategic Plan for the City and The Village.
The city's or the village's plan which exhibits the future requirements for urbanization expansion, the projects and the economic, social, envi-ronmental and urban development plans which are necessary to mate-rialize sustainable development on the local level within the future framework vision of the governorate's plan that includes the city or the village. It defines the urbanized space of the city or the village, land us-es, planning and building regulations within the urbanized boundaries, programs, priorities, execution mechanisms and financing resources.

Articles 5 & 6 stipulate that the General Organization for Physical planning (GOPP) General Organization for Physical planning (GOPP) is the State's in-strument that is responsible for drawing the general policy for planning and sustainable urban development, to prepare plans and programmes of

this development on the national, regional and governorate levels. Also, to audit and to ratify urban plans on the national level within the objectives, the national, re-gional and local framework for planning sustainable urban development. The General Organization for Urban Development shall specially have the following responsibilities:

1. To set forth the national programme for the preparation of strategic plans for urban development on their diverse levels

2. To prepare the strategic plans for urban development on the national, regional and governorate levels and the general strategic plans for cities and villages

3. To review, endorse and monitor the execution of the general strategic plans for cities and villages and their urban areas

4. To prepare sectarian researches and studies specialized for planning and urban development works

5. To prepare guidelines for urban plans and to oversee its application

6. To organize the practice of planning and urban development's works

7. To evolve and to develop the capabilities of the urban planning departments of the local units

8. To develop the execution mechanisms for the strategic plans for their diverse levels and detailed plans

9. To evaluate and to update data and urban indicators in coordination with the information centres on the diverse levels

10. To suggest and express opinion regarding laws, regulations and decrees organizing planning and urban development.

Article 7 of the Building Law indicates that every economic region shall have a regional centre for planning and urban development affiliated to the General Organization for Physical planning (GOPP), which shall undertake the compe-tencies of this authority in the region, follow-up, prepare and execute the cities' and villages' plans in these governorates. A decree from the competent minister shall be issued to organize these centres and their competencies.

Article 9 of the same law indicates that the governorate's executive council, in cooperation with the regional centres affiliated to the General Organization for Physical planning (GOPP), shall prepare the objectives and the local urban poli-cies on the governorate level. This shall follow the requirements decided by the governorate's Local Popular Council, within the framework of the objectives in-cluded in the national and regional policies.

Article 10 of the same law sets The General Organization for Physical planning (GOPP), as the authority responsible for the preparation of the national, region-al and governorate strategic plans for urban development. This shall follow what GOPP undertakes of development studies in coordination with the compe-tent parties involved in planning and development, taking into consideration the military's point of view and the necessity for the safe defence of the state.

Article 16 stipulates that the betterment levy is imposed on any and all proper-ties and lands benefiting from an increase in value as a result of the accredita-tion of the detailed plans by the competent governors. The aforementioned bet-terment levy is imposed in compliance with the rules and regulations stipulated in the law No. 222 for the year 1955.

Article 17 stipulates that the Supreme Council for Planning and Urban Devel-opment shall have with a justified decree, to realize a national objective, the right to bind a city or an area or even a building itself to some of the regulations stated in the general strategic plan, or exempt it from them. In such case, pro-cedures are taken with compliance to the law No. 222 for the year 1955, and a betterment levy shall be imposed on any and all buildings or lands benefiting from an increase in value resulting from public improvement works.

Article 24 clearly articulates the executive regulations to be followed with re-gard to expropriation of properties for public interest in compliance with the law No. 10 for the year 1990. The competent administrative party for planning and building control affairs shall, upon the endorsement by the Supreme Coun-cil for Planning and Urban Development and based on the proposal of the com-petent governor, declare the re-planning zones as zones subject to amending land utilizations, in conformity with the standards prescribed by the executive regulations of the aforementioned law. Following the declaration, the compe-tent governor shall issue a decree stating the status of these zones as ones of special position, and defining the priorities for the preparation of renovation and development projects for these zones. The competent administrative body for planning and building

then negotiates with the property owners inside the designated planning area, with the purpose of setting forth a plan for its redi-vision and redistribution. In the event where a disagreement with any of the property owners occurs, The Supreme Council for Planning and Urban Devel-opment shall, upon the proposal of the competent governor, issue an expropria-tion decree for these properties in the area of public interest, and shall decide the offset against expropriation according to the kind of use of the expropriated lands, giving the owners the liberty of selecting between:

1. Taking the indemnity on the basis of their shares' value in the area's lands, immediately upon the issuance of the expropriation decree, in accordance with the estimate put forth regarding the value of the land prior to the execution of the replanning project

2. Taking the indemnity after the implementation of the replanning pro-ject and the sale of the new plots of land, in accordance with the esti-mate put forth regarding the new value of the land (excluding lands al-located for roads and utilities)

The state is under an obligation to ensure the provision of substitute places for the residence of dwellers apart from owners in the area, or those practicing their activities prior to the commencement of implementation.

Articles 26, 27 & 29 state that The National Urban Harmony Authority supervised by the competent Minister of Cultural Affairs, is responsible for beautification and civilization's values for the external forms of buildings, urban void spaces and antiquities, basis of vision tissue regarding all urban zones in the state and the architectural and urbanization's characteristics together with safeguarding the natural environment locations and elements. The authority shall materialize the objectives of the urban harmony provisioned in the decree of the President of the Arab Republic of Egypt No. 37 for the year 2001, and shall especially have the following:

1. To draw the general policy for urban harmony, set forth plans and de-tailed and executive programs in coordination with the competent par-ties. The Supreme Council for Planning and Urban Development shall accredit the general policies and plans according to the procedures de-cided by the executive regulations of this law.

2. To suggest and to express opinion regarding law bills and organization-al decrees relative to urban harmony

3. To set forth basis, standards and guidelines for urban harmony works that are accredited by the Supreme Council for Planning and Urban De-velopment. The competent administrative parties shall comply with them when issuing permits for works relative to urban harmony. This is according to the rules of this law and its executive regulations, and conditions decided for issuing the permit.

4. To undertake research and detailed studies in the field of urban har-mony sphere

5. To coordinate with the competent parties to ensure the execution of conditions and organizational controls to materialize the objectives of urban harmony

Article 25 states that the competent administrative party with planning and building control affairs shall have to declare the unplanned zones which are de-fined by the general strategic plan or the detailed plan accredited by the Su-preme Council for Planning and Urban Development upon the proposal of the competent governor, being considered zones subject to development and im-provement. The competent administrative party with planning and building control affairs in cooperation with the local competent popular council and the representatives of the civil community shall decide the most important projects required to develop these areas. The competent administrative party with planning and building control affairs shall lay down a development and im-provement plan for the area. It shall also be undertaken regarding the neces-sary of negotiations measures with properties' owners, the issuance of expro-priation decrees for public interest for the purposes of development and im-provement and the arrangement of substitute residences for those occupants apart from owners.

Articles 33, 34 & 35 stipulate that The zones (areas) of distinguished value shall be delineated upon the proposal of the authority and according to the basis and standards that it sets forth to safeguard these zones, and a decree in this re-spect shall be issued by the Supreme Council for Planning and Urban Develop-ment. It may not be erected, amended, elevated or restored any building or pro-jects or fixed or movable establishments. Nor shall be placed temporary or permanent works, and neither move or transport architectural elements, or statues, sculptures or decoration units in the public urban un-built areas in the aforementioned zones in the precedent paragraph except after obtaining a permit for this from the competent administrative party. The authority may suggest the expropriation of some buildings of distinguished value or parts of them for public interest to safeguard them.

Law 70 / 1973 (Planning Law)

Law 70/1973, known as the Planning Law, is mainly concerned with the different as-pects affecting the process of designing the Egyptian Social Economic Plan. The Law aims to develop and establish efficient economic, administrative and geographical dis-tribution of the projects, from the social economic development plan, in a way that guarantees the establishment of economic regions beside the local administration. The Law points out that planning for economic and social development in the Arab Republic of Egypt aims at raising the standard of living, melting differences between classes through the increase of national income and expansion of the services scope until it reaches communities sufficiently and justly according to the principles of the charter, the constitution, and the national work programme. Additionally, the Law states the principles supporting comprehensive national income, which are mainly: the compre-hension and integrity of the Plan; Planning centralization together with safeguarding the widest participation by the local ruling units, the economic units and the public and, finally, public control over all production tools, and the guarantee that the private sec-tor shall exercise its role in development. In order to achieve such responsibilities, the Ministry of Planning undertakes the operation of central planning that is represented in preparing the General National Plan for economic and social development, and has the right to obtain all confidential information that are necessary to prepare and follow up the Plan's execution. Relative articles include:

Article 1 of the Planning Law points out that planning for economic and social development in the Arab Republic of Egypt aims at raising the standard of liv-ing, melting differences between classes through increase of the national in-come, expansion of the services scope till reaching a sufficient and just commu-nity, according to the principles of the charter, the constitution, and the national work programme

Article 2 of the Planning Law describes the principles supporting comprehen-sive national income as follows:

1. The comprehension and integrity of the plan which guarantee for it the use of all national physical, natural and human resources according to practical, scientific and humane method
2. Planning centralization together with safeguarding the widest participation by the local ruling units, the economic units and the public in the preparation of the plan, its execution and defining the execution responsibilities
3. Control of people over all production tools, and to direct the excess through the bearing of the main responsibility for the development plan by the public sector, and the guarantee that the private sector shall ex-ercise its role in development within the Plan's framework without de-viation or exploitation
4. The economic, administrative and geographical distribution of the projects of the Social Economic Development Plan in a way that guarantees the establishment of economic regions beside the local administrative units

Article 3 of the planning law guides Comprehensive Planning for the National Economy which indicates that a long term general national plan for the economic and social development shall be set forth. This plan is divided into time phases of medium terms and these, in turn, are divided into annual detailed plans that have the necessary flexibility to confront what arises of develop-ments during the execution of the plan. The medium term and annual term plans include the regional and local plans in a way that materialized the associ-ation and coordination of these plans within the frame work of the general na-tional plan.

Article 4 of the Planning Law explains that 'The economic and social targets of the long term general plan, the medium term plans and the annual plans are de-fined within the framework of the general objectives of the state and in the light of the basic development of the main changes in the national economy during the years of the plan. These objectives are decided on the gross national econ-omy level, on the sectors level of the main economic and social activities and al-so on the regional level."

Article 5 of the same Law indicates that the Plan shall be the basis of the Law bills and decrees that are decided by the public authorities and are executed within its framework. The rules stipulated in the Plan's Law shall have precedence in application over any other rule stipulated in another Law. It shall be taken into consideration when preparing the general budget of the state to comply with the objectives of the Annual Plan. The funds for investment usages stated in the general budget of the state may not be amended except according to the rules endorsed by the Cabinet and in a way that shall not violate the pri-orities stated in the plan.

Article 6 additionally prohibits being tied to any of the projects or special works for economic and social development or fund them or execute them in violation to the Plan's general accredited framework.

Article 7 of the planning law indicates that in order to enable the finalization of the Socioeconomic Plan, it shall be observed to estimate the following:

1. National production quantitatively and value, gross and on the level of the sectors and activities of the national economy, and distributed be-tween the public sector, the cooperative sector and the private sector, the requirements to achieve this production the national income result-ing from it and its components, provided that the evaluation shall be ac-cording to fixed prices of the base year and the prices of the Plan's year.

2. The labour force and labour, the volume of the new job opportunities together with the volume of wages and their average, their growth rate, the production of the worker on the level of the national economy and the main sectors and activities' levels

3. The volume of investments uses necessary to execute the new projects, substitutions and renovation distributed between a real investment, in-vestment expenditure and capital formation distributed between the fixed and changeable investment in the commodities stock. This is to-gether with stating the investment of each of the public, cooperative and private sectors and distributing them between the main diverse sectors and activities of the economy, the schedule to execute it, the production, and income estimated from them, and also the regional in-vestment distribution.

4. The growth average and the household consumption size distributed between rural and urban and according to the commodities group, evaluated by each of the fixed price of the base year, and the prices of the Plan's year, besides the rate of growth and size of the group con-sumption that represents the volume of the general (public) services

5. The size of local savings available for investment on the base of the economic equilibrium existing in the Plan, also from the diverse saving vessels and the available foreign resources to achieve its investment and current objectives

6. The exports and imports quantitatively valued according to fixed prices of the base year, and according to the prices of the plan distributed ac-cording to the geographical zones, the industrialization degree and the other importer and exporter sectors. Also, the receipts and the pay-ments for the diverse factors of production together with the standard numbers and the exchange proportion with the external world.

Article 8 also indicates that the Plan shall define the directions and dimensions of the economic equilibrium as regards the rate of the gross local production's growth, the growth rates of the commodities, distribution and service sectors and also the growth rate of labour, wages, final consumption and the position of the balance of payment, which shall guarantee the correlation of the Plan's ob-jectives, and the continued growth of the economy and its development accord-ing to the targeted rates together with safeguarding the general level of prices. The Plan shall have to observe the possibilities of coordination and cooperation with the diverse Arab countries.

Article 9 of the Planning Law states that the Ministry of Planning shall prepare the general framework of the long- and medium-term development plan in the light of the general objectives of the state, and this project shall be brought be-fore the Cabine, and the General National Conference of the Arab Socialist Un-ion, then it shall be submitted to the parliament for its endorsement and the is-suance of a law.

Article 10 of the Planning Law requests the ministries, the organizations, the public institutions, the central authorities and the regional units shall send through the competent ministers to the Ministries of Planning, Finance, Economy and External Trade the projects of their plans that shall achieve the defined targets for each sector and its activities in the light of the Plan's general frame-work, and also the projects of the cooperative sector and the opposite private sector for their activities in array and according to the priorities which they set and in the shape of integral coordinated substitute plans within the volume of investments allocated for each of them. The Minister of Planning shall define the dates for sending the projects of the long- and medium-term plans to be ef-fectuated. As for the projects of the annual plans, every party shall be commit-ted to submit them on the maximum date of mid-July of every year. The Minis-try of Planning shall study the proposed plans, analyze all the projects stated in them and review all the studies submitted by the executive parties. It shall se-lect the projects that are proven their validity for execution from the economic aspect to enter it in the Plan together with the statement of the Annual Plan's elements, provided that it is observed when listing these projects the coordina-tion and integration between them in a way that achieves the Plan's objectives.

Article 11: The Minister of Planning has the right to form by a decree from him and in agreement with the executive parties, joint committees from the em-ployees in the governmental administrative authority, the central authorities, the public organizations and institution, which undertake the provision of in-formation and reports that are required to prepare the Plan or

to study some of the planning problems, and in general to undertake all that is assigned to them of works by the Minister of Planning.

Article 12 : The Annual Plan's project shall be brought with the State's general budget project before the Cabinet in preparation to refer it to the parliament two months prior to the commencement of the financial year to endorse it and issue it with a law.

Article 13 of the Planning Law require the executive parties to comply with the accredited framework of the annual plan, its objectives, the defined mean in it and to prepare the Bills of Laws and decrees which it shall issue within the scope of this framework.

Article 14 specifies the governmental administrative authority, the central au-thorities, the public organizations and institutions and the regional and local units, each within its competency, shall execute the accredited projects and programmes of the plan according to their decided time and work on achieving completely the objectives included. These parties shall have to especially un-dertake:

1. The execution of investment projects within the estimated costs for them and on aspects defined in the plan

2. The achievement of the objectives of the commodity and service pro-duction quantitatively and qualitatively together with observing the special rates of the production requirements and their cost

3. The achievement of the plan's objectives, as regards the local income and its distribution between the diverse factors of production and also as regards labour, the volume of wages and the productivity of the worker

4. The control of the final consumption within the limits of the Plan

5. The achievement of the imports and exports' objectives stated in the Plan

6. The issuance of decrees and organization directives and to prepare studies and recommendations that entail the practice of the private sec-tor to its activities that are stated in the plan whether in production or consumption, saving, investment, labour or dealing with the external world

Article 15 forces the parties which are not working according to the uniform accounting system to be committed to maintaining accounting books and statis-tical records that exhibits the execution phases of its plan and the extent of pro-gress to materialize its objectives.

Article 16 states that the Ministry of Planning, following the approval of the competent ministerial committee, shall review the executive measures for the Annual Plan according to the internal and external changes in the state of af-fairs and which shall not breach the general framework of the Plan.

Article 17 additionally obliges the ministries, the organizations, the public insti-tutions, the central authorities and the regional units to make a periodical re-port to the Minister of Planning every three months and also every year; that includes work in progress in executing the plan and the extension of progress to achieve its targets, including in this the private sector's activity that is con-nected with its competency. The Minister of Planning regulates by a decree from him or her the methods of preparing the periodical reports and of follow-ing up the execution of the Plan.

Article 18 requires the Minister of Planning to submit the annual follow up re-port to Parliament after its accreditation by the Cabinet and within a period that shall not exceed one year as from the date of the financial year's termina-tion.

Article 19 of the Planning Law, indicates that the Ministry of Planning under-takes the operation of the central planning that is represented in preparing the General National Plan for economic and social development and follows its exe-cution. It shall be assisted in this by:

1. On the central level, the sectors, economic activities, planning organiza-tions or units undertaking planning in the governmental authority and public organizations and institution

2. On the regional level, the regional planning organization which are es-tablished by a decree from the President of the Republic upon the pro-posal of the Minister of Planning

3. On the local level, the planning units in the local councils

Articles 21 and 22 forces provision of data by the Ministry of Planning, which has the right to obtain all confidential information that are necessary to prepare and follow up the Plan's execution and shall not be used for other than the pur-poses stipulated upon in this Law. A penalty of imprisonment that does not ex-ceed six months and fine that is not over 100 Egyptian pounds or either of these two penalties shall be imposed on every person who abstains from submitting information and data required by the Ministry of Planning, or from providing the periodical follow up reports provisioned herein, and also every person who breaches the confidentiality of the information or data, or discloses a industrial or trade secrets or others of information which he could have viewed on ac-count of his work in preparing, executing or following up the Plan.

