Rethinking Property Regularization for Effective Informal Settlements Upgrading in Egypt: A Context – Specific Approach

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Introduction

The world's population is increasingly concentrated in urban settlements. It is estimated that by 2050 the world population that resides in cities would reach 66%. The urban areas of Africa and Asia will absorb nearly all of the projected growth of the world population.

Official figures report that in 2016 a total of 42.7% of Egypt's population was urban, residing in 214 urban places. Egyptian cities follow the global urbanization trends and will continue to grow. The annual national population growth has been recorded at an average of 2.2 to 3% over the past decades. Both population growth and rural to urban migration cause staggering rates of population increase of almost 4% annually in Egypt's urban centers.

A significant share of the urban population of Egypt lives nowadays in informal settlements. As the subject gained political importance, the Egyptian government made several strong commitments to improve the situation in informal settlements. According to the 2014 constitution stipulated that the Government of Egypt is responsible to provide infrastructure and facilities that improve the quality of life and public health of informal area residents. Similarly Egypt Vision 2030 document specified the development of informal settlements as one out of two main goals in the housing sector.

In terms of tenure security, most Egyptian families, whether living in formal or informal areas, or whether renting or owning housing units, enjoy relatively secure tenure. Even those living in units built on squatted State land are rarely evicted, except those living in buildings or areas deemed dangerous. And for these persons alternative housing is normally provided *(Egypt Housing Profile - UNHABITAT, 2016)*.

In contemporary Egypt, three main types of informal settlements dominate the urban landscape: (1) squatter settlements built on state-owned desert land (less than 20%) (2) highly urbanized, large settlements that have been developed in neglect of planning or building regulations on subdivided, privately owned agricultural land (3) rural villages that have expanded and turned into peri-urban settlements through unauthorized construction on privately owned agricultural land. In fact, the vast majority of these informal settlements (85-90%) is in good physical condition and is today connected to basic services and infrastructure. Yet, only 10-15% of informal settlements exhibit highly deteriorated housing conditions or are built up in hazardous locations and could thus be qualified as unsafe areas according to the definition of Informal Settlements Development Facility (ISDF). 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.

The focus of the Egyptian government policy on dealing with informal urban areas so far has been mainly upgrading the areas via infrastructure and services provision to improve livelihoods. Questions beyond that such as the legalization of informal settlements or preventive planning strategies get much less attention because of their complexity and political sensitivity.

The Issue

In practice, the Egyptian state shows much tolerance towards such illegal informal 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). Such recognition is granted, in particular, by their connection to public utility networks (e.g. electricity, sewerage, drinking water), or by the setting-up of public facilities such as schools, medical centers and police stations, or by the establishment of local administrative bodies at the district level.

The residents of such illegal areas consider that once infrastructure or services is in place, their eviction or the demolition of their property will be almost impossible. In short, in Egypt the cases of arbitrary demolition of settlements constructed on privately owned land or on state owned land are quite rare. As 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.

For many Egyptians 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. However, insecurity of tenure is high on disputed state-owned land with high value and on land included in infrastructure projects or in areas classified as unsafe.

Improving access to services in order to enable the urban poor to adequate housing and to improve livelihood of the residents are the main objectives of the most of upgrading programmes in Egypt. However property regularization component, whenever is associated to such programmes for Increasing security of tenure, proved unsuccessful for some reasons such as;

- Government officials were hesitant to support regularization projects as they fear to give citizens and informal developers more incentives to build informally
- Inhabitants of informal areas had little incentive to participate in titling programme where they had to buy the land they built on as they already perceived their tenure security as high.

Research Objectives

This research is tackling the issue of upgrading informal settlements built on state-owned land, where the security of tenure can be considered a trigger for development and the legal recognition, is counted an essential factor to integrate such areas within the city.
It's claimed, here, that context-based approach is required when designing upgrading programmes of informal settlements built on state-owned land. Discussion on pursuing

property regularization, as an instrument for effective upgrading process, shall focus here on its systems tailored based on the area surroundings context.

A context-specific approach is developed to categorize and analyze informal settlements built on state-owned land. Additionally, appropriate strategies and development policies are formulated based on concerns derived from each category. Thus, tailored tenure regularization system has recommended to be adopted for effective upgrading.