Law 43/1979 (the Local Administration Law)

Law 43 for the year 1979 states that the local government system is divided into two arms. The first is the executive council which is composed of governors, heads of cities, districts and villages, in addition to heads of directorates such as education, security or health. The second is the popular local council, whose members are elected, with at least 50 per cent of the seats allocated to workers and farmers. The elected council is supposed to monitor the performance of the executive council. According to the Minis-try of Local Development, municipalities provide citizens with 70 per cent of basic pub-lic services such as paving roads, garbage collection, electricity, water and sewage in addition to issuing licenses to open shops and construct buildings, among many other areas of life. The Law also stipulates that the President is responsible for appointing the governors, while the prime minister is responsible to appoint the heads of districts.

In addition, the Law specifies the relationship between different national, regional and local governmental entities which are entrusted with implementing the State's devel-opment policies and plans. The law specifies the roles of the President, the Prime Minis-ter, the Minister of Local Administration, the Minister of Planning, the Local Govern-ment's General Secretariat, the Supreme Council for the Local Government, the Supreme Committee for Regional Planning, the Governorate Local Popular Council, the Executive Council of the Governorate and the Governor.

President role according to the planning law:

Article (25) stipulates that each governorate shall have a governor, for whose appointment and release from his office a decree shall be issued by the President of the Republic.

Article (1) at Chapter One, related to the local government units and their com-petences, stipulates that the establishment of governorates and specifying their scope, changing their names, and their cancellation, shall be done by a decree of the President of the Republic and it is permissible that the scope of the gover-norate shall be one town.

Prime Minister's role, according to the planning law:

According to the law the Prime Minister has three main duties and responsibilities. The first responsibility is managing the local government units' scope, names and feasibility of resumption. The second responsibility is monitoring and evaluating the governors' competences, and the third is the selection of chiefs for towns and districts. Relevant points in the Egyptian Law 43/1979 include the following:

Article (1) at Chapter One, the local government units and their competences, stipulates that the local government units are the governorates, administrative districts, towns, quarters and villages and each of them will have a legal person. The establishment of these units specifying their scope, changing their names and their cancellation, shall be according to a decree of the Prime Minister, after the approval of the Local Popular Council of the governorate.

Article (5) stipulates that a Supreme Council for the local government shall be formed under the leadership of the Prime Minister, with the membership con-sisting of the competent minister of the local government, the governors and the Heads of Local Popular Councils of the governorates.

Article (29) - 'Bis' stipulates that the governor shall be held responsible before the Prime Minister for practising his competences stipulated upon in this law and he shall submit to him a periodical report about work results in the various activities performed by the governorate, and any subjects requiring coordination with the concerned ministries. The Prime Minister is entitled to hold a joint meeting periodically, between the ministers and governors to discuss the methods supporting the relation between the ministries and governorates, and to exchange opinion about the manner of surmounting what may contradict the application of the local government order of difficulties.

Article (44) stipulates that each district shall have a chief who is the chief of the town (capital of the district, to be selected by the Prime Minister and who shall have the powers of deputy minister, and director of department in the financial and administrative matters with respect to the district machineries and budget, in the manner to be indicated in the executive regulations.

Article (133): stipulates that the Cabinet shall take charge of control of the work of the governorates, and evaluate their performance according to the provi-sions of the present law and its executive regulations. This control aims to exe-cute the State general policy and general plan and the realization of the gover-norates for the aims stated for them, evaluation of their performance, and their carrying out the directions which will ensure coordination between the gover-norates and the ministries.

The Minister of Local Administration role according to the Planning Law:

The Law states the relationship between the Minister of Local Administration at one side and the House of Representative, Local Popular Council and The Local Government General Secretariat on the other. Relevant points in The Egyptian Law 43/1979 include the following:

Article (133) - Bis stipulates that the Minister concerned with Local Government shall submit to the People's Assembly an annual report about the activity and accomplishments of the Local Popular Councils, comprising what had been executed of the development plans and the budgets concerning each gover-norate, statement of the questions, briefing requests, the important proposals and the interpellations which were discussed in the local popular councils, and the decisions issued in their respect.

Article (145) (2) stipulates that, for dissolving the Local Popular Council of the governorate, a justified decree shall be issued by the Cabinet according to what shall be presented by the minister concerned with the local government.

Article (6) stipulates that the Local Government General Secretariat is subject to the relevant minister. This Secretariat shall take charge of the joint affairs of the local units, as well as studying and investigating the subjects received from such units. Furthermore, it shall assist the minister concerned with local gov-ernment in preparing the studies and researches connected with the subjects submitted by it to the Cabinet and the Supreme Council for Local Government, and notifying the resolutions to the local units and following up their execution.

The Minister of Planning role according to the Planning Law:

Article 9 states that an authority for regional planning shall be established in each of the economic regions to be subject to the Minister of Planning, their or-ganization, and specifying the relation between them, Planning and Pursuance departments in the governorates - a decree shall be issued by the Minister of Planning in agreement with the governor of the region.

The Local Government General Secretariat role according to the Planning Law:

Article 6 states that the Local Government General Secretariat is subject to the concerned ministry regarding local government. It is assigned to coordinate among the different governorates and enhance cooperation between the gov-ernorates and the different ministries to guarantee a better fulfilment of locali-ties' duties. The same article states that the Local Government General Secretar-iat shall take charge of the following:

1. All joint affairs of the local units as well as studying and investigating the subjects received from such units

2. Organizing participation in the international and local conferences in respect of the local government, and training affairs of the personnel in the local machineries

3. Shall assist the minister of concerned with local government in preparing the studies and researches concerned with subjects submitted by it to the Cabinet and the Supreme Council of Local Government. As well as notifying the resolutions to the local units and follow up their execution.

Supreme Council for the Local Government role according to the Planning Law:

Article 5 states that a Supreme Council for the local government shall be formed under the leadership of the Prime Minister, or whom he deputizes, and the membership of the competent minister of the local government, the governors and heads of popular councils of the governorates.

The same article stipulates that the Council shall take charge of reviewing all that is concerned with the local government system, regarding its support, and evolution, proposal of laws, regulations and decrees having effect on the local society.

Supreme Committee for Regional Planning role according to the Planning Law:

Article 8 states that a Supreme Committee for Regional Planning shall be estab-lished in each economic region, which shall be formed under the leadership of the governor of the region's capital and the membership of:

1. Governors of the governorates constituting the region
2. Heads of the local popular councils constituting the region
3. Chairman of the Regional Planning Authority - Secretary-General of the Committee
4. Representatives of the competent ministers, and a resolution shall be issued for selecting each of them, by the competent minister. This Committee shall be responsible for:

   A. Coordination between the plans of the governorates and establishing the priorities suggested by the Regional Planning Authority, and which shall be taken as a basis for laying down alternatives for the plan of the region; this shall be in light of the available re-sources, locally and centrally

   B. Reviewing the periodical reports to follow up carrying out the plan, and studying the amendments suggested by the Regional Planning Authority to the plan, according to the circumstances which it faces. The recommendations issued by the committee shall be submitted to the Supreme Council for Local Government.

Article 9 states that an authority for regional planning shall be established in each of the economic regions, to be subject to the Minister of Planning, and for their organization, and specifying the relation between them and planning, and follow up departments in the governorates - a decree shall be issued by the Minister of Planning in agreement with the governor of the region. It shall be responsible for:

1. Carrying out the researches and studies required for specifying the possibilities and resources of the region, naturally and human, the facilities for their development and their ideal exploitation and proposing the projects necessary for the economic and social development of the region
2. Starting to prepare the technical machineries necessary for carrying out studies, research and planning works on the region's level

The Governorate Local Popular Council role according to the Planning Law:

According to the Law 43/1979, the Governorate Local Popular Council takes charge of carrying of the general plans regarding local development and their follow up, in the manner indicated in the law and the executive regulations. Article 10 of the Law 43/1979 states that: In each governorate, a Local Popular Council (LPC) shall be formed of ten members from each district, or administrative division, one of them at least is to be a woman.

The duties of the governorate LPC are listed in articles 12-18 of the Law 43/1979. Within the general plan and the authorized budget the governorate LPC shall be responsible for the following:

1. Determining the projects of the social and economic development plan, and the proposal for the annual budget of the governorate, following up its execution and the approving of the proposal of the final statement account
2. Specifying and determining the plan of popular participation by self help and possibilities for supporting local projects
3. The approval of the general projects which fulfil the requirements of housing, construction and proposing projects of rebuilding, planning and reconstruction
4. The approval on establishing utilities which will bring about public benefit of the governorate
5. Determining the establishment of local productive projects; especially the projects connected with food security

Articles 18, 19 and 20 draw the relation between the Governor, Governorate LPC, and the Cabinet as follows: the local popular council of the governorate shall express its opinion about the matters which the governor or the concerned ministers seek its consultation therein. And the governor should submit to the Prime Minister, the desires of the Local Popular Council, connected with the public requirements of the governorate, and which cannot be executed lo-cally. In addition, each member of the Local Popular

Council of the governorate has the right to address – to the governor or to the assistants of the governor, and to each of the heads of departments, and to the chairmen of public authori-ties within the scope of the governorate – questions about the affairs included in their competences; the question must be about a local matter, and not related to a private interest for its applicant, or a personal quality.

Executive Council of the Governorate role according to the Planning Law:

Article 32 of the Law states that an executive council shall be formed in each governorate. The Council shall be headed by the assistants of the governor, leaders of local units and the Secretary General of the governorate, who shall be the Secretary of the Council.

Article 33 of the Law 43/1979 lists the duties of the Executive Council of the Governorate:

1. Following up the work which is entrusted to the executive machineries of the governorate, evaluating the level of the performance and the agreeable level of execution of the projects and services on the gover-norate level

2. Preparing the governorate budget and the distribution proposal of the credits allocated for investment, after approving them, on the local units

3. Assisting the governor in laying down the administrative and financial plans of the governorate and for putting decrees

The Governor's role according to the Planning Law

Law 43/1979, Articles 26-29 state the responsibilities of the Governor:

1. The governor is assumed to be the representative of the president in the governorate

2. He shall take charge of the execution of the State's general policy

3. He has complete authority over all services, utilities, and production within the scope of the governorate with all respect of all the public util-ities which enter within the competence of the local government units, pursuant of the provisions of this Law, the governor shall take charge of the powers and executive competences stated for ministries, according to this law and its active regulation, the governor, within the scope of the governorate, is the head of all local utilities.

4. The governor shall have the stated power of the minister with regard to the resolutions issued from the public authorities' boards of directors, which take charge of the public utilities for services within the scope of the governorate

5. The governor shall take charge of the supervision of the national utili-ties within the boundaries of the governorate and also all the branches of the ministries, whose competences have not yet been transferred to local units (this has only been active for the ministry of housing), except for the judicial authorities and their assisting bodies

The Socio economic Plan at the regional level:

Article 8 explains the formulation of the Supreme Committee for Regional Plan-ning which shall be responsible for coordination between the plans of the gov-ernorates, and establishing the priorities suggested by the Regional Planning Authority, and which shall be taken as a basis for laying down alternatives for the plan of the region; this shall be in the light of the available resources, locally and centrally.

Article 9 of the same Law adds the establishment of an Authority for Regional Planning in each of the economic regions, to be subject to the Minister of Plan-ning; and for their organization, and specifying the relation between them and planning, and follow up departments in the governorates. It shall be responsi-ble for carrying out the research and studies required for specifying the possi-bilities, and resources of the region, naturally and human, the facilities for their development and their ideal exploitation and proposing the projects necessary for the economic and social development of the region. Additionally, this Au-thority starts to prepare the technical machineries necessary for carrying out studies, research and planning works on the region's level.

Law 131/1948 (the Egyptian Civil Law)

Being one of the main comprehensive and largest laws among the Egyptian legal framework, the Egyptian Civil Law includes various articles that clarify the legal effect of a sales contract. According to the Law, the concession of the real estate is a legal act that implies that there are commitments on the seller. This gives the buyer legal rights to the real estate. Hence the benefits of properties are transferred to the buyer when the contract is concluded. That gives the buyer the right to make use of the real estate or the land and its benefits. The seller's commitments thus start when the real estate is turned over to the buyer. According to the Law,

ownership is not transferred with registration; however, the state permits citizens to cultivate land and thereby obtain ownership. Rel-ative articles include:

Article 418 defines a sales contract as 'a contract that commits the seller to transfer to the buyer the ownership of something or a financial right in return of a price'.

Article 458 states that the benefits of properties are transferred to the buyer when the contract is concluded. That gives the buyer the right to make use of the real estate or the land and its benefits. The seller's commitments thus start when the real estate is turned over to the buyer.

Article 802 recognizes the right of private ownership. The aforementioned arti-cle stipulates that the owner, in accordance with the law, has the sole right of using and/or disposing his property.

Article 803 provides a clear definition of land ownership which includes all things above and below the land, and in compliance with the Law, the separa-tion of the property of the surface from the property of what is above or below it, is permissible.

Article 805 clearly states that 'No one may be deprived of his property except in cases prescribed by law and this would take place with an equitable compensation.'

Articles 806 through 824 stipulate that proprietors shall comply with all laws and executive regulations pertaining to public and private interest while exer-cising their ownership rights.

Article 874 stipulates that, even if the contract is not registered, the State permitted citizens to cultivate land and thereby obtain ownership.

Law 142/1964 (Land & Real Estate Ownership Registration Law)

Cadastral surveying, mapping activities, and property registration are primarily gov-erned by Law No.142 of 1964. Egypt applies the Real Folio System to register agrarian lands; introduced in Egypt by Law 142/1964. To date, most of the agrarian lands in Egypt are covered by the Real Folio system. The Real Folio System is based on two pro-cedures: 1) Surveying (through General Survey Authority) and First Registration (Real Estate Registry to handle first registration of ownership) or 2) Registration of Conse-quent Transactions. Relative articles include:

Article 1 states that a Real Estate Registry refers to a number of journals that depict the characteristics of each property, state the legal status thereof, lay out the rights and obligations arising therefrom and illustrate the transactions and amendments related thereto.

Article 2 stipulates that the Real Estate Registration and Notarization Depart-ment, together with the bureaus and offices thereof, shall carry out the work re-lated to the Real Estate Registry according to the provisions of the law hereof.

Article 3 states that each of the Real Estate Registry offices shall, exclusively, register the documents related to real estate properties falling within the juris-diction thereof.

Article 10 states that all real estate units located within an area shall be count-ed, with each unit recorded in a separate journal that depicts the rights related thereto.

Article 15 stipulated that the journal of each real estate unit shall state the nat-ural boundaries thereof and the names of the neighbouring landlords.

Article 58 states that each landlord shall be handed a copy of the real estate journal. Such copy shall be referred to as a 'Title of Ownership'"

Law 100/ 1964 (State Land Leasing Law)

Law 100/ 1964 is meant to regulate the process of leasing lands owned by the State, which are classified into Fallow, Agricultural and Desert. This Law is not applicable on lands that are already allocated or owned by the Ministry of Housing or any other minis-try as well as lands that are under the administration of the local councils. Relative arti-cles include:

Articles 5 & 6 state that the rent of agricultural lands shall be assessed at seven times the basic land tax for a period of less than (3) three years.

Article 8 states that sale of agricultural lands and annexes thereof that are subject to this law shall be made by the Public Authority for Agrarian Reform through either negotiation or public auction.

Article 9 stipulates that Barren lands assigned by the State to public or private juristic persons for reclamation shall be disposed of through delivering them to public institutions and authorities, which are then assigned to cultivate, exploit, manage and distribute them, or through delivering them to the Public Authority for Agrarian Reform, which shall then distribute them to small-scale farmers.

Law 136/1981 (Regulating the Relationship between Landlord and Tenant) relook

Law 136/1981 states the rules and measures of determining value of rent except for luxurious housing (Article 1 & 2). Annual rent value for premises licensed for habitation may not exceed seven per cent of the value of the land and the buildings on it, provided that the area rented for such purposes is not less than two-thirds of the building area. Land value shall be estimated in accordance with the actual cost at time of building. Other relevant articles include:

Article 3 states that a committee or more shall be, upon decision of the gover-norate concerned, formed in each governorate, comprising experts in preparing annual reports based on studies conducted within the domain of the gover-norate concerning: a) value of same land from prices applied in cities, neigh-bourhoods, or districts extracted from all disposals or legal transactions whether between individuals, government bodies, or public or private entities and the actual cost of the different levels of buildings according to the changes in the prices of the building materials, labour expenditure, tender results and other legal means followed in implementing the works. The estimates referred thereto in these reports shall, in accordance with the provisions of this law, be taken into consideration when setting the rental.

Article 7 stipulates that the rental of the places leased for non-residential pur-poses and constructed until 09 September 1977 shall be increased on 01 January each year by a fixed periodic increase calculated as a percentage of the rental value which is considered the basis for calculating the real estate tax on the same date of construction, even if significant amendments are introduced thereto. The owner shall allocate half of such increase to cover restoration and maintenance fees and this sum shall be kept as a trust at his/her disposal.

Article 10 states that the state shall ensure access to soft cooperative loans for buildings' restoration and maintenance and such credit shall have general concession over the debtor's funds as a guarantee for payment.

Article 15 states that the State shall, pursuant to the provisions of the legislation governing such activity, ensure supporting the housing cooperative activities and provide the necessary loans and building materials thereto. Furthermore, the individuals who heighten, complete or widen their buildings, as well as those who wish to invest in the various levels of housing, excluding the luxu-rious one, may receive the soft loans offered by the State, public entities and banks.

Article 19 stipulates that, in the case that the use of the property is changed to non-residential purposes, the legal rental shall be increased; provided that changing the use may neither fully nor partly affect the building or the occupants thereof.

Law 49/1977 (Leasing Law)

Law 49/1977 amended in 1997 states that one may not occupy more than one resi-dence in the same country without a plausible motive. Premises destined for exploita-tion may not remain vacant for more than four months, if a tenant demands to rent them at the legal rate. Such shall be considered a deliberate delay in preparing the resi-dence for exploitation and, in this case, the competent governor may notify the landlord to prepare the building for exploitation within a defined period. If the period expires, the governor may assign any entity to prepare the building for exploitation at the ex-pense of the landlord.

Articles 11 & 12 state that the fixing of rent for premises and its division among apartments is carried out by committees formed by decree of the competent governor, each composed of two architects or civil engineers registered in the Engineers Syndicate who belong to two different entities, an official charged with the fixing or collection of the tax on buildings and two members chosen by the local council (who are not members thereof) one from among owners of property and the other from among the tenants.

Article 49 stipulates that, in the case of demolition of non-residential buildings for reconstruction in enlarged shape, the landlord of a building with apart-ments leased for purposes other than residential, may advise the lessees by a notification through a bailiff to evacuate the building for the purpose of

recon-struction and for increasing its surface area and the number of its units, accord-ing to the following conditions:

1. The owner should obtain the necessary permits, licenses and specifica-tions for demolition and reconstruction in accordance with the provi-sions of the Law. The said permits shall include new units suitable for the same purpose as that for the units that were licensed to be demol-ished.

2. The total surface area of the new building floors shall not be less than four times those of the building floors before demolition.

3. The new building shall comprise residential or hotel units not less than 50 per cent of its total surface area.

4. The landlord shall provide a suitable unit with similar rent for the les-see to exercise his activities; otherwise, he shall compensate him.

5. The landlord should fix a date at which the evacuation of the unit would take place, provided that such date not be prior to the longest lease pe-riod agreed upon for any of the building units and not be less than six months from the date of the evacuation notice.

Article 68 states that: State entities, local administration units, public sector companies, building cooperatives, private insurance funds, private companies and individuals may construct buildings to sell all or some of their residential units. Authorities responsible for granting construction permits and licenses are prohibited from granting construction permits to private companies and individuals for constructing buildings or parts thereof for selling purposes un-less such construction is within 10% of the total investments set for each of the various housing levels.

Article 73 states that when a building, divided into storeys or apartments, has over five (5) storeys or apartments that are possessed by over five (5) owners, such owners shall form a syndicate amongst themselves as set forth in Article (862) of the Civil Code.

Law 143/1981 (Desert Land Management Law)

This law stipulates that desert lands refer to state-owned lands located two kilometres outside the set limits. The set limits refer to the boundaries of lands which were sur-veyed in detail, recorded in the land survey records and were subject to real estate tax imposed on farmlands.

Article 2 states that the management, exploitation and disposal of desert lands shall be in the following manner and in accordance with the following proce-dures:

1. The Minister of Defence shall issue a decree delineating which areas of the desert lands are of strategic and military significance and may not be owned or used for non-military purposes unless such purposes were approved by the Minister and in accordance with the conditions he sets.

2. Except for the lands stated in item (A), the minister concerned with land reclamation shall issue a decree delineating the areas included in the land reclamation plan and projects. The General Authority for Re-construction Projects shall be in charge of managing the aforesaid lands.

3. Lands located outside military zones or reclamation sites stated in the previous two paragraphs shall be utilized and managed and disposed by New Urban Communities Authority in coordination with the Ministry of Defence.

4. Upon request of the Ministry of Defence, the Cabinet shall have the right to expropriate and temporarily seize desert lands, and buildings thereon, if necessary for State safety and external and internal national security and for preservation of its monuments. Owners shall be com-pensated by reimbursement of expenses of land reclamation and build-ing establishment (in case of land expropriation), or by paying them amount of money equal to the profits they obtained from such land (in case of temporary seizure).

Law 53/1966 (Protecting Agriculture Lands from Encroachments Law)

Pursuant to the provisions stipulated in law No.116 of 1983, a third section titled 'Pro-hibiting the Destruction of Agricultural Lands and Preserving their Fertility' is added to the Law on Agriculture enacted by Law No.53 of 1966.

Article 15 thereof stipulates that 'No buildings or establishments shall be con-structed on agricultural lands and no procedure shall be taken in regard to di-viding these lands to construct buildings thereon. The following shall be ex-cluded from such ban:

1. The lands located within the cordon of the cities approved until 1/12/1981, provided that any modification to the cordon as of such date may not be invoked unless by virtue of a decision from the Council of Ministers.

2. The lands located within the urban space of villages which is deter-mined as per a decision from the Minister of Agriculture, in coordina-tion with the Minister of Reconstruction.

3. The lands where the government establishes projects of public interest, subject to the approval of the Minister of Agriculture.

4. The lands upon which projects serving agricultural or animal produc-tion are established and which shall be determined by virtue of a deci-sion from the Minister of Agriculture.

5. The lands included in the agricultural lands in villages, where the land-lord establishes a residence or a building that serves his/her land.'

Law 84/1968 (Public Roads Law)

Law 84/1968 (Articles 1, 3, 4, 5) states that public roads are classified into the following types: freeways, highways, main roads and local roads. The freeways, highways and main roads are built, modified and their types are determined by virtue of a decision from the Minister of Transportation. The said types shall be supervised and their speci-fications are set by the General Authority for Roads, Bridges and Land Transport. The local roads are supervised and their specifications are set by the Local Administration Units. The State Treasury shall incur the costs of building the freeways, highways and main roads along with being responsible for all the necessary industrial works and maintenance; the Local Administration Units incur the abovementioned costs for the local roads.

Article 10 states that The ownership of the lands located on both sides of the public roads for 50m for high roads and 25m for main roads and 10m for local roads shall, for the purposes of this law, be subject to the following provisions: a) these lands may not be used for non-agriculture purposes and no buildings shall be constructed thereon and b) the body responsible for the road shall take from these lands the dusts necessary for improving the road and safety thereon. The owners of these lands shall receive fair compensation.

Law 5/1996 (Regulating the Disposal of State-Owned Desert Lands)

Law 5/1996 states that the desert lands owned by the State or other public judicial per-sons may be disposed for free, or leased at a nominal rental to establish investment pro-jects or expand such lands. A decision on defining the areas located in the desert lands and setting the rules and procedures governing disposal for free or lease shall be issued by the President of the Republic.

Article 1 states that the lands needed for the project shall be allocated accord-ing to the project size, nature of the activity thereof and the value of the funds invested therein.

Article 2 stipulates that the ownership of the lands may not be transferred to the assignee prior to the completion of the project and starting the actual pro-duction.

Article 3 states that the term of lease may not exceed 40 years, to be renewed as long as the project exists.

Law 59/1979 (Promulgating the establishment of the New Urban Communities Authority)

According to Law 59/1979, an entity called New Urban Communities Authority was es-tablished, which according to Articles (1, 2 and 27) is a governmental sector in charge of the establishment and development of new urban communities. These communities are meant to combine all human and integral grouping taking part in the creation of new urban centres. They are to stress on the importance of social stability and economic prosperity (industrial, agricultural, commercial and all other purposes) for the purpose of population redistribution, through preparation of hinterland attraction outside the existing towns and villages.

Article 28 defines the objectives of the New Urban Communities Authority, as it stipulates that the authority shall be concerned with the discussion, proposal, drawing up, implementation and the following up of plans, politics and pro-grammes for the establishment of new urban communities according to the economic and social development plan and within the scope of the general poli-cy of the State. The authority shall specifically have the empowered to:

1. Draw up the policy and set plans and programmes for the urban development toward the establishment of new urban communities, and coordinate between them and the production and services plans and programmes. Conduct studies for selection of the most suitable sites for new urban communities.

2. Organize and coordinate and exchange consultations with the ministries, authorities and departments operating in the field of urbanization activities, and other related fields, and study and implement regional utilities and services establishments for new urban communities' pro-jects.

3. Follow the implementation of plans set for rehabilitation of new urban communities and overcome all the financial and technical hindrances that may challenge implementation and evaluate achievements

4. Carry out general and detailed planning for the sites selected according to the previous provisions stated in this law and work for implementa-tion of works and projects through bids, adjudications or international and local commercial bargaining or through direct contracting, in ac-cordance with the regulations of the authority, and supervise the im-plementation of these projects, direct by itself, or through the develop-ment agency in each new urban community.

5. Study the best methods for implementation of regional utilities, on sites of new urban communities, in a way guaranteeing economic suitability to projects in these areas, divide the land, establish internal utili-ties for these communities, either direct by authority, or through the competent development agencies or by any other method the authority deems suitable.

6. Conclude loans or obtain grants, according to regulations legally specified, in addition to budgets as appropriated to authority in a way guaranteeing adequate finance for the projects.

7. Assist in providing equipment and materials necessary for implementation of the projects.

8. Propagate for promotion of selling, leasing or using the lands of new urban communities, among Egyptian and foreign investors, with the aim of economic development of the projects, without prejudice to the rules organizing proprietorship by foreigners.

9. Propose the determination of the concession or grant them and specify their periods according to the second paragraph of Article 11 of the present law.

10. The authority shall have the power to divide the new urban com-munity into towns, villages, areas and districts, and to set forth, con-struction conditions, descriptions, specifications and patterns for each of them, which guarantee that a specific nature, height and colour for the buildings is abided by. Licences shall be issued in accordance therewith, and the parties concerned shall abide by them.

Article 4 states that the appropriate local authority may, in accordance with the deals made between them, seek the assistance of the New Urban Communities Authority to construct whole new districts or demolish already existing dis-tricts to re-plan and reconstruct them.

Article 5 states that: Should lands owned by individuals or private entities are used in the projects of constructing new urban societies or the roads joined thereto, such lands shall be obtained amicably, at the agreed prices and

pursuant to the terms agreed upon by the Authority and owner; however, should both parties not reach an agreement, such lands shall, in accordance with the law governing real estate expropriation for public interest or improvement, be expropriated and the indemnity shall be cash or in kind.

Article 9 stipulates that a decision shall be issued, subject to the approval of the Cabinet of Ministers, by the Prime Minister on the State-owned lands selected for constructing new urban societies, the roads and lands joined thereto and such decision shall be binding for all ministries, bodies and entities concerned with the various types of state property.

Article 13 stipulates that the Authority and bodies and units established there-by in order to be able to perform the tasks thereof stipulated herein shall, until the new urban society is delivered to the local administration, obtain all powers legally granted for the local units and the Authority shall also receive the same financial resources allocated for municipalities.

Law 7/1991 (Organizing the State-Owned Real Estate and Lands Law)

Law 7/1991 states that the management, exploitation and disposal of desert lands un-der Law 143/1981 shall be executed in the following manner and using the following procedures: A) The President of the Republic shall issue a decree delineating which are-as of the desert lands are of strategic and military significance and cannot be owned. This decree is issued after obtaining the approval thereof from the Council of Ministers based on the proposal of the Minister of Defence. B) Aside for the lands stated in point (A), the President shall issue a decree, upon obtaining the approval from the Council of Ministers which is based on a proposal from the competent minister, delineating the ar-eas included in the land reclamation projects plan- to create new urban communities or tourist areas. Relevant articles include:

Article 2 stipulates that a general authority shall be established under the name General Authority for Tourism Development and shall be regulated by virtue of a Presidential decree. The said authority shall be in charge of managing, exploit-ing and disposing lands allocated for the establishment of tourist areas, while the General Authority for Reconstruction Projects and Agricultural Develop-ment shall be in charge of managing, exploiting and disposing lands allocated for reclamation and farming purposes. The New Urban Communities Authority shall manage, exploit and dispose lands allocated for the establishment of new urban communities. Each of the aforesaid authorities shall exercise their pow-ers as owners in relation to the property to which they were entrusted. Fur-thermore, they shall exercise their functions pertaining to such property in co-ordination with the Ministry of Defence in accordance with the conditions and rules it deems necessary to protect the State.

Article 4 states that the Local Administration units, subject to the jurisdiction thereof, shall assume the responsibility for the management, exploitation and disposal of lands allocated for construction which are either owned by them or by the State, as well as farming lands existing within their limits. The governor shall lay down rules for the disposal of the aforementioned lands after obtain-ing the approval of the governorate's LPC and,s in accordance with the general rules set by the Council of Ministers, provided that the disposal priorities are given to the governorate's residents who work within its limits. The said rules may regulate cases in which the lands are disposed free of charge for purposes of construction, housing, farming or making them suitable for farming or any other purposes determined by the Council of Ministers. The reclamation of the lands adjacent to the aforesaid lands which are located two kilometres outside the limits thereof, shall be implemented in accordance with a national plan de-veloped by the Ministry of Land Reclamation, and the implementation thereof shall be carried out either by the Ministry itself, or the bodies it chooses in co-ordination with the competent governorate. The General Authority for Recon-struction Projects and Agricultural Development shall manage, exploit and dis-pose of the said lands, and the Council of Ministers shall determine the gover-norate's share of the revenue arising from the management, exploitation and disposal of the said lands.

Article 7 states that revenues arising from the management, exploitation and disposal of lands and property allocated for the General Authority for Recon-struction Projects and Agricultural Development, the New Urban Communities Authority and the General Authority for Tourism Development shall be consid-ered public funds. The revenues from each authority shall be collected sepa-rately and spent for purposes related to each authority's area of work and to the essential requirements of the State budget, all in accordance with the Coun-cil of Ministers decisions in this regard and based on a proposal submitted by the competent minister regarding the purpose of the amount requested for spending.

Law 38/1967 (Public Cleanliness Law)

The main objective of this Law is concerned with public cleanliness is to keep cities and villages clean in order to protect public health and keep public areas well organized and beautiful. The law also aims at simplifying procedures and granting local councils more authority within the framework of decentralization. Local councils are closer in the hi-erarchy with the people and this would lead to effective protection of the environment, protection against diseases and spreading of diseases in order to enhance public health. The scope of the Law encompasses prohibiting disposal of garbage and waste in loca-tions other than those dedicated for their disposal. The Law also obligates all institu-tions and individuals to store garbage and waste in special containers and regulates the processes of collections and transportation of garbage, wastes and dirt, in addition to regulating their disposal. The Law also regulates methods of sanitary drainage in loca-tions lacking sewerage networks, setting rules for sanitary waste collection and burning or draining of sanitary drainage tanks. The Law also states that owners of vacant lands should fence their land to prevent it being used as a garbage site.

Articles 1 & 2 stipulate that placing garbage, waste, rubbish or wastewater in places other than those specified by the local council shall be prohibited. Build-ing inhabitants and owners and managers of public shops, amusement parks, and industrial and commercial facilities shall place all types of garbage, waste and rubbish in special containers. Owners of open lands, whether fenced or not, shall remove accumulated wastes and dust from these areas and keep them clean.

Article 4 states that committing any of the following actions is prohibited:

1. Bathing or washing housewares, clothes, vegetables, or other items in fountains and public waterways
2. Defecation in places other than those designated for this purpose in toilets
3. Washing animals, carts, or vehicles in places other than the pens or places designated for such purposes
4. Herding cattle or other animals through roads and streets other than those designated for such purposes by the local council
5. Leaving livestock and poultry in squares, roads, streets, passageways, lanes, and allies

Article 5 states that owners of buildings located where there is no sewer must install sanitary facilities to collect wastewater. Owners of places with septic tanks must pump them once they are full at the times specified by the local council.

Article 8 stipulates that a monthly fee shall be paid by occupants of buildings and utilized open lands within governorates as follows: a) EGP 1 - EGP 10 (USD 0.13 to USD 1.30) for each residential unit in provincial capitals; b) EGP 1 - EGP 4 for each residential unit in cities other than provincial capitals; c) EGP 10 - EGP 30 for commercial shops and industrial facilities and d) worship places shall be exempted from such fees.

Law 57/1978 (Disposal of Pools and Swamps Law)

This states that holes that can result in a pond or a swamp may not be made, widened, or deepened. Additionally, anyone whose work results in holes shall fill in such holes upon the completion of their work. If they do not fill in the holes within the period specified by the competent local unit, the local unit may then fill in the holes at their own expense, and collect the expenditures through administrative sequestration. Relative articles include:

Article 4 states that landowners and adverse possessors whose lands contain ponds or swamps shall inform the competent local unit of the locations and lim-its of such ponds or swamps within three (3) months from the date of the en-forcement of the law hereof. Mayors and sheikhs whose areas contain ponds or swamps shall provide the competent local unit with all the data related thereto within the period specified in the previous paragraph.

The local unit shall count the ponds and swamps located within the area falling under the jurisdiction thereof. Additionally, it shall collect sufficient data about the landowners and adverse possessors within whose lands such ponds and swaps are located. To do so, the unit representatives shall be entitled to access the locations of ponds and swaps.

Article 7 stipulates that upon a decree from the competent governor, one or more committees shall be formed. Each committee shall consist of representa-tives from the Housing and Construction Directorate, Agriculture Directorate, Finance Directorate and the General Survey Authority, in addition to a local unit member from the said governorate, who shall be selected by the unit. The for-mation of this committee shall also include a

representative from the local unit within the limits of which the ponds and swamps are located. Such committees shall assess the value of the lands with ponds and swamps prior to the disposal thereof. Furthermore, posterior to the disposal, such committees shall re-assess the value of such lands again within no more than thirty (30) days from the date of the completion of the disposal process.

Law 4/1994 (Environment Law)

The law for the environment is the key legislation governing environmental protection in Egypt. The law includes articles that govern the following environmental aspects: 1) processing of Environmental Impact Assessment for development projects, as a step in the licensing procedure.;2) Handling of hazardous substances and wastes, such as the odorant agent used in Pressure Reducing Stations (PRSs) and 3) Controlling excavation works and corresponding waste disposal.

Article 2 stipulates that an agency for the protection and promotion of the envi-ronment shall be established within the cabinet premier ship under the name the Environmental Affairs Agency. The Agency shall have a public juridical per-sonality and shall be affiliated to the competent Minister for Environmental Af-fairs. It shall have an independent budget and its head office shall be located in Cairo. The Minister for Environmental Affairs may establish branches for the Agency in the governorates by Ministerial decree, priority to be given to indus-trial areas.

Article 5 states that EEAA (Egyptian Environmental Affairs Agency)shall formu-late the general policy and lay down the necessary plans for the protection and promotion of the environment and follow up the implementation of such plans in coordination with the competent administrative authorities. The Agency shall have the authority to implement pilot projects. The Agency shall be the na-tional authority responsible for strengthening environmental relations between the MoE (Minister of Environment) and other countries and regional and inter-national organizations. The Agency shall recommend taking the necessary legal procedures to adhere to regional and international conventions and prepare the necessary draft laws and decrees required for the implementation of such conventions. For the fulfilment of its objects, the Agency may:

1. Prepare draft laws and decrees related to the fulfilment of its objects and express its opinion on proposed legislation related to the protection of the environment.