Background on Informal Settlements in Egypt

According to the legal framework, informal settlements, in Egypt, could be designated as illegal areas, as they do not comply with at least one of the laws governing urban land development and building (e.g. planning and subdivision laws, building laws). Moreover, most of the transactions in these areas are not registered; constructions do not have building permits, and properties lack formal title deeds. Informal settlements within the Egyptian context mostly take one of two forms; (i) expansion on privately-owned agricultural land, principally occurring on the urban fringes, and representing about 80% of informal urbanization, or (ii) squatter settlements on state-owned land, which represents about 15% of informal urbanization in Egypt *(Marwa A. Khalifa, 2015)*

Informal Settlements expanding over private agricultural land:

Private residents in the 1960s began building their homes on agricultural land purchased from farmers, without subdivision plans or building permits. Since 1978, the Egyptian government adopted a series of laws that made it illegal to build on agricultural land, and in 1996 it was considered a criminal offense. Building on agricultural land continued, however, resulting in a significant loss of such land, especially on the urban fringe.

In the large majority of informal areas which have been established on private agricultural land, the small parcels of land are legally owned .Thus building on this land is also legally owned. However, the original transaction was rarely if ever registered at the official real-estate registration offices nor were titles or deeds issued. These areas are classified as "unplanned" as its constructions neither have building permits nor comply with any legal forms of land subdivision.

Over the decades, these properties may have changed hands and units through added constructed units and sales, but such changes were never officially recorded.

Informal settlements expanding over state-owned land:

Private residents developed state-owned land in desert areas, per a tenure type known as "Hand-claim" (adverse possession). These settlements usually started with a small core, then expanded as developers walled off large plots on the fringes of the core, which they subdivided and sold. Although this process has occurred outside formal written law, residents derive customary rights to their land and housing under Civil Code provisions on establishing —hand claims in the desert.

In a small percentage of informal areas which have been established on vacant state desert land the land was squatted through the process of hand-claims and is thus illegally occupied. When these areas began to emerge, investment was risky, but as the areas grew and a 'critical mass' of houses and people had accumulated, eviction and demolition became improbable. The occupants in these informal areas have collected bills for electricity and water or property tax receipts in order to document their claims to their property.

Even though practically no property owners in those informal areas have titles for their plots of land, which does not limit their ability to sell properties at market value through a number of quasi-legal and informal means. Hence produces a secure investment environment.

These Informal settlements expand on state-owned l and (IS/SOL) could be classified, based on its spatial location and its surroundings context into three categories.

Categories and Study areas

1st category represents areas situated inside the city, as informal pockets, surrounded by formal areas; e.g. "Maspiro" and "Talel Aquareb" in Cairo. The 2nd category is presenting these informal settlements surrounded by unplanned neighborhoods, which share the same informality characteristics of the surroundings but the only difference is that its placed on a state-owned land ,not privately owned land like the rest of the surrounding neighborhood. The area called "Elsodania" in Marsa Matrouh city is an example of areas in this category. The 3rd category is these areas expand on the city desert fringes, or peri-urban areas where the most informal urban expansion of the city is used to occur. "Ezbet Elhaggana" in Cairo and "Elkilo-2" in Ismailia are giving a good example of such category. Figure 1 shows examples of different categories and its urban fabrics.