2. Prepare studies on the state of the environment, formulate the national plan with the projects included for the protection of the environment.

3. Lay down the criteria and conditions which owners of establishments must observe before the start of construction and during the operation of these projects.

4. Lay down a plan for environmental training and supervise its imple-mentation.

5. Compile and publish periodic reports on the main environmental indi-cators.

6. Propose economic mechanisms to encourage different activities and procedures for the prevention of pollution.

7. Implement pilot projects for the preservation of natural resources and the protection of the environment from pollution.

8. Participate in the preparation of an integrated national plan for the administration of coastal areas abutting on the Mediterranean Sea and the Red Sea in coordination with the authorities and ministries con-cerned.

Article 14 stipulates that a special fund shall be established in the Agency under the name the Environment Protection Fund to which shall devolve:

1. Amounts allocated in the state budget to subsidize the fund.

2. Grants and donations presented by national and foreign organizations and accepted by the Board of Directors of the Agency for the purpose of protecting and promoting the environment.

3. Fines levied and damages awarded or agreed upon for any harm caused to the environment.

4. The financial resources of the protectorates fund provided for Law 102/1983.

5. Amounts collected on a temporary basis on account of fines and damages for harm caused to the environment shall be deposited in the fund.

Article 27 states that an area of not less than one thousand square metres of State-owned land shall be allocated for the establishment of an arboretum for the cultivation of trees in each district and in each village. The output of these arboreta shall be available to agencies and individuals at cost price. The compe-tent administrative authorities to which these arboreta are affiliated shall lay down guidelines for the cultivation and protection of these trees. The EEAA shall participate in financing the establishment of these arboreta.

Law 117/1983 (Protection of Antiquities Law)

Law 117/1983 states that any real estate is considered an antiquity whenever it meets the following conditions: 1) is a product of Egyptian civilization or the successive civili-zations or part of the creation of art, science, literature or religion that took place on Egyptian lands since the prehistoric ages and during the successive historic ages, 100 years before the present date. 2) To be of archaeological and artistic value or historical importance in respect with different aspects of Egyptian civilization or any other civili-zation that took place on Egyptian lands. 3) To be produced and emerged on Egyptian lands and represents a historical relation thereto. Other relevant articles include:

Article 11 states that The Supreme Council for Antiquities (SCA) is entitled to accept cession of corporations or individuals for their ownership of historic re-al-estate through donation or sale for a symbolic price or through laying such under the Council's disposal.

Article 13 stipulates that registration of such real antiquity and notifying the owner of such shall result in the hereinafter provisions: 1) pulling down all or part of the real estate is not permitted; 2) expropriation of land or real estate is not permitted; 3) renovation of the real estate or changing its characteristics by any means is not permitted and 4) The SCA is entitled, at any time, to carry out on its expense whatever it deems necessary for the conservation of the antiquity.

Article 15 states that any existing exploitation of any archaeological site or land or building of historical value shall not result in any right of ownership by pre-scription, and the SCA is entitled, whenever it deems necessary, to evacuate it against a valuable consideration.

Article 18 states that lands owned by individuals may be expropriated for their archaeological importance. It also may be, by virtue of a decree from the President of the Republic, temporarily seized until the expropriation procedures are completed. Such land shall thereby be considered antiquity as of the date of the provisional seizure.

Article 20 states that granting licenses for building at archaeological sites or lands may not be permitted. Implanting or cutting of trees or carrying rubble or taking soil or fertilizers or sand or carrying out any other acts which result in changing the characteristics of the said sites and lands shall be prohibited.

Article 21 stipulates that archaeological sites and lands, and buildings and plac-es of historical importance shall be observed when the layout of cities, districts and villages where they are located is being changed. Modernized planning or expansion or modification of archaeological and historical areas may not be permitted unless upon the approval of the SCA in writing.

Law 66/1956 (Advertisement Law)

The Law aims to regulate advertisements on roads and inside the means of transportation to protect the environment from distortion, and to ensure citizen road safety. The provisions shall be effective in the cities having local councils and in oth-er locations identified through a decree issued by the competent minister. Authori-ties responsible to execute the law include: Ministry of Housing & Utilities, Ministry of Interior and the Ministry of Transportation and Local Councils. Relative articles covering Environment Protection and Financial Penalties issues include:

Article 2 of the Law stipulates that no advertisements can be launched / made unless a license issued in this connection by the competent entity.

Article 4 identifies advertisements exempted from said license.

Article 5 specifies the places, buildings, and establishments wherein it is banned to make any kind of advertisement such as antique buildings, mosques, churches, statutes located at public land designated for citizens, parks, side-walks and fences.

Article 8 sets a fine not less than LE 1 and not in excess of LE 10 to any violator together with removal of such advertisement at his expenses. The competent entity may remove advertisements on administrative road should such adver-tisement hinder the traffic flow or jeopardizing the lives of citizens and passengers.

Law 5/1966 (Cemeteries Law)

The Cemeteries Law 5/1966 explicitly defines the cemeteries as special areas. It states that burial activities are only allowed in public cemeteries. In addition, cemeteries' properties are considered public wealth; land titling and disposition is not allowed, even after abolition of burial (for ten (10) years). The Law states that local councils car-ry on the responsibilities of establishing, maintaining and removing cemeteries. It also prohibits conducting burial outside public cemeteries. However, the Law does not men-tion regulations related to construction activities in these areas which is a challenge that needs to be addressed in Egypt. Relative articles include:

Article 1 states that Cemetery lands are considered public funds and shall main-tain such status even after the ban of burial therein for ten (10) years.

Article 2 states that Local councils, subject to the jurisdiction thereof, shall es-tablish, maintain, and shut down cemeteries. Additionally, they shall determine the cemetery use fees.

Article 5 stipulates that Burial may only take place in open public cemeteries.

Law144/2006 (Preservation of Architectural Heritage Law)

Law144/2006 states that it is prohibited to issue permits for the demolition or addition to buildings and structures of outstanding architectural style that are associated with the national history or a historic personality that represents a historic era or any build-ings that are considered a tourist attraction. A decree shall be issued by the Prime Min-ister for the identification of these buildings and structures. The indemnity referred to in clause 1 shall be decided and, in the case of expropriation of a building or structure, a committee shall be formed by a decision from the Minister concerned with housing mat-ters. In either case the remuneration may be in kind as per the owner's request.

Article 3 states that the State shall initiate at any time and on its own expenses and after having informed the landlord and occupants the necessary works for the consolidation, restoration and maintenance of buildings and structures that are protected from demolition. The foregoing shall be implemented pursuant to the executive regulation of this Law.

Article 4 states that a permanent committee shall be formed in each governorate by a decision of the Governor and composed of a representative of the Ministry of Culture; a representative of the Ministry of Housing, Utilities and Urban Development; two representatives of the governorate; five members from the university's faculty members that are specialized in the fields of architectural engineering, structural engineering, antiquities, history, and arts, nominated by the concerned university presidents. The Committee shall survey the buildings and structures referred to in Clause 1 of article 2 of this Law and shall revise this survey on a regular basis. The concerned Governor shall submit the committee's decisions to the Prime Minister.

Article 11 stipulates that the heads of towns, cities and neighbourhoods and the engineers responsible for the regulatory works in the administrative units shall have the status of judicial police as well as other engineers and specialized em-ployees that are assigned by a decision from the Minister of Justice in agree-ment with the Minister concerned of local administration affairs. The foregoing shall be implemented in proving the violations of the provisions of this Law and its executive regulation and to take the necessary action regarding them. The concerned governor or his delegate shall issue a decision to stop demolition works that are unauthorized or not in accordance with the provisions of this Law.

Law 14/1981 (Co-operative Housing Law)

Law 14/1981 amended by Law 122/2008 states that Housing Co-operatives is a branch of the co-operative sector. Housing co-operatives provide houses to their members; they provide the required services to housing compounds and take the responsibility of providing maintenance and management. The foregoing shall be

in accordance to the co-operative principles and the state plan for economic and social development, with the aim of improving social and economic levels of the members.

Article 6 states that, during the first ten (10) years after allocation, members are not allowed to dispose of the unit to any person but his/her spouse, relatives to the third degree.

Article 10 states that Units of Housing Co-operatives are: a. Building and Housing Co-operatives, b. Joint Associations for Building and Housing, c. Feder-al Associations for Building and Housing and d. Central Housing Co-operative Union.

Articles 11 & 16 stipulate that building and Housing Co-operatives are 'demo-cratic, popular organizations which aim at providing housing for their mem-bers, and the required services needed for integrating the housing environ-ment'.

Articles 24, 66 & 67 state that projects of co-operative housing based on building blocks of flats for ownership or rent by members shall have priority over any other projects to receive lands, loans, building materials, and any other facilities determined to the co-operative housing. Housing co-operatives receive a 25 per cent discount on all State-owned land which could go up to 50 per cent with the Minister of Finance's approval. Housing co-operatives are exempted from 1) taxes on industry and trade profits, on non-commercial professions, and on the interest of deposits in banks and saving funds; 2) taxes and fees lev-ied by municipalities in accordance with law of local administration; 3) custom taxes, statistical fees, and importing fees, 4) stamp taxes; 5) fees paid on con-tracts and documents related to its establishment or the amendment of its in-ternal system; 6) fees of registration, and fees of notarization and authentica-tion of signatures; 7) fees of notarization and registration of all documents and contracts of buildings, mortgages, assignments, subrogation and write off and 8) fees for building licences and land allocation.

Articles 76 & 79 stipulate that, in accordance with the plan set and adopted by the minister concerned, the Central Housing Co-operative Union shall be responsible for supporting housing co-operatives in implementing its missions, for supervision of its performance, and popular control. The Union shall, in par-ticular, assume the following responsibilities:

1. Propose the public policy of housing co-operatives
2. Production of statistics and data relevant to housing co-operatives
3. Promotion of cooperative culture and enhance co-operative education, including developing enlightened co-operative leadership, exchanging co-operative experiences at the Arab, African and International levels, conducting specialized researches and studies, publishing co-operative newsletters, and establishing, possessing and managing training and support centres concerned
4. Protection of interests of the union units by all means, including providing technical consultation, giving legal opinions, and settlement of disputes which may arise between units, boards of members, or members of each board
5. Monitoring work in co-operative units to ensure it is properly per-formed
6. Clearance of displaced units

Law 107/1976 (Establishment of the Social Sousing Funding Facility)

This Law states that a fund to be called the Fund for the Financing of Economic Housing Projects is hereby established. This Fund will be responsible for the financing of eco-nomic housing and for supplying such housing with the necessary public utilities. The Fund shall have a separate legal status. Its funds shall be considered as public funds. It will be affiliated with the Ministry of Housing and Reconstruction. Relevant articles in-clude:

Article 2 states that the Fund shall be managed by a Board of Directors that is composed of the following: A representative of the Ministry of Housing and Re-construction (Head), a representative of the Ministry of Finance,

a representative of the Secretariat of Local Administration, a representative of the Egyptian Waqf Authority organization. The resolutions of the Board will not be enforced, except after ratification by the Minister of Housing and Reconstruction. The Chairman of the Board of the Fund shall represent it before courts or other bodies.

Law 138/2006 (Promulgating the State's Responsibility in Providing Buildings with Needed Infrastructure Services)

This Law states that buildings, established prior to the enforcement of this law and their units, shall be provided basic facilities in accordance with controls and measures decid-ed by the Cabinet upon proposal from the minister responsible for housing, utilities and urban development.

Law 62/1974 (Promulgating General Reconstruction Provisions)

This Law states that in the framework of the State comprehensive social and economic development plan, the Ministry of Housing and Reconstruction shall develop a reconstruction plan for the Sinai Peninsula, Canal cities, Western De-sert and any other area that is to fall within the Ministry's jurisdiction in the fu-ture. The said reconstruction plan shall, among other things, focus on the en-hancement of the facilities and services within the cities and areas falling within the Ministry's jurisdiction. Relative articles include:

Articles 3 & 4 state that the Minister of Housing and Reconstruction shall, for the purposes of developing the areas stated in Article (1), have the power to use the foreign funds allocated for the Ministry within the State's monetary budget or the foreign funds arising from the loans made by the Ministry, without hav-ing to abide by the rules regulating the use of foreign exchange by the govern-ment. Additionally, the Minister may issue financial regulations organizing the financial aspects of construction works, without the need to comply with the rules applied in government or the public sector in the following areas: (1) pur-chase of items, supplies, and vehicles needed for the said reconstruction pro-jects; (2) tenders or negotiations that require a payment to be made abroad; (3) contracting and transportation; (4) conclusion of contracts with local and for-eign advisory houses; (5) bids and auctions and (6) accounts.

Articles 5 & 6 state that foreign contracting companies and foreign advisory houses engaged in construction projects shall enjoy the tax exemptions appli-cable to foreign capital, according to Law 43/1974 concerning the Investment of Arab and Foreign Funds and Free Zones. In addition, the Minister of Housing and Reconstruction may, when necessary, temporarily appoint non-Egyptians to the posts that require special academic qualifications or experience that are not met by Egyptians or assign some temporary tasks and works to them.

Law 148/2001(Real Estate Finance Law)

Law 148/2001 amended in 2014 states the establishment and the objectives of both The General Authority for Real Estate Finance Affairs (which shall follow the Ministry of Economics and Foreign Trade) and a National Fund that shall be established for secur-ing and supporting the real estate activity. Relevant articles include:

Article 2 states that a General Authority for Real Estate Finance Affairs shall be established and attached to the Ministry of Economics and Foreign Trade. A Presidential decree shall be issued concerning the formation and powers there-of. This Authority shall regulate, monitor, and oversee all real estate finance ac-tivities stated in the law hereof, according to the rules and criteria set out by the Authority Board of Directors (BoD), and in a way commensurable with the financial potential of the finance applicant in light of the market general condi-tion. Additionally, the Authority shall determine the finance rules, procedures, terms and credit limits as well as the ratio of finance to the value of the realty or the guarantee provided, as appropriate. Authorized finance and refinance au-thorities shall have the right to determine the finance costs without abiding by the maximum limits set out by any other law. The value of the security realty shall be estimated by expert appraisers whose names are registered in the lists prepared by the Authority for such purpose, provided that such appraisers are not working for any of the finance parties. The State shall provide real estate fi-nance for low-income brackets and support their housing options through allo-cating certain lands, free of charge, for the erection of economy-level dwellings; in addition to bearing the actual cost, wholly or partially, of the provision of public utility services for such dwellings or providing any other form of support.

Article 3 stipulates that the following entities shall exclusively have the right to exercise the real estate activity as prescribed in the present law, conditional

upon being recorded in a register to be provided by the administrative authority for such purpose:

1. Public juridical persons whose purposes include the real estate finance activity

2. Real estate finance companies stated in Part 5 of the present Law

3. Banks registered at the Central Bank of Egypt (CBE) may, upon the latter's approval and according to the rules thereof, exercise the real es-tate finance activity without being registered at the administrative au-thority

Article 35 states that a fund shall be established for securing and supporting the real estate activity. Such fund shall have a public juristic personality and be at-tached to the competent minister. It shall support the real estate activities re-lated to the sale or utilization of houses as well as the lease of houses that ends with ownership transfer to the lessee. In addition, the fund may, in all possible ways, support the lease of houses for low-income brackets. That includes charg-ing a part of the instalment value to the fund in case of the sale of houses or the lease that ends with ownership transfer to the lessee, ensuring that the finance burden is lifted to the extent that suits the income of such brackets, and provid-ed that the instalment does not exceed the maximum ceiling established by the Authority BoD.

Law 222 /1955 (Betterment Levy Law)

This Law stipulates that a charge shall be imposed on all buildings and lands benefiting from an increase in value, as a result of the undertaking of public improvement works. The collection of this charge falls under the jurisdiction of each municipal council; the charge then becomes a main constituent of the municipal council's financial resources. Relative articles include:

Article 2 defines the works falling under the category of public improvement; these include but are not limited to the following: widening or modification of public roads and squares, sewage projects, and the construction or modification of bridges, grade crossings and underground passages.

Article 3 details the areas to be included in the improvement works in relation to the aforementioned public improvement categories:

1. Concerning the construction or modification of public roads and squares, the areas to be included are any and all real properties situated in an area bordered by parallel alignments to the limits of the road or square falling within a radius of no more than 150 metres.

2. Concerning sewage projects, the areas to be included are any and all real properties directly connected to a road containing a sewage line, as well as real properties located on roads which do not contain sewage lines, given that the distance between those real properties and the new public works does not exceed 100 metres.

3. Concerning the construction or improvement of bridges, grade crossings and underground passages, the areas to be included are any and all real properties located within an area delimited by two lines parallel to the axis of the bridge, ground corridor, or underground passage and two lines parallel to the terminal points of the aforementioned con-structions, given that they fall within a 300 metre-radius from the axis.

Article 6 stipulates that the value of the real property located within the improved area shall be determined by a committee which estimates the value before and after the completion of the works. The aforementioned committee specifies the value of the real property by taking into consideration many fac-tors including price of purchase and improvements and modifications made to the property to reflect the normal price of the transactions through comparison to real property of the same nature in an area nearby the improved one.

Article 10 indicates that the betterment levy shall be equal to one half of the dif-ference between the values of the real property set by the aforementioned committee, before and after the improvement.

Article 11 clearly states that the owner must choose a method of payment of the betterment levy within a period of 60 days from notification of the definite es-timation of the value of the real property. The owner may pay in cash, pay in ten equal annual instalments, or in kind (total or part) in cases relating to va-cant land in accordance with the conditions stipulated by the order of execution.

Article 12 relates to cases where the owner fails to choose a payment method within the aforementioned period prescribed. Here, the betterment levy shall be payable in the following cases according to these conditions:

1. If a vacant land is constructed, or an existing building is elevated or modified in a way which increases revenue, the betterment levy is to be collected in a maximum of five equal annual instalments, payable at the time of obtaining the license for construction, elevation or modification

2. If the property is transferred by means of inheritance, the betterment levy is to be collected in a maximum of five equal annual instalments, payable one year after the death of the previous owner

3. In case of disposing of the property ownership, the betterment levy shall be equal to one half of the difference between the evaluation of the committee before and after improvement. However, if the disposal is only partial, the increase in value demanded is proportional to the rela-tionship between that part and the whole property.

Article 13 stipulates that in all aforementioned cases, the competent Municipal Council may collect the betterment levy in the form of deduction from the amounts owing to stakeholders, as compensation for expropriation for public purposes or improvements.

Article 15 stipulates that the betterment levy is a lien upon the property and follows judiciary costs and taxes; it is to be collected by means of administrative sequestration.

Article 17 states that the authority in charge of organization works may refuse to grant a license for the construction of buildings, elevation or modification if the stakeholders fail to comply with the payment of amounts due for improve-ments or instalments thereof.

Article 20 stipulates that all Ministers, within their individual authority, shall implement the aforementioned Law, in accordance with the decrees to be is-sued by the Minister of Municipal and Rural Affairs for the implementation thereof.

Law 10 /1990 (Expropriation of Real Estates for Public Interest Law)

The current Law governing the expropriation of real estate for the purpose of public in-terest (Law 10/1990) is preceded by the Law 577 for the year 1954, which stipulated that the President delegated expropriation decision-making power to the Prime Minis-ter who would act on his behalf. Expropriation process is also permitted to include, apart from the real estate necessary for the original project, any other real estate deemed necessary by the entity in charge of the road and building works. The determi-nation of the public interest shall be by means of a decree issued by the President.

Article 2 clearly defines all the works that shall be considered ones of public in-terest; these include but are not limited to the following:

1. Building of roads, streets and squares, or having them enlarged, amended or extended, or the setting up of new districts

2. Water and waste water projects

3. Irrigation and drainage projects

4. Power and energy projects

5. Setting up of bridges and surface passages (railroad crossings), under-ground passages and the amendment thereof

6. Transport and communication projects

7. Objects and purposes of urban planning and improvement of public utilities

Works classified as public utility work in any other law

Article 5 outlines the role of a designated committee established to carry out the assessment process of the real estates and establishments which have been resolved to be necessary for public interest. The committee is constituted of a delegate of the entity on charge of the expropriation procedures and one of the officials of the local administration, and of the cashier.

Article 6 relates to the assessment of the indemnity by means of a committee to be constituted in each governorate by means of a decree from the Minister of Public Works and Water Resources. The indemnity shall be evaluated in ac-cordance with the prices prevalent at the time of promulgation of the expropri-ation decree, which is to be deposited by the entity requesting the expropria-tion within a period not exceeding one month from the aforementioned prom-ulgation date. It is permissible, upon the agreement of the owners, to receive the indemnity, all of part thereof, in kind.

Articles 8 through 13 detail the stipulations, procedures and regulations relating to the contestation and opposition rights of owners, or any other party con-cerned in compliance with the executive regulations put forth by this law.

Article 15 outlines temporary cases of appropriation in exceptional circumstances. The competent Minister shall be entitled, as per request by the compe-tent entity, to order temporary appropriation of the necessary real estates with the purpose of conducting the restoration and protection works in cases of emergencies or contingencies.

Article 17 states that, if the value of the part of the real estate which has not been expropriated has either increased or decreased as a result of public interest works in fields other than roads and building projects inside cities, this increase or decrease shall be taken into consideration by the committee aforementioned in Article 6, in the assessment of the indemnity.

Article 19 stipulates that the proprietors of the real estates which shall undergo public interest improvement works in the fields of roads and buildings projects in the cities, without taking away parts thereof, shall be obligated to pay the counterparts responsible for such improvements a betterment levy.

Law 27/1978 (Public Sources of Water Law)

Law 27/1978 states that public authorities and authorities concerned with housing and reconstruction may install the connections to the public sources of water underneath the surfaces of privately-owned roads or lands. Owners of the said lands or roads, or those who have rights to such lands, shall be entitled to compensation for any damages occurring to their property, as a result of the implementation of the aforementioned works.

Articles 4 &5 state that the following shall be determined by virtue of a decree issued by the Minister of Housing and Reconstruction and based on the approv-al of the Higher Water Committee at the Health Ministry: licensing charges in-curred due to the establishment of public sources of water; conditions and specifications for such sources and technical conditions and specifications for transferring the water from its sources to buildings.

Law 106/1976 (Reorganization of Construction Work Law)

Law 106/1976 stipulates that, except for buildings constructed by the ministries, governmental departments, organisations, and public sector companies, it is prohibited to modify or restore any existing building in any part of the Republic within the boundaries of cities and villages or outside unless the approv-al of a committee, formed by virtue of a decision from the Minister of Housing and Reconstruction that specifies the functions, is gained (Article 1). Other rel-evant articles include:

Article 4 states that it is prohibited to construct, widen, heighten, modify, un-derpin buildings or cover up the facades of buildings with paint, unless after getting a license from the administrative department in charge of organization.

Article 13 states that a Technical Inspection of Building Works Agency shall be established and be responsible for inspecting, observing and monitoring the work of the administrative bodies responsible for planning and organization in the local units all over the Republic regarding the issuance of permits to con-struct, widen, heighten, modify, underpin or demolish buildings or cover up the facades of buildings with paint.

Article 14 stipulates that the engineers charged with organization in the Local Administration Units, and other engineers who are defined by a decision issued by the Minister of Justice, in coordination with the Governor, shall have the right of judicial arrest.

Law 104/1992 (Promulgating the Establishment of the Egyptian Union for Construction and Building)

Law 104/1992 stipulates that a general union for contracting works shall be established in Egypt. This would be named The Egyptian Union for Construction and Building and shall have a judicial personality (Article 1 & 5). The Union shall be composed of contrac-tors working in construction, building, public works, land reclamation, installations, dredging, marine construction works and any other works of the same nature. It shall also include non-Egyptians in Egypt who are working on the same activities as corre-spondent members.

Articles 3 & 4 state that the Union shall serve the common interests of the members thereof, represent them before the appropriate bodies, organize the professions and develop the techniques used therein and set the controls and practices necessary to protect and upgrade such professions, settle the disputes arising between the members thereof and third parties, propose what it deems necessary to achieve such purpose and help implement the state public plan in its area of competence. The Union may, to achieve this, adopt the following: develop a code of ethics and ensure respect of the pro-fession; set the provisions governing the process of counting, classifying and arranging all the members of the Union according to their specializations and abilities to serve the profession; be keen to help the Egyptian members thereof to participate significantly in implementing the state development projects and plans; study the economic and tech-nical issues related to the contracting activity and present the result of such studies to the members thereof; participate in defending the interests of the members thereof be-fore courts and third parties; set an optional arbitration system that ensures settling the disputes arising among the Union members and between them and third parties promptly; cooperate with the similar Arab and Foreign organizations and entities, strengthen relations therewith, share experiences and join conferences that relates to the Union goals and establish training centres to provide the trained technical labour needed for the profession.

Article 5 stipulates that the Minister of Finance is permitted to issue treasury bonds to be called Housing Bonds that will have a redemption period of 20 (twenty) years from the date of their issuance. The categories of such bonds, conditions of its issuance and its interest rate shall be stated by a decree of the Minister of Finance. Such bonds, together with the proceeds and its interest, will be exempt from taxes.

Law 67/2010 (Regulating the Partnership between the Public and Private Sectors)

Law 67/2010 stipulates that administrative authorities may enter into Public Private Partnership (PPP) contracts. A project company shall be entrusted with financing, con-structing, equipping and operating infrastructure projects and public utilities. The com-pany is also responsible for making their services available or financing and rehabilitat-ing such utilities with an obligation to maintain what has been constructed or rehabili-tated. The responsibility of providing services and facilities necessary for the project to be capable of production, regular service provision and progressiveness throughout the PPP contract duration also falls upon the project company. Relevant articles include:

Articles 14 & 15 states that a Supreme Committee for Public Private Partner-ship Affairs shall be formed chaired by the Prime Minister and with the mem-bership of the Ministers of Finance, Investment, Economic Development, Legal Affairs, Housing and Utilities and Transportation as well as the Head of the Pub-lic Private Partnership Central Unit. In the case of the absence of the Prime Min-ister, the Minister of Finance shall chair the Committee. The Supreme Commit-tee for PPP Affairs is competent for the following: setting of an integrated na-tional policy for the PPP, and identifying the frameworks, objectives, mecha-nisms, and targeted scope of the projects; endorsing the application of the PPP structure on projects of Administrative Authorities; monitoring the allocation of financial funds to ensure the fulfilment of financial obligations resulting from the implementation of PPP contracts; issuing the rules and general criteria for the PPP, and endorsing standard PPP contracts for use in different sectors; en-dorsing the recommendation of the Competent Authority of the Administrative Authority related to the selection of the contracting party entering into the PPP contract, and approving the conclusion of the contract and conducting studies and proposing means to provide and develop the market tools.

Article 34 states that the PPP contract must include, in particular, a number of controls, the nature and scope of works and services that the Project Company must carry out as well as the conditions for their implementation; the owner-ship of the project's funds and assets, the mutual financial obligations, means of quality assurance and quality control and contract duration.

Law 196/2008 (Real Estate Tax Law)

Law 196/2008 amended in 2014, states the types of real estate that are applicable to taxes. In addition, the law states the establishment of survey and estimation committee. This committee shall be formed in each governorate to survey and estimate rental value of buildings. Relevant articles include:

> Articles 8 & 9 state that the real estate judged as buildings are those allocated for managing utilities that are run by means of commitment, permission to uti-lize or by means of usufruct, whether these utilities are held on land owned by the State, the persons committed, utilizers or infrastructures; plots that are uti-lized whether annexed to buildings or separate, fenced or without fences and constructions held on roofs or at the frontages of buildings whether rented or the construction is in return of benefit or charge. The annual tax is to be im-posed on buildings regardless the material used for construction or the purpose of their utilization whether or not permanent, constructed on or under the sur-face of land, on water surface, whether completely constructed and occupied, completely constructed and not occupied or occupied without being completely constructed.

Article 13 stipulates that a Survey and Estimation Committee shall be formed in each governorate. The committee shall be competent to survey and estimate rental value of the buildings after being classified on the basis of the building standard, the geographical location and the utilities connected to them. Such committees shall be formed by a decree of the Minister or his delegate, headed by a representative of the authority, with the membership of a representative of the governorate which the building exists within its province, and one of the taxpayers within the domain of the committee, nominated by the concerned governor.

Article 18 defines 'tax exempt' as buildings owned by charities; educational in-stitutions, hospitals, dispensaries, orphanages and charitable institutions; real estate owned by political parties, syndicates and labour unions; each unit of a building used for housing, whose annual rental value is less than L.E. 6000; courtyards and graveyards; the buildings of the youth centres; real estate owned by foreign governmental bodies; real estate allocated for the utilization of the surrounding agricultural lands and centres used for holding social events without profits.

Part 3: Presidential **Decrees**

Presidential Decree 495 /1977 (Dividing the Arab Republic of Egypt into Economic Regions and Promulgating the Establishment if the Regional Planning Authorities)

This Presidential decree states that the Arab Republic of Egypt shall be divided into sev-en economic regions. According to the decree, a Higher Committee for Regional Plan-ning shall be established to manage regional development plans in each region, which shall be overseen by the relevant minister in the competent local governance. The de-cree states the establishment of a planning body under the authority of the Ministry of Planning in each of the economic regions, to be responsible for preparing, proposing and supervising the implementation of the regional planning plans for the region.

Article 1 stipulates that the Arab Republic of Egypt is to be divided into the fol-lowing economic regions: 1) Province of Greater Cairo and its capital Cairo; 2) Province of Alexandria and its capital Alexandria; 3) The Delta province and its capital Tanta;4) The province of the Suez Canal and its capital Ismailia; 5) The province of Assiut and its capital Assiut and 7) South region and its capital As-wan.

Article 2 states that, in each province, a higher committee for regional planning is to be established. It will be overseen by the relevant minister in the compe-tent local governance and shall be constituted as follows: the governor of the provincial capital, governors of the provinces, heads of the local councils of the provinces, the chief of Regional Planning, and representatives of the relevant ministries. The committee will be responsible for approving the priorities pro-posed by the Regional Planning and which will be considered by this body mainly in the development of alternatives to the plan of the province and in the light of the resources available locally and centrally. It will also be in charge of approving one substitute plan proposed by the Regional Planning; approving periodic follow up reports on the implementation of the plan and reviewing any amendments proposed by the Planning Commission and the regional plan in accordance with the problems facing the implementation and taking the neces-sary decisions and measures related to the issue with the Minister of Planning.

Article 3 stipulates that, in all of the economic regions, a planning body under the authority of the Ministry of Planning is to be established, where the relationship between these new bodies and the departments of Planning and Follow-up in each governorate to be regulated by a de-cree by the Minister of Planning after agreeing with the competent min-ister in the local administration, and the new planning bodies will spe-cialize in studying the social and economic present and future condi-tions of the province; conducting the research and studies necessary to determine the potential of the province's resources, natural and human resources and means to develop and optimize their use; proposing de-velopment trends and lines for social development in the region and translating these trends into studied and specific project; preparing and developing the technical personnel needed to carry out the studies, re-search and planning at the level of the province and preparing for the regional planning considering the priorities and criteria determined by the Supreme Committee for Regional Planning as well as the follow-up of the implementation of the plan when approved.

Presidential Decree 531 / 1981 (Managing lands evacuated by the Egyptian armed forces)

This Presidential decree sets the procedures of the establishment of a unit responsible for managing the land and property evacuated by the Egyptian armed forces. The de-cree states the authority the ministry of defence has over the land it occupies. Even after evacuation, the Ministry of Defence, through the established unit, has the power to de-cide the future use of the land. The unit is responsible for the establishment and the preparation of new alternative cities and military zones in replacement of those evacu-ated, as well as responsible for selling or renting the land.

Article 1 stipulates that a unit with its own legal entity in the Ministry of De-fence to be established, to be responsible for the selling of land and property owned by the state and renounced by the armed forces, and identified by the President in a statement and a decree identifying the location and the date of evacuation. This unit will also be responsible for the establishment and the preparation of new alternative cities and military zones in replacement of those evacuated. The President of the Republic will issue a decision for the organization of the unit, and determine its competencies.

Article 4 states that the Minister of Defence has to handover the evacuated land and real estate to the relevant authorities, and it should not be sold in consider-ation for the national interest. These units will oversee the rent this land and real estate after seeking the opinion of the Minister of Defence.

Article 5 stipulates that the proceeds of the sale and rent of land and real estate referred to will be directed to the establishment of alternative cities and military zones in replacement to the evacuated areas, as well as housing projects for the members of the armed forces. The proceeds will be deposited in a spe-cial account in one of the public sector commercial banks. The Board of Directors of the unit will establish the rules governing the exchange of these proceeds to ensure good running of the business and the services assigned,and should be approved by the Ministry of Defence following a decision by the Pres-ident of the Republic to allocate a percentage not exceeding 20 per cent of the proceeds to military armament purposes.

Presidential Decree 29/1993 (Promulgating the establishment of The Technical Inspection of the Construction Work)

This presidential decree sets the procedures of the establishment of a technical inspec-tion on the construction work specified in supervising and following up the relevant administrative departments responsible for the planning and organization of the local units. In addition the authority is responsible for the inspection on the implementation of all buildings and establishments, construction of foundations and concrete buildings, sanitary and electrical systems, elevators and any other job licensed.

Article 1 states that the Technical Inspection Authority is established according to directing and organizing the construction work law amended by Law No.25 of 1992. The authority is specialized in performing of the functions of inspec-tion and supervision and follow-up on the work of the competent administra-tive authorities' affairs planning and organizing in the local units all over the country and is affiliated to the Ministry of Housing and Utilities.

Article 2 stipulates that the authority will proceed on the competences conferred upon it by law as follows:

1. To technically supervise all the duties of the relevant administrative departments responsible for the planning and organization of the local units and related to the issuance of construction permits, or expansions, or amendments, or strengthening of demolishing, or make the necessary external finishing, as specified in the executive regulations of the Law directing and organizing construction works.

2. The verification of matching of licenses referred to the provisions of the Act related to directing and organizing the construction work and its implementing regulations and implementing decisions and all applica-ble legislation related to the establishment of facilities and the provision of safety and security, as well as all the of public or private require-ments that should be available in various types of buildings, particularly those relating to security and fire in buildings and provide places to ac-commodate cars.

3. The inspection on the implementation of all buildings and establishments, construction of foundations and concrete buildings, sanitary and electrical systems, elevators and any other job licensed, as well as the verification of their implementation in accordance with the licenses issued and supported graphics, conditions and technical specifications, and ensure the necessary procedures for the analysis and testing of ma-terials used in construction.

4. To make recommendations to the competent administrative body to undertake what he or she sees as the necessary measures necessary to stop the work or correct it if it is in violation of the licenses issued or graphics-based or if it is non-conforming to the technical specifications and according to the terms of the legislation in force in the manufactur-ing or process.

5. Inform the administrative agencies and judicial authorities to undertake all measures prescribed by the Law against violators, whether it is the owner of the building or the design engineer or supervisor of the execution or implementation of the existing contract or other officials of the administrative affairs of planning and organization, as per the case.

6. Follow up on all measures to implement the recommendations issued by the unit based on the findings of works inspections, supervision and follow-up, which were conducted within the limits of its powers

7. Prepare periodic reports on the results of the inspection and supervi-sion and follow-up to be presented to the concerned minister and hous-ing facilities, the Minister of Local Administration, as well as the con-cerned Governor to review them and take the necessary actions regard-ing their regularities and infractions disclosed by those reports.

Presidential Decree 281/1995 (Promulgating the establishment of the Public Economic Authority for Portable and Waste Water)

This Presidential decree sets the procedures of the establishment of General economic bodies in certain governorates, to be responsible for the projects and the works related to drinking water and sanitation and to maintain it in the governorate, and is responsi-ble for the management, operation and maintenance of drinking water and sanitation.

Article 1 states that General economic bodies is to be established in Aswan, Minya, Beni Suef, Fayoum, Dakahlia, Gharbeyah and Sharkeyah, under the su-pervision of the local Governor, located in the capital of each governorate, each with its legal entity and following the rules and provisions of the General Or-ganizations Law.