Fig. 1
Example areas from the three categories of IS/SOL and its urban fabrics

| Inner City Pockets | Area within Unplanned Neighborhood | City Fringe area |
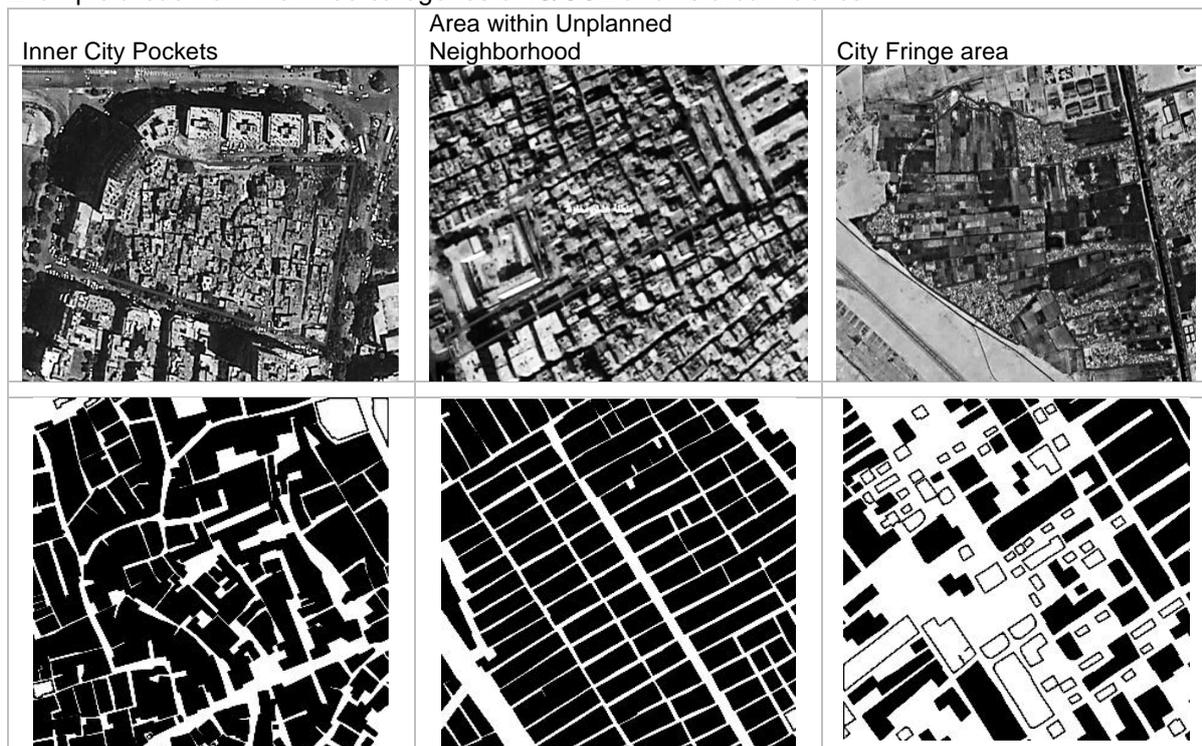
This research is claiming that although these categories are situated on state-owned lands, its spatial contextual differences, would require different strategic approaches to attain desirable upgrading outcomes and to deal, properly, with existing security of tenure challenges. It's arguing that, in Egypt, upgrading project pursuing the development of IS/SOL should consider the area's contextual setup and its surroundings dynamics. The "one size fits all" policy, in property regularization programmes, might lead to adverse socio-economic consequences.

Methodology

Based on available data for IS/SOL provided by the Informal Settlements Development Fund – ISDF, properties of different study areas, in each category, have been derived.

The collected primary and secondary data of different study areas were analyzed by two methods; 1) desktop analysis, to derive information about properties of each proposed category. 2) Focus group discussions with different stakeholders, *(members of ISDF, local authorities, technical consultants and community based organizations)* to decide on the proposed categories and assess its properties.

Through synergistic discussions, impacts of area's location, age and densities on socio-economic dynamics were inferred. Main concerns and upgrading challenges associated with each category have been obtained through converging stakeholders' diverse perceptions and their understanding to its dynamics.

For each category, development objectives and propositions of upgrading strategies have been formulated. Hence, recommended tenure regularization approach, bracing upgrading strategy in each category, were elaborated and justified.

Analysis

Based on stakeholders understanding of potentials and obstacles of previous property regularization programmes in Egypt, each category has been assessed against different property factor. The interpretations have been described and summarized as follows;

Table 1
Properties assessment per category

Properties	*C a t e g o r y*		
	1- Inner City pockets *"Formal Surroundings"*	**2- In Unplanned neighborhood** *"Informal Surroundings"*	**3- In City Fringe** *"Peri-Urban Areas"*
1- Age	Old	Middle	New
2- Population Density	High	High/ Medium	Low
3- Social-coherence	High	High/ Medium	Low
4- Economic Value	High	Medium/ Low	Low
5- Land price	High	Medium	Low
6- Floor area ratio - FAR	High	Medium	Low
7- Perception of tenure security	Medium	High	Low
8- Connection to job opportunities	High	Medium	Low
9- Existence of Infra. & services	High	Medium	Low
10- Self-financing capabilities	High	Medium	Low
11- Vacant Land availability	Low	Medium/ Low	High

From the discussions and analysis of diverse case studies, it's found that the older the area, with prohibition of restoration or renovation (*according to present bylaws in Egypt*), the more possibility that buildings will downfall in the near future and the land will turn back to the state (*the legal owner*). At this moment some residents will lose their occupancies with low compensation. Therefore, the residents demand for regularizing their properties will increase. In old areas (*e.g. historical areas*) its residents perceive more social coherence and sense of community. Hence, belonging more to their place.