Article 2 stipulates that each of the bodies identified in the previous article are responsible for the projects and the works related to drinking water and sanita-tion and to maintain it in the governorate, and is responsible for the manage-ment, operation, and maintenance of drinking water and sanitation. All estab-lishment and installations related or associated or complementing such works, and which are currently administrated by the Water and Sanitation Authority shall be under their supervision with the right of exploitation. Their duties will be:

1. Preparation of general and detailed work plans for drinking water and sewage in the Governorate.

2. Management, operation and maintenance of drinking water, sanitation, and sewage facilities and do what it takes to expand and strengthen said facilities, as well as the management of local materials and equipment necessary for the operation and maintenance.

3. Conduct studies, applied research, economic and financial projects re-lated to drinking water and sanitation

4. Develop relevant project designs and oversee the implementation ac-cording to the set programmes, and take the necessary measures for contracting.

5. Propose project intenders and auctions and contact local and foreign practices, contract and supervise its implementation.

6. Cooperate with stakeholders in the development of drinking water standards as well as the standards of disposing of liquid residues.

Presidential Decree 164/ 1996 (The internal system regulating the Ministry of Housing and Utilities)

This presidential decree sets the organizational structure and objectives of the Ministry of Housing and Utilities, in accordance with the objectives of the economic and social development plan in the scope of the General policy of the State. In addition, Article 2 states the jurisdiction of the Ministry of Housing, which includes but is not limited to designing the housing, utilities, urban communities and construction projects; supervis-ing infrastructure programmes for drinking water and sanitation; studying and prepar-ing plans for urban development of cities, villages and new communities and deserts and developing standards, models and rates in the field of housing. In order to carry such responsibilities, several authorities, organizations and centres fall under the man-agement of the Ministry of Housing.

Article 1 states the aims and objectives of the Ministry of Housing, Utilities and Urban Communities, in accordance with the objectives of the economic and so-cial development, plan in the scope of the general policy of the State, which are mainly: to discuss the proposal, formulation and implementation of plans and policies of Housing, Utilities and Urban Planning; the development of methods of building and construction and expansion in the construction of new cities.

Article 2 stipulates the jurisdiction of the Ministry of Housing, Utilities and Ur-ban Communities, which includes the following:

1. Design the housing, utilities, and urban communities, study and prepare plans and programmes of urban development; coordinate between themselves and the production programs and services within the framework of the national plan and supervise the cities, villages and housing plans of various types at all levels.

2. The design and implementation of construction projects and channeling them to various kinds and levels, whether for private or public housing or the establishment of public buildings and housing units, utilities and construction of major factories and buildings of all kinds, and the development of standards, models and rates in this regard, and in accordance with the public policy of the State.

3. Study and preparation of plans, projects and executive programmes for drinking water and sanitation and the development of designs, conditions and standard and technical specifications, and supervise the implementation and follow up of both in the design, operation or management.

4. Study and prepare a comprehensive regional planning for areas of economic and social priorities, and in accordance with what is determined by the Council of Ministers related to the projects included in the scope of this planning

5. Study and prepare plans for urban development of cities, villages and new communities and deserts to ensure utilization of the possibilities of geographical location and the possibilities of the environment for each of them, and this in coordination with other relevant bodies. The implementation of these plans and follow up aim to overcome physical or technical or financial obstacles, and evaluate achievements in order to ensure the achievement of the goals established.

6. Prepare technical and applied research in the areas of activities of the Ministry to ensure the keeping of pace with scientific development in the Housing, Utilities and Urban Communities programmes and plans and provide the necessary possibilities.

7. Develop standards, models and rates in the field of housing as well as the foundations for the designs and conditions of implementation of the construction works in accordance with the provisions of the law and decisions issued in this regard, constantly developing according to ad-vance scientific research in this field. Provide necessary designs for pro-jects of building and housing and supervise their implementation, and propose policy in the field of maintenance of public buildings and housing.

8. Conduct the necessary studies to invest Arab and foreign inflows money in the fields of competencies of the Ministry according to the rules permitted by the Law. Work on providing building materials and basic needs of the construction and utilities sectors and in collaboration with the Ministries and agencies and stakeholders.

9. Organize and coordinate the activities of public bodies and organisa-tions that work in the areas of housing, utilities and urban communities.

10. Plan training programmes in the fields of competence of the Ministry in order to provide technical labour at various levels in order to sufficient-ly raise productivity in these areas.

11. Plan organize, and participate in the conferences, meetings and seminars related to the domestic and international areas of competence of the Ministry.

12. General policy to revitalise the cooperative sector and its development to achieve the goals established in the field of activity and the urban communities, and to provide assistance in various forms of cooperative societies in housing and closely monitor them.

13. To provide technical assistance in the areas of jurisdiction of the Minis-try of Localities and follow up, supervise and carry out technical inspec-tion on the work of planning and organising the local units.

14. Guide, develop, promote and encourage the private sector activity in different areas of housing, both in localities or urban communities, and within the framework of achieving the goals and policies of the ministry.

Article 4 states the authorities, organizations and centres that fall under the control of the Minister of Housing, Utilities and Urban Communities:

1. The Urban Communities Authority
2. The National Authority for Drinking Water and Sanitation
3. The General Authority for cooperatives, construction and housing
4. The executive body for joint ventures
5. The executive body for sanitation projects in Greater Cairo
6. The Research Centre and the construction of housing and urban planning
7. The Technical Inspection Authority on Construction Work
8. The General Authority for Urban Planning
9. The Fund for Research and studies for the projects involved in the fields of reconstruction activities
10. The fund set up by housing the Ministry of Construction and new Communities
11. The Central Agency for reconstruction
12. Oversees: the company 'Arab Contractors - Osman Ahmed Osman & Co.'

Presidential Decree 237/1997 (Leasing non-residential places decree)

This presidential decree sets the provisions on leasing non-residential places. In addi-tion to providing some basic definitions for different parties mentioned in the Leasing Law, the Presidential decree sets the rules for the different conditions for determining and calculating the current legal rent for non-residential places leased before 03/27/1997.

Article 1 provides some basic definitions contained in the law, such as:

1. Rented: rented by a natural person, legal person or persons mentioned in Article 52 of the Civil Code as the State bodies and companies and as-sociations.
2. The tenant: whoever rented the space as well as those who have the lease continue in their favour after the death of the testator, one or more, male or female. A tenant is also considered when the original ten-ant has waived all of his rights through rent or sale of a shop or factory in cases where it may legally be.
3. Current legal rent: Last fare accrued prior to 03/27/1997, calculated according to the following:

    1. The rate specified in the laws of rent places,each place, ac-cording to the law governing it, and this is specifically related to places that were established and which were rented or oc-cupied until 5/11/1961.
    2. An estimate of the rental committees that determined the fare until Labour Law No.136 for the year 1981.
    3. In all cases, all calculated full increases and reductions stipulated in the laws of rent places.
    4. The owners identification of the rent according to the foundations of Law No.136 of 1981 which was agreed upon by the tenant, or amended on the basis of his/her appeal and became a final amendment.

Article 3 states that the provisions of this section regarding the continuation of the lease for the premises leased to engage in commercial or industrial activity or vocational activities.

Presidential Decree 153 / 2001(Promulgating the establishment of The National Centre for Planning State Land Uses)

This presidential decree sets the organizational structure and objectives of The National Centre for Planning State Land Uses. According to the decree, The National Center is es-tablished to guarantee complete coordination between state authorities to achieve the maximum possible exploitation of state lands, to follow up the development of these lands, and to protect them against the assaults that befall upon them. The Center is also responsible for studying major national projects to assure and maximize revenue and incite the investment to reach the desired development rates through the general policy of the country. In addition the decree states the responsibilities and specializations of the National Centre in Coordination with other Specialized Authorities, and the Centre's organizational structure

Article 1 stipulates the establishment of a public body the "National Center for State land use planning" that has a legal entity and is under the jurisdiction of the Prime Minister, and this organization may establish branches within the Arab Republic of Egypt.

Article 2 states that the centre - in coordination with the concerned parties – will have the following functions:

1. Prepare an inventory and evaluate the territory of the State outside the reins of planning and setting a plan for their development and their uses in the framework of the general policy of the state.

2. Mapping the uses of the state territory outside the reins in all-purpose and use them after coordination with the Ministry of De-fence.

3. Deliver to each ministry the land map allocated to use for their activi-ties, of which it will have full authority in the allocation and supervi-sion of the use, development and disposition.

4. Prepare an annual survey programs for the development and land uses for each ministry and balancing revenue and expenses in the development process.

5. Coordination between ministries regarding the pricing of land and the rules pricing, selling rules, collecting the price, and organizing protection.

6. Ensure that the State Treasury collects the net income from the de-velopment of land that is allocated for each ministry.

7. Coordinate with the Ministry of Defence on the various uses of land outside command area, without prejudice to the defence of the affairs of the state.

8. Participatein the selectionand positioningrequired formajor newstateprojects(roads-railways-portsand airports-economic zones, etc.) and coordination amongstate agenciesonthe uses ofthe territory ofthese sites.

9. Preparespecial studies for the areas outside theterritory of the Statecommand area that have non-specific aspects ofuse.

10. Express opinions onthe dispute between theministries, public bod-iesand units oflocal administrationorbetweenthese sectors andeach other, or between them and individualson the determination ofthe competent authority inthe management andexploitationandaliena-tion of anylanddedicated tothese partiesoutside the command area.

11. Conduct the necessary studies and technical research as well as en-vironmental uses of state lands outside the command area in coordi-nationwiththe ministries and departments of the concernedstate

Article 3 states that the board of Directors of the centre is headed and formed by Deputy Prime Minister, under a decreed issued by the Prime Minister. Headed by a centre director to be appointed andremunerated through thedeci-sionofthe Prime Minister based on the nomination ofthe Minister ofDefence. The Centre Director will direct, manage and conduct all the affairs of the centre, and will represent it before the court and in relation with others.

Presidential Decree 277/2001 (Promulgating the establishment of the General Organization for Real Estate Financing)

This presidential decree sets the organizational structure and objectives of the General Organization for Real Estate Financing. The decree states that the purpose of the entity is to conduct the affairs of mortgage finance, oversee the proper implementation of its law, the follow up and control of activities and work on the development and take ac-tions and measures to ensure the efficiency of its market and the preservation of the rights of dealers. In order to achieve the purpose, the organization shall carry on the de-sign and implementation of policies in the light of the provision of mortgage law, in ad-dition to supervising the mortgage finance companies.

Article 1: The establishment of a public body named the General Organization for Real Estate Financing that will have a public juridical personality, under the supervision of theMinister of Economy and Foreign Trade, based in the city of Cairo, and the Commission may establish branches in the capitals of the prov-inces.

Article 2: The purpose of the entity is to conduct the affairs of mortgage finance, oversee the proper implementation of its law, the follow up and control of ac-tivities and work on the development, and take action and measures to ensure the efficiency of its market and the preservation of the rights of dealers.

Article 3: the Authority shall undertake the following:

1. Design a policy that will require the application of a direct mortgage to be implemented in the light of the provision of mortgage law.

2. Prepare and hold a schedule stating the names of the evaluation experts referred to in the stipulated Law, as well as supervise their activities.

3. Prepare a register that will record the names of the real estate agents as provided for in the Act, and supervise their activities.

4. Prepare a register with all the real estate brokers stipulated in the same Act, and supervise their activities.

5. Provide licenses for mortgage finance companies to perform their activ-ities, follow up and control it.

6. Make decisions on the application for mortgage finance companies mer-gers; dissolve them or stop it or oversee liquidation of all or the greater part of their assets.

7. Enable interested parties to access what is available in the commission records, reports, documents, or other papers related to real estate fi-nance, or to get an official extract of them.

8. Provide and disseminate information and adequate data on the activity of real estate finances.

Presidential Decree 37/2001 (Promulgating on the establishment of the National Organization for Urban Harmony (NOUH)

This presidential decree sets the organizational structure and objectives of the National Organization for Urban Harmony (NOUH). The decree states that the organization shall have at each economic region a regional centre for civil coordination following the or-ganization to carry out its competencies in such region. Additionally, the decree stipu-lates that the purpose of this entity is to achieve the aesthetic values and the shape of the outside of buildings and urban spaces, archaeological sites and the foundations of the visual aesthetic vision of the city and the village and all urban areas the state, includ-ing the New Urban Communities. The organization's objectives according to the decree mainly focus on preparing a comprehensive database of all the monuments and palaces, villas and buildings with distinctive architectural character; setting control systems which ensure the prevention of change in architectural character and proposing urban development for architectural spaces such as parks, streets, sidewalks on the basis of lighting and colours used.

Article 1 stipulates the establishment of a national public body called the Na-tional Agency for the Coordination of Civilization that will have legal autonomy under the supervision of the Minister of Culture.

Article 2 states that the purpose of this entity is to achieve the aesthetic values and the shape of the outside of buildings and urban spaces, archaeological sites, and the foundations of the visual aesthetic vision of the city and the village and all urban areas for the State, including the New Urban Communities. For this entity to achieve its objectives and goals it has the right of making all the decisions and recommendations and, in particular, the following:

1. Rework aesthetic vision for all areas of the State and work on remov-ing current distortions.
2. Prepare a comprehensive database of all the monuments and palaces, villas and buildings with distinctive architectural character of all the provinces of the Republic and establish necessary rules to preserve it.
3. Setting control systems which ensure the prevention of change in architectural form-based or additions that are on the existing buildings, and which distorts the overall view.
4. Lay the foundations for dealing with architectural spaces such as parks, streets, sidewalks, lighting and colours used while taking into account the nature of each region and recognized international standards and to insure respect for the movement of pedestrians and people with disabilities with the use of raw materials and colours that fit with the architectural character of each region.
5. Establish the conditions and controls necessary to control the form of ads and banner sin the streets and fields and on the facades of build-ings in terms of area and height, colours, and the place where the ad or the banner is placed.
6. Redesign public squares based on an architectural vision consistent with the distinctive character of each region while retaining the orig-inal form of the old models that represent distinct architectural char-acter.
7. Express an opinion on draft laws and regulations that contribute to the coordination of cultural civilization.

Presidential Decree 4/2003 (Real Estate financing decree)

This presidential decree states the establishment of the Support and Guarantee Fund for Real Estate financing, with the purpose to ensure that the mortgage finance activity is to be of support to low-income population, and to take actions and measures to ensure the follow up and preservation of the rights of its clients. In order to achieve such responsi-bilities, the decree states the Fund's objectives as setting general policies with the pro-visions of the Real Estate Mortgage Law, and coordinating with concerned authorities and those engaged in mortgage activity in order to construct economic housing for peo-ple with low incomes

Article 1 states the Establishment of a Fund that shall enjoy juridical personality, and be under the supervision of the relevant minister responsible for the application of the provisions of the Mortgage Law No.148 of 2001. The Fund will be named the Support and Guarantee Fund for Real Estate financing. The Minister may take the decision to establish branches and offices in the capitals of the provinces

Article 2 stipulates that the purpose of the Fund is to ensure that the mortgage finance activity is to be of support to low-income population, and to take actions and measures to ensure the follow up and preservation of the rights of its clients.

Article 3 states that the Fund ensures the following in order to achieve its objectives:

1. Issuing general policies that will ensure the required support of the financial activity of real estate mortgage in accordance with the pro-visions of the Real Estate Mortgage Law.
2. Receive the land allocated by the government free of charge to set up housing of economic level with public utilities against payment of half the actual cost.
3. Coordinate with the General Authority for Financial Supervision and the New Urban Communities Authority as well as the concerned au-thorities and those engaged in mortgage activity in order to construct economic housing for people with low incomes, according to the size of demand and available resources.

4. Implementing models of requests for support of low-income citizens according to the criteria specified by the regulation and executive study and determine the percentage of support and take the neces-sary action to finalize a contract with the beneficiary.

5. Determine the value of support and percentage that will represent a premium of adequate funding for the low-income citizens, according to the limits prescribed by law, taking into account the value of the land and half the cost of utilities as part of the support in addition to, or deduction from them.

6. Developing rules, procedures and reports to prove the causes of fail-ure of investors, including those with low incomes, to meet the mort-gage instalments; actions taken accordingly to ensure the fulfilment of the mortgage instalments according to the statute of the Fund.

7. Accept requests to ensure the fulfilment of premiums of the mortgage finance from those unable to meet the financial requirements for those not exceeding three delayed instalments.

8. Preparation of rules and basic conditions to request support for peo-ple with low incomes or unable to fulfil the instalments of the original funding.

Presidential Decree 305/2008 (Promulgating the establishment of the Informal Settlements Development Facility (ISDF)

Established by presidential decree in October 2008, the ISDF's mandate is to develop plans to deal with informal settlements in Egypt. According to this Presidential decree, the Facility's main objective is to survey informal settlements nationwide and proposes general policies for the development of unsafe areas and plans for improving slums.

Articles 2, 5, 6, 9 and 10 stipulate that the ISDF is directly headed by the Egyptian Cabinet. It is managed by a management board which is formulated by the Minister of Local Development (president) and has a membership of six Minis-tries, five experts and three representatives from civil society organizations, the private sector and NGOs. It has an Executive Director, who is in charge of man-aging and supervising the technical, administrative and financial affairs of the ISDF. The ISDF's main sources of funding include a share in the national budget, loans, donations, grants and revenues from cost recovery (President of the Arab Republic of Egypt, 2008).

Article 4 stipulates the responsibilities and objectives of the Informal Settlements Development Facility as follows:

1. Create an inventory of all the slum areas across the Arab Republic of Egypt

2. Classify slum areas through technical committees

3. Develop a public policy for the development of unsafe areas

4. Oversee the development plans of unsafe urban areas

5. Develop a plan for the development of slum areas in accordance with the urban schemes and with the priority of removing unsafe areas

6. Follow up on the implementation of development plans for urban slums in collaboration with the provinces

7. Encourage the civil society and the business sector to contribute to the development of slums

8. Create an inventory of establishments and units set up in unsafe are-as

9. Develop a plan to remove buildings and structures built in unsafe ar-eas

10. Follow up on providing shelters for those who will be evicted

11. Prepare periodic reports on the results of the work of the responsi-ble technical committees concerned and take the necessary measures for the development of unsafe areas

Presidential Decree 289/2008 (Promulgating the establishment of the Supreme Council for Planning and Urban Development (SCPUD)

This decree sets the organizational structure and objectives of the Supreme Council for Planning and Urban Development (SCPUD).

Article 1 stipulates that the Prime Minister will head the Supreme Council for Planning and Urban Development with other members being the Minister of Defence and Military Production, the Minister of Culture, the Minister of In-vestment, the Minister of Housing, Utilities and Urban Development, the Minis-ter of State for Economic Development, the Minister of State for Local Develop-ment, the Chairman of the General Authority for Urban Planning and the Direc-tor of the National Centre for the use and planning of State-owned land, along with a number of specialists in matters related to urban development.

Presidential Decree 160/2010 (Releasing licenses for commercial and industrial zones decree)

This decree sets executive building rules for the commercial and industrial zones. The decree states that the Minister of Domestic Trade and Industry shall undertake the re-sponsibilities allocated to Minister of Housing, Utilities and Urban Communities in con-cern to trade and industrial zones. The decree speculates that the commercial, and in-dustrial areas follow the application of the local administration law system, and that the unit of the development of internal trade is the competent administrative sector re-sponsible of the planning and organization of the commercial and industrial zones are-as.

Article 1 states that the minister supervising the affairs of Domestic Trade and Industry will undertake the responsibilities allocated to the Minister of Munici-pal and Rural Affairs and the Minister of Housing, Utilities and Urban Communi-ties wherever they appear in the legal, industrial, commercial and public shops or in any legislation or other decisions, with regard to the areas of commercial and industrial areas and issued by a decision of the Minister of Trade and In-dustry.

Article 2 stipulates that the commercial and industrial areas of the facilities and those considered of a private nature will follow the application of the local ad-ministration law system, and the Minister of Commerce and Industry will be re-sponsible for the identification of these areas for a period of five years starting from the date of the decision.

Article 3 stipulates that, in applying the provisions of the Construction Law promulgated by Law No.119 for the year 2008, the unit of the development of internal trade is the competent administrative sector responsible of the plan-ning and organization of the commercial areas which will be determined by the Minister of Trade Affairs.

Presidential Decree 33/2014 (Social housing decree)

This decree states that part of the duties of the Minister of Housing Duties is to prepare and propose a plan for social housing projects and supervise their implementation, in order to provide adequate housing for low-income citizens and small plots for families of middle-income. The decree stipulates that it is not permissible for a citizen to take advantage or own more than one unit of social housing programme, whether residential units or plots of land intended for construction. In addition, the decree sets the organi-zational structure and objectives of the Social Housing Fund, which shall undertake the funding, financing, management and the creation of residential units for social housing programmes, as well as the business and professional services required for these units.

Articles 1 and 2 state that the Ministry of Housing, Utilities and Urban Commu-nities, within the framework of an economic and social development plan of the State and in accordance with the social housing programme, will prepare and propose a plan for social housing projects and supervise their implementation, in order to provide adequate housing for low-income citizens, and small plots for middle-income families. The programme of social housing is based on the following: providing housing units for low-income families in the areas to be determined by the Ministry of Housing in the governorates and the new urban communities and providing plots of land intended for construction up to a max-imum of 400m in the new urban communities for middle-income earners

Articles 3, 4 and 5 stipulate that it is not permissible for a citizen to take ad-vantage or own more than one unit of the social housing programme, whether residential units or plots of land intended for construction. Those benefiting from a housing unit from the social housing programme should adhere to the condition of using it as a residence for their family and are banned from dispos-ing of it or use it or conduct any kind of transactions related to it without the approval of the Fund for Social Housing. Those benefiting from a plot of land in-tended for construction in the new urban communities should construct in ac-cordance with the rules and regulations decided by the new urban community authority.

Articles 8 and 9 stipulate that the establishment of a Fund that shall be called the 'Social Housing Fund,' which shall be under the supervision of the Minister of Housing, Utilities and Urban Communities and be a legal entity and will un-dertake the funding, financing, management and the creation of residential units for social housing programmes, as well as the business and professional services required for these units. The Fund is administered by the Board of Di-rectors formed by the decision of the Prime Minister. It is chaired by the Minis-ter of Housing, Utilities and Urban Communities and have as members the Min-ister of Finance, Minister of Planning, Minister of Local Development and Man-agement, and Minister of Social Solidarity, one of the Vice-Presidents of the State Council, a representative of the Ministry of Defence, the Executive Direc-tor of the Fund, and five members qualified and experienced in the areas relat-ed to the Fund, and in the affairs of the economy and credit to be nominated by the Minister of housing, Utilities and Urban Communities.

Part 4: Prime Ministerial **decrees**

Prime Ministerial decree 707/1979 (Promulgating the executive regulation of the local administration law)

Article 2: Presidential decrees relevant to the establishment, naming, abolition and scaling of governorates are issued based on Prime Minister's proposals. The Prime Minister's decrees pertain to the establishment, naming, abolishing and scaling of markaz (district), cities and hai (neighbourhood) and are issued based on Local Administration Minister's proposals and upon the approval of the local popular council. Decrees relevant to the establishment, naming, abol-ishing and scaling of villages are issued based on proposals from the markaz (district) local popular council, and upon the approval of the municipal council (Governorate level).

Article 3: Within the context of the state public policies and plans, and as regu-lated hereinafter in this legislation, local administration units are responsible for managing all public utilities located within its provincial boundaries. This does not apply for national utilizers or other utilities excluded by a presidential decree as a special purpose utility. Local administration units are also in charge of all the ministries authorities with reference to the applied laws and legisla-tions. Governances are in charge of managing all public utilities not managed by other local administration units. Hai (neighbourhoods) in the one-city gover-norates have the authorities of markaz (district) a as per the relevant laws and regulations. A hai (neighbourhood) or markaz (district) has the same authority of a village shieakhah in villages with no councils.

Article 7: With relevance to housing, urban affairs and municipal utilities, gov-ernorates have the authority to approve plans and public projects relevant to housing, construction and utilities. As per rules and regulations set by the Cabi-net and within their provincial boundaries, governorates also have the right to finance and establish economic housing projects. They also have authority of disposition for lands owned by the state and the local administration units. Meanwhile, governorates supervise local administration units in terms of the following:

1. Defining requirements of building materials and setting rules for their allocation.
2. Establishing, managing and maintaining water and sanitation opera-tions in addition to drainage projects, farms and organic fertilizer-production projects.
3. Planning and establishing public parks, paving and maintaining roads and streets, in addition to implementing environmental improve-ment projects, setting provisions for public hygiene utilities and sup-porting them with workers, tools and equipment.
4. Ensuring the implementation of provisions relevant to the establish-ment of public markets, slaughterhouses and cemeteries.
5. Ensuring the implementation of Laws and regulations relevant to buildings and land planning and division in addition to compliance provisions and standards.
6. Supervising co-operative housing organizations.
7. Ensuring the implementation of Laws and regulations relevant to clubs and public parks, industrial and commercial places and squat-ters that might disturb citizens and be harmful to their health.

Ensuring the protection and good management of state public and private properties.

Article 11: Within the framework of the state public polices and plans, and upon the approval of the Ministry of Agriculture and Land Reclamation, governorates are responsible for reclaiming lands within their command and adjacent areas of up to two kilometres. Governorates are entitled to utilize the referred to lands in the light of general instructions and guidelines set by the Cabinet, knowing that the priority is for residents who work in agriculture and who should have the privileges to be on the top of the list in terms of land utilization.

Article 16: In cooperation with the Minister of Tourism, each governorate iden-tifies its touristic areas and ensures the implementation of Laws and regula-tions relevant to the utilization of these areas for tourism purposes. The gover-norate is also in charge of issuing licences for establishing and utilizing hotels and touristic enterprises under regulations set by the Minister of Tourism

Article 16: In the field of transportation, governorates are responsible for the following: proposing projects pertaining to transportation, wired and wireless telecommunications, in addition to building, maintaining and renewing networks within the governorate zone; approving locations for transportation, wired and wireless telecommunications and post offices in addition to establish equipping private post offices; enhancing local savings by boosting post offices and setting standards and criteria for installing land lines and approving rele-vant requests. Each local unit is responsible for supervising work at the afore-mentioned offices to ensure perfect customer service levels.

Article 23: As per the plan set by the Organisation for the Reconstruction and Development of the Egyptian Village (ORDEV), governorates, markaz (districts) and Villages (shieakhah) are concerned with the following: assessing villages and governorates capabilities and defining areas of support; preparing, imple-menting and following up the ORDEV projects within credits allowed in the budget and as per the plan; participating in social, economic and urban re-searches and studies relevant to these projects; participating in preparing re-quired training courses for labours working in villages development and im-plementing developmental projects included in agreements conducted between ORDEV and international organizations.

Article 29: The local council of each administration unit is composed of the fol-lowing: members of the list from the party which won an election with an abso-lute majority of valid votes or by acclamation and the member who got the largest number of valid votes or won by acclamation as an individual.

Article 51: The Governor is considered a representative for the executive authority and is responsible for supervising the implementation of the state public policy in addition to monitoring services and production utilities within the governorate zone. The Governor is responsible for ensuring food security and improving efficiency of agricultural and industrial production. He or she is also responsible for security, ethics and public values in the governorate. In addi-tion, the Governor approves plans pertaining to keeping governorate security and cooperates with the Security Directorate in taking actions required to deal with special accidents.

Article 62: Local administration units at markaz (districts), cities, hai (neighbourhood) and villages (sheikhah) are concerned with proposing their relevant development projects. The local council is responsible for approving social and economic development projects for the governorate within the scope of the state public policy and plan.

Article 63: In cooperation with local administration units, local planning authorities set development plans and projects to attain the best utilization for lo-cal units' resources and to satisfy the social and economic needs of their citi-zens. Accordingly, they should study local communities' capabilities and un-leash investment opportunities for each unit, then propose best resource allo-cation scenarios.

Prime Ministerial decree 31/1981 (Disposing lands and buildings evacuated by the armed forces)

Article 1: Any commercial transactions in relevance to the State-owned lands evacuated by the armed forces through the Lands Projects Authority, is conducted only through public tenders and as per rules and regulations set by a Prime Ministerial decree.

Article 2: Tenders' financial values are defined by one or more technical committee(s) formed through a decree by the Minster of Defence or his delegates. The Minister can add other technical members to the committee representing specialised ministries and governmental authorities to give inputs regarding land and real estate prices, division and selling processes. The Committee defines its working procedures and has the right to study all official documents and data in order to set financial values properly. The Committee submits its report to the President of the Lands Projects Authority for final approval and endorsements.

Article 3: Only those who fulfil the following criteria are eligible to buy lands and real estates through tenders: should have Egyptian nationality; should not be an Armed Forces employee (civilian or military) nor have relatives in the Armed forces up to the fourth degree and should not be a member in the referred to committees nor have relatives members up to the fourth degree.

Prime Ministerial decree 834/1983, (Disposing lands and buildings evacuated by the Ministry of Interior)

Article 1: The fund of the Ministry of Interior Lands Projects Authority is responsible for handling lands and real estates owned by the state or by the Ministry of Interior. The authority might sell lands and real estate only through public tenders and as per rules and regulations stated in this decree.

Article 2: Tenders' financial values are defined by one or more technical committee(s) formed through a decree by the Minster of Defence or his delegates. The Minister can add other technical members to the committee representing specialised ministries and governmental authorities to give inputs regarding land and real estate prices, division and selling processes.

Article 3: Only those who fulfil the following criteria are eligible to buy lands and real estates through tenders: should have Egyptian nationality; should not be an Armed Forces employee (civilian or military) nor have relatives in the Armed forces up to the fourth degree and should not a member in the referred to committees nor have relatives members up to the fourth degree.

Prime Ministerial decree 933/1988 (Land reclamation and reconstruction areas decree)

Article 1: The Prime minister decree defines feasible areas for agricultural reclamation and new urban communities.

Article 2: The Ministry of Agriculture and Land Reclamation, Ministry of Hous-ing, utilities and urban communities and Ministry of Tourism are obliged to fol-low decrees issued by the Ministry of Defence that identify strategic areas with military importance. Using these lands or transferring its ownership would only be upon approval from the Minster of Defence.

Article 3: In cooperation with the Mister of Housing, utilities and urban com-munities, the Minister of Tourism is responsible for supervising touristic areas including organization and utilizing of these areas. The Minsters' actions are guided by building criteria, standards and conditions set by the Ministry and should be aligned with the compressive plan of touristic development and utili-zation.

Prime Ministerial decree 2906/1995 (Disposing lands allocated to the General Authority for Rehabilitation Projects and Agricultural Development)

Article 1: The General Authority for Rehabilitation Projects and Agricultural Development (GARPAD) is authorized to manage and utilize its allocated land, which is defined as follows:

1. Desert land allocated for the purpose of reclamation and agriculture based on a presentational decree and upon the Cabinet's approval and consent of the Minister of Agriculture. GARPAD enjoys all the owners' authorities and conducts its responsibilities in coordination with the Ministry of Defence.

2. Lakelands and lands adjacent to the Nile. GARPAD enjoys all the owners' authorities and conduct its responsibilities with relevance to the lands adjacent to the Nile in coordination with the Ministry of Public Works and Water Resources

Adjacent lands up to 2 kilometres provided that reclamation of these lands would be within the framework of the national plan set by the Ministry of Reclamation.

Article 2: Desert lands would be rent for 3 years. In case the renter has proved seriousness, lands ownership would owe to the renter with the same price before reclamation

Articles 30, 31 and 43: The GARPAD board of directors will issue a resolution to define desert lands to be reclaimed. The resolution will outline reclamation methods and defines who would be in charge as per the nature of the region and in alliance with the state general policy. Disposition of the referred to lands would be only through public tenders and only in favour of the eligible parties mentioned in Article (14) of Law No143 of 1981, namely demobilized service-men and women, families of servicemen and women who died during service and injured servicemen and women in military operations; small-scale farmers; graduates of agricultural colleges, institutes and schools and retired employees from the public business sector.

Prime Ministerial decree 338/1995 (Promulgating the executive regulation of the environment law)

Articles 2 and 7: The Egyptian Environmental Affairs Agency (EEAA) has been established by virtue of Law No.4 of 1994, to replace the Agency established by Presidential Decree No.631 of the year 1982, in all its rights and obligations. Staffs of the latter agency are to be transferred to the EEAA with the same grades and seniority levels. The EEAA board of directors is formed by virtue of a cabinet resolution whereby the Chairman of the board is the Minister of Envi-ronment. EEAA board members include EAAA Executive

Director; representa-tives of six ministries; two environment experts; three members representing NGOs working in the environment field; one EEAA senior employee; the head of the relevant Legal Opinion Department (Fatwa) from the Egyptian State Coun-cil;v three members representing the public business sector and two members from universities and scientific research centres.

Prime Ministerial decree 127/2000 (Promulgating the establishment of The Supreme Committee for Urban Harmony)

Articles 1 and 2: A Supreme Committee for Urban Harmony is to be formed out of the following members: Minister of Culture (Rapporteur), Minister of Hous-ing, Utilities and Urban Communities, State Minister of Environmental Affairs, State Minister of local Development, Minister of Irrigation and Water Re-sources, Minister of Awqaf, Head of Egyptian Antiquities Authority, Head of the National Organization for Urban Harmony and four urban harmony experts to be selected by the Minister of Culture. The mandate of the committee is a follows:

1. Studying and setting criteria and conditions for aesthetic values for exteriors, buildings, urban and archaeological spaces, in addition to setting standards for visual structure of cities villages and other ur-ban areas of all the state and the whole aesthetic outline for the new urban communities.

2. Approving the Urban Harmony Plan on the state level.

3. Proposing legislation contributing to the attainment of the urban harmony objective.s

4. Approving studies and subjects relevant to the committee mandate and objectives.

Studying other relevant topics as per the recommendation of the Ministry of Culture.

Article 4: The National Organization for Urban Harmony is concerned with studying and preparing topics that would be presented to the Supreme Committee of the Urban Harmony and would be in charge of following up the execu-tion of approved plans and programmes in addition to the following responsi-bilities:

1. Studying and setting criteria and conditions for aesthetic values for exteriors, buildings, urban and archaeological spaces, in addition to the standards of visual structure of cities, villages and other urban areas of all the state and the whole aesthetic outline for the new ur-ban communities.

2. Preparing the national draft plan for harmonizing city buildings, spaces and public spaces while setting recommendation and priorities.

3. Implementing recommendations of the Supreme Committee regard-ing Urban Harmony and ensuring the concerned local administration units abide by these recommendations.

4. Preparing an annual report about obstacles and achievements of the year to be submitted for the Supreme Committee of the Urban Harmony

Prime Ministerial decree 350/2007 (Regulating enterprises' ownership to lands and real estates)

Article 1: Companies and enterprises do have the right to own lands and real estates required to conduct their business activities. They have the right to ex-pand regardless of the nationality of their partners and shareholders, and irre-spective to their residence's percentage of shares in the company's capital; ex-pect for lands and real estates mentioned in Articles 2 and 3.

Articles 2 and 3: Companies and enterprises cannot own or make use of the fol-lowing lands and real estate: strategic areas with military importance; areas ad-jacent to Egypt's international boundaries (south, east and west); islands in both the Red and Mediterranean Seas; archaeological areas and their domains; nature reserves; the campus of the Red Sea coast and the Mediterranean Sea and the Suez Canal; all types of roads and their domains and lands located of the Sinai Peninsula.

Part 5: Minister of Agriculture **decrees**

Ministerial decree 359/ 2006 (Setting the reins and borders for the Egyptian vil-lages)

Article 1: Reins and borders set for the 497 villages and defined by the Minister of Building, Utilities and Urban Development are obligatory. The governor en-dorses building licences within the newly referred to reins of villages as per the detailed urban plan approved by the General Organization for Physical plan-ning.

Ministerial decree 985/2009 (Regulating construction workon agricultural lands)

Articles 1 and 2: All construction work on agricultural land must be conducted outside the defined borders of cities and villages and upon the approval of the Ministry of Agriculture and after examining all the required documents. Docu-ments would be reviewed and approved by directorates of agriculture and on the central level in order to ensure compliance with conditions before license are being issued.

Articles 3, 4, 5, 6, 7 and 8: Conditions for approving construction projects serv-ing animal husbandry, such as the production of meat and livestock or poultry projects, have been permitted. Conditions entail that these projects should be located on public roads and near public facilities of drinking water and sanita-tion, and electricity. In addition, these projects should be 300 metres away from villages' borders as per Ministry decree No.303 for the year 1978. Projects' de-signs should be approved by the livestock department and should abide by its standards and conditions. If these buildings end up being used for other pur-pose such as housing, guarding and storing feed, the license would be terminat-ed.

Ministerial decree 1836 and 1990/2011

(Regulating exceptional regulations that allows construction work on agriculture lands)

Article 1: Agriculture land referred to in this resolution denotes already culti-vated lands and their equipment including sheds, warehouses and barns. It is prohibited to construct any buildings or facilities or to take any procedures re-lated to the division and/or constructing on agricultural lands outside the boundaries that have been approved for cities and villages or lands without au-thorized strategic plans. The following are the exceptions for the aforemen-tioned prohibition: lands where the government use for public utility after the approval of the Minister of Agriculture,; lands where projects serving agricul-tural and livestock production have been held and land adjacent to villages' borders where project owners build their own private house as per regulations set forth in this resolution.

Article 2: Approval of the Ministry of Agriculture is a must for all exceptional cases stated above.

Article 7: A license is required to establish a private house to serve agricultural lands:

1. For old agricultural land located within the Valley and Delta, a build-ing license would be issued for a minimum of one hundred square metres and a maximum of two hundred and fifty square metres.

2. For new lands and newly reclaimed lands, a building could be in-creased by two per cent of the total area owned by official carrier of ownership.

Article 9: No licences would be issued to build concrete walls around agricul-ture lands, gardens or public seedbeds.

Part 6: Minister of Housing, Utilities **and Urban Communities decrees**

Ministerial decree 1314/1964 (Promulgating the delegation of specific terms of reference to the governors)

In past decades, the Minister of Housing, Utilities and Urban Communities has released tens of decrees delegating some terms and references to the governors. The following decrees are among them:

1. Ministerial decree 450/1961, delegating specific terms of reference to the governors
2. Ministerial decree 522/1961, delegating terms of reference concerning supervision of the ministry on the state's land in the cities/villages.
3. Ministerial decree 524/1961, delegating specific terms of reference to the governors
4. Ministerial decree 1294/1962, delegating terms of reference of the Ministry of Housing in specific laws, and withdrawing previous delegations.
5. Ministerial decree 1314/1964, delegating specific terms of reference to the governors
6. Ministerial decree 1338/1965, delegating specific terms of reference to local committees in each governorate to supervise building permissions.
7. Ministerial decree 1565/1965, delegating specific terms of reference concerning the management of real estate and lands, to the governor.
8. Ministerial decree 86/1969, delegating specific terms of reference to the governors
9. Ministerial decree 1017/1969, delegating specific terms of reference to the governors
10. Ministerial decree 496/1973, delegating specific terms of reference to the governors of Cairo, Alexandria and Giza

Ministerial decree 1314/1964, for example, stipulates that Governors are delegated to shoulder responsibilities of housing and utilities as described later in the following laws:

(1) Paragraph 2 of Article 12 of Law No.66 of 1956 concerning the regulation of advertising, 'The Minister may issue a decree to expect some areas, neighbour-hoods and squares from the application of certain provisions of this Act or its executive regulations and in this case the decree must include obligatory condi-tions for licensing.'

(2) Paragraph Article 17 of Law No.140 of 1956 regarding public road works. As per the proposals of municipal councils, the concerned Minister may exempt some country or neighbourhoods or roads from the application of some or all of the provisions of this Act or its executive regulations for historical commercial or local considerations. The Minister then should state special provisions and fees for works in these areas so as not to exceed L.E. 200 per square metre per day.

Ministerial decree 134/1968 (Promulgating the release of the executive regula-tion of the law 38/1967 (The Public Cleanliness Law)

Article 5: Authorities responsible for public hygiene works should be in charge of collecting, disposing and despatching garbage to the allocated places. They can outsource these operations, or some of them to one contractor or more ac-cording to the conditions and specifications set by the local council

Article 5: Vessels dedicated for keeping garbage, residues and dirt should be made out of deaf metal or material alike, they should be free of holes and do not allow leakage of fluid or waste. They should be closed with a tight cover and have two handles that fit in in terms of capacity with the amount of residue held.

Article 13: Garbage should be sorted in the places designed for this purpose; it is prohibited to sort it in vehicles and cars.

Article 17: In addition to standards set by authorities specialised in managing public and private landfills with regard to disposing garbage, residues and dirt, the following conditions should be applied: landfill location should be in an eas-ily-reached location and should be placed against the winds' directions; landfill should be carefully fenced; the locations should have a suitable water resource to control any fire; in the case of garbage burning, an oven should be provided and garbage should be sorted first; garbage could be disposed using burial methods and garbage and residues should not be used for animal feeding or lighting purposes.

Ministerial decree 268/1996 (Promulgating the amended executive regulation of the Law 106/1976)

Article 3: The Organization of Technical Inspection of Building at the Ministry of Housing is responsible for assessing the average cost value of establishing a flat metre in buildings of all kinds and at the various governorates. These prices should be authorized by a decree issued by the Minister of Housing, Utilities and Urban Development.

Article 4: The governorate retains (0.2 per cent) in a special account for local development and services. Expenditures from this account is subject to a prior approval of the governor in charge and are directed to the following activities: removing or amending irregularities; removing irregularities resulting from the construction work if not removed within the period determined by the admin-istrative body; fixing damages of public facilities, which occur as a result of con-struction work and charges for occupying public road and sidewalks.

Article 5: General construction conditions include providing each housing unit with an independent private bathroom including a toilet and basin at least; the inner flat of a residential room or/and office room should not be less than 10 square metres and the width should not be less than 2.7 metres; the width of the bathroom should not be less than 2.1 metres and the flat should not be less than 00.2 m squared; the width of the kitchen should not be less than 1.5 me-tres and the flat should not be less than 00.3 2.4; balconies railing height should not be less 0.9. metres; in the case that the building will include shops, it should have toilets for the use of the shop owners and staff and a building with more than 30 residential rooms should have a guard room containing a toilet and basin for washing hands.

Article 9: Buildings higher than 16 metres should have two stairs at least with two entrances and one of them should be uncovered to be used as an exit for emergencies.

Article 12: Lighting and ventilation conditions stipulate that each room should have an opening space for ventilation and lighting overlooking the road and abiding by requirements set forth in these regulations. The opening space should not by any means be less than eight per cent of the flat floor of the resi-dential rooms and offices; minimum of one metre square while ten per cent of space should be for the facilities (bathrooms, kitchen, toilet and a stairwell role) and this should be a minimum of half a square metre.

Article 20: Regarding the maximum height of building, the following conditions should be considered as per Articles below:

1. The overall height of buildings on both sides of the road should not exceed half times the distance between the two sides of the road if they were parallel and no more than 36 metres in height. The men-tioned heights are to be measured in front of the middle of the build-ing interface. Each interface is measured form the surface of the pavement, if any, otherwise it is measured by the surface level of the axis of the road.

2. The overall height of buildings located on more than a road or a square, etc. should exceed 36 metres and should abide by the follow-ing conditions: if the building is located at two joined roads opposite or non-opposite to each other and are different in their width, or if the building is located on more than two roads, the The building should not exceed one and a half of the street width. and if the build-ing is located to a turn or a U-turn at the join of two or more roads, the building's overall height should not be one and half times the pil-lar of the building's interface with the intersection of axial roads overlooking the building and half the width of the biggest street.

3. If the building is located on the rinse or spin of two or more joined roads, the overall height of the building should be one and a half times the column primarily on the facade of the construction with the intersection of axial roads overlooking them, including at least once, and half the width

of the street bulk. If the building is situated near a field, river or a train railway, then the building's height should not exceed one and a half times the distance between the building and the opposite nearest regulatory line.

4. If the building is located on a square, the building height shall not ex-ceed the one and half time the distance between the building and the nearest building overlooking the square.' Legally, the heights of ele-vators, stairs, air conditioners and water tanks are not calculated among the regulated height provide that the maxim height is no more than five (5) metres. The same applies for ornaments that should not exceed a metre and a half.

Article 21: It is not allowed to make a ridge at the interface of building located at a public or private road border, unless the following conditions have been considered:

1. Constructions in authorized building lines and/or those located on private roads and/or those outside the planned building lines might have buttress outside the defined lines with maximum of (7) cm

2. It is allowed to make a ridge for the first floor provided that they are not more than two (2) metres above the pavement flat

3. For buildings located on a road border, the distance between the lowest part of balconies and the highest point of the pavement flat should not exceed four metres

4. The ridge of uncovered balconies should not exceed ten (10) per cent of the road width, while the percentage allowed for tours is only five (5). In both cases, the ridge should not exceed 1.25 metres with a space of 1.5 metres as a vacant space distance between buildings without any ridges.

5. Ridge could contain ornaments with 25 cm over the allowed percent-age form the road width

Ministerial decree 421/2007 (Promulgating the standards of the construction ra-tios and heights in the industrial regions)

Article 1: All construction ratios and heights are to be unified in authorized in-dustrial areas in governorates and new urban cities, buildings in these areas should not exceed 60 per cent of the total space. Building interfaces should not exceed four metres and this would depend upon civil defence approval. Con-crete constructions should not exceed 15 metres and all should abide by heights determined by the armed forces and civil aviation authority.

Ministerial decree 1118/1962 (Promulgating the establishment of the Public Administration of Technical Inspection)

Article 1: An administration following the Ministry of Housing, Utilities and Ur-ban Communities is to be formed to be responsible for technical inspection of housing, and utilities work in local units. The administration supervises ongo-ing and completed operations to ensure their efficiency, maintenance and ad-herence to relevant Laws and legislation. The department is also in charge of conducting technical inspections on work performed by companies and organi-zations implementing projects for the Ministry of Housing, Utilities and Urban Communities and the local councils

Article 2: The administration of technical inspection is composed of several units supervising public housing and buildings; construction work; city and vil-lage planning; licences and regulations; water works; drainage works and me-chanical and electrical work.

Ministerial decree 1373/1962 (Promulgating the establishment of the Planning and Monitoring Authority)

Article 1 and 2: A planning and monitoring authority is to be formed as an affili-ate to the Ministry of Housing, Utilities and Urban Communities affiliates. The authority is to be responsible for formulating proposals relevant to the general policy of housing, utilities and urban communities within the Ministry's respon-sibilities, in addition to proposing plans, programmes and projects to ensure implementation of these policies. It is also responsible for formulating pro-posals for technical and applied researches targeting monitoring and improve-ment of services; drafting budgets for the ministry, housing budgets, gover-norates' utilities budgets and budgets for other national institutions; national projects implemented by the Ministry; reporting results of technical inspections on housing, construction and utilities works and following implementation of projects and plans and assessing their impact in the light of objectives set by the Ministry.

Ministerial decree 1605/1964 (Promulgating the establishment and the inner system of the Building Supervision Committee)

Both decrees stipulate the formulation of a committee for managing government properties under the supervising of the Ministry of Hosing. The committee is to be responsible for inspecting and evaluating lands governmental authorities would purchase. The committee head would be the General Manager of the Public Department for Managing Government Properties.

Ministerial decree 580/1966 (Promulgating the establishment and the inner sys-tem of the Cooperative Loaning Fund)

Article 1: The general department for financial affairs manages the Fund and thus performs the following mandates: general studies relevant to the Fund and financing; assessing applicants pre grant award in the light of information pro-vided form different resources; observing required grant producers and pre-paring all statistics and data require for the Fund.

Article 2: Grants provided by the Fund are categorized into two types. The first is short-term grants to finance material procurement. These grants are provid-ed for cooperative associations supervised by the institution that produces and distributes construction materials in addition to financing other operations conducted by cooperative associations of building and construction. The second category is long-term grants to finance housing construction and maintenance works. The duration of these grants vary from two to five (short term) and 15 (long term) years and in alliance with the provisions of Law No.1 for year 1966. Grants are to be paid in instalments and upon receipts, with payment certifi-cates and other documentation required. The chairman of the institution sets the maximum amount of the grant and suggests the percentage of the grant to the total cost of the project.

Ministerial decree 835/1981 (Promulgating the internal system of the Cooperative Housing Union)

Articles 4, 5 and 6: Within the framework of plans set and approved by the accountable minister, the Union assists cooperative housing units in performing their mandates and participating in the public supervision and control over their activities. In particular, the union is responsible for the following:

1. Proposing general polices for cooperative housing
2. Preparing data and statistics relevant to cooperative housing
3. Enhancing a cooperative culture and increasing awareness, includ-ing: promoting the culture of cooperative housing and preparing leaders believing in cooperative housing and encouraging studies in this field; exchanging Arab, African and international experience in the field; networking with similar cooperative movements abroad; conducting researches and studies, collecting information and data issuing all relevant publications, studies, documents and resolutions; stablishing and managing training centres and coordinating with other training centres specialized in enhancing culture of cooperative housing and organizing conferences related to cooperative housing as per policies and procedures set by the board of directors in addi-tion to following up the implementation of conferences recommenda-tions.

4. Protecting the benefits of all affiliated entities, including representing cooperative housing entities abroad and networking with interna-tional organizations in the field; coordinating activities of cooperative housing and other forms of cooperative activities; participating in developing administrative, financial and organizational regulations required for better performance of the cooperative units as approved by the accountable minister; guiding cooperative units to the suitable accounting, financial and administrative systems; providing technical assistance and legal counselling based on the State Council advices, if required, and managing disputes that might arise among units, boards and board members.

5. Supervising performances of cooperative units, including conducting regular and annual audits for their budgets and reviewing board meeting minutes while following up their resolutions and inspecting their activities.

6. Participating in liquidation and exit procedures.

Ministerial decree 137/1982 (Promulgating the internal system of the Cooperative Organizations of Building and Housing)

Article 1: The following rules are to be considered when developing internal systems and regulations of joint cooperative organizations of building and housing:

1. A joint cooperative organization is formed of two or more coopera-tive organizations for building and housing and they cooperate in building one cooperative project in favour of the organization part-ners.

2. The joint cooperative organization manages the project for which it has been formed, it is also responsible for generating funds on behalf of the member organizations in addition to conducting contractual procedures and allocating expenses as per percentage of shares.

3. The general assembly of the joint cooperative organization is com-prised of three to five members from the board of directors of each member organization and they are selected by the board.

Ministerial decrees promulgating general specifications and requirements for commercial, industrial and social spaces; including decrees number 79-98, 185-200 and 235-236 of the year 1955)

Examples of such decrees include:

1. Metal drawing, iron and steel factories
2. Factories for packing tea, coffee, salt and spices
3. Alcohol factories and warehouses
4. Entities listed in Chapter 2 in case they are operated by mechanical and electrical engines
5. Dairy plants
6. Vegetable oil pressing and distillation labs
7. Steam baths
8. Meat stores (butchers)
9. Cotton compressors
10. Motorbikes and care repair workshops
11. Cement Factories
12. Food shops
13. Ice-cream shops and stores
14. Shops preparing and serving Sahlab and Belila (wheat)
15. Grocery stores
16. Public markets' livestock stores and food markets
17. Coppersmelting and moulding workshops
18. Automotive lubrication shops
19. Leather tanneries
20. Tile and cement factories and warehouses of tile, cement and lime
21. Photo and film processing and printing labs
22. Glue and gelatine factories
23. Gas generation labs
24. Fabricated silk factories
25. Shelters and hospices not subject to government health inspection
26. Cages and bamboo baskets shops
27. Warehouses of tar, acetone, Sulphur Dioxide and other materials in-volving alcohol or ether or fat
28. Cotton stores

29. Linen stores
30. Grain stores
31. Vegetable and fruit markets
32. Chalk and detergent labs
33. Cotton waste stores
34. Cotton-spinning workshops
35. Engineering drawings workshops
36. Fabrics refining workshops
37. Dance and musical instruments stores
38. Grains cleaning and crushing equipment stores

An example for such ministerial decrees is: Ministerial decree 190/ 1955 Promulgating general conditions for designing and constructing metal drawing, iron and steel factories. Both industrial and commercial entities should abide by the following rules and conditions:

1. The distance between factories and houses should not be less than 2000 metres from all sides. In a case where a shorter distance has been approved, the licence is automatically cancelled with no ac-countabilities on the part of government and governmental employ-ees. The distance is to be measured from the outside walls.

2. The whole factory should be built out of fire-resistant material

3. The distance between floor and ceiling should not be less than a metre

4. There should be a water resource and drainage no matter the number of workers and the water resource and drainage should follow the general conditions set for industrial and commercial workers

5. A defined place should be allocated for storing raw material of iron, coke and other products in addition to allocating places for thermal bricks

6. A defined place should be allocated for storing Oxygen cylinders and should meet the general conditions of warehouses for compressed cylinders.

7. A defined place should be allocated for storing explosives and ware-houses should meet general conditions prescribed for storing such material in factories.

8. A defined place should be allocated for boilers that should be made out of fire-resistant material.

9. Workers working on the maintenance of ovens and in dusty areas should be equipped with protective masks.

10. Workers assigned to monitoring ovens should be provided with as-bestos gloves and metal-netted facial masks

11. Water should be prevented from mixing with fluid metals whether solid or iron. Vessels receiving these liquid metals should be com-pletely dry.

12. A steel Quencher should be covered by a suitable front and equipped with an extractor fan to expel evaporated gases outside the chimney.

13. Filters, electrical extractor fan and cyclones should be installed above the mills' grinding the waste from the smelting process.

14. Maintenance workshops meeting the general specifications for each industry should be in place.

15. Those working in metal drawing areas should be provided with wooden shoes.

16. An appropriate place should be allocated to be the first aid room and should be equipped with the required material.

19. The place should be equipped with fire-extinguishing tools and all other required apparatus.

UN-Habitat Regional Office for the Arab States
9th Floor. Housing and Building Research Centre
87 Tahrir Street, Dokkie Cairo
Tel: +202 37618812/3

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 7623120
infohabitat@unhabitat.org

www.unhabitat.org