The higher population density (*critical mass*), the more "unofficial" recognition shown by their connection to public utility networks and the more its residents perception of tenure security (*de facto tenure status*). Yet, it has been, also, found that population densities, when accompanied with strong social cohesion, its residents perceive less perception of densities and experience less conflicts and crime

Also it is noticed that the higher the area's economic value (e.g. edging, proximity to jobs, services, availability of amenities and income generated activities) the better its residents livelihood with more willingness to contribute in upgrading their area. But with the increased land price the residents' capabilities to purchase their plots *(for land titles)* are decreased. However, investment returns, from selling selected lands in prime locations, could be a good opportunity for financing needed upgrading measures (*land value capture*).

Residents planning on further construction, (*mostly in areas of low & medium FAR*), may therefore be more interested in obtaining land title than those who have completed their construction (*mostly in areas of high FAR*). Nevertheless, with more infrastructure provision to these places by the government, security of tenure perception will get improved. Thus, they prefer to allocate their financial resources to invest in their own direct preferences *(e.g. more construction to secure their living)* and not in upgrading activities

The more vacant lands available in the area the more opportunities to address its basic needs, either by allocating needed services and utilities in or by investing the land to finance upgrading measures.

Concerns

Relying on the previous interpretation, of study areas comprising the three categories, main concerns have been concluded as affecting the setup of upgrading programmes of areas in each category. Some concerns are common across categories as presented on table 2.

Table 2: Main concerns facing different categories

	C a t e g o r y		
	1- Inner City pockets *"Formal Surroundings"*	**2- In Unplanned neighborhood** *"Informal Surroundings"*	**3- In City Fringe** *"Peri-Urban Areas"*
C o n c e r n s	- Certain areas have lower economic value than its land investment returns.	- Conflicted Land utilization	- High cost of Infra. and basic services provision
	- Conflicted property ownership	- Congestion of physical environment	- More building encroachments on SOLs if not effectively controlled
	- inadequate available means of compensation for relocation (*agreed, participatory, fair pricing scheme*)		- Unsecured tenure status
			- Ineffective land utilization
		- Insufficient Infra. and basic services provision	
		- lack of area's accessibility & disconnection from city dynamics	
	- Deteriorated built-up environment (*deteriorated structures and road networks*)		
	- Inadequate LAs' competencies to design, implement and operate upgrading and property regularization programmes		
	- Mistrust among residents and Local Authorities – LAs		
	- Tenant gentrification might happen due to the increase of rental prices and cost of living		
	- Land & housing markets distortion as a repercussion of inadequate regularization policy		

Beside the common challenges perceived in the three categories; such as, deteriorated built-up environment, incompetency of LAs to management, mistrust between residents and LAs, and the susceptibility of gentrification along with land and housing markets distortion, each category has been distinctive in specific concerns in relation to the tenure system.

The "inner city pockets", based on its location and economic activity, might face the issue of having lower economic value than its land investment returns. This could increases the LA's tendency to go for land investment option rather than upgrading one. Consequently, relocation with disruptions of social structures could happen to some residents.

The "in unplanned neighborhood" category, areas are facing, mainly, the challenge of being disconnected physically from its city road network and the lack of internal and external mobility.

Although many households in this category perceive high sense of tenure security (de facto), they suffer inaccessibility to financial resources; especially small loans which needed to enable them to build an extra room (e.g. for rental income) or to improve the quality of their existing accommodation.

In the "City fringe" category, it's found that the mere expectation of regularizing tenure status for its properties, or formalizing land uses, by setting legal urban plans, may rise its commercial values and can therefore, actually, reduce tenure security, especially for tenants. Yet, the threat of expansion, of these areas, on the available surrounding vacant lands is of a real concern here.

Outcomes of former land titling programmes in Egypt indicated that by granting full titles to residents, significant and sudden increase in land values is happening.

Development Objectives

Based on former perceived concerns different objectives have been elaborated for the development of the three categories as shown in table 3;

Table 3: Development Objectives per Category area

	C a t e g o r y		
	1- Inner City Pockets *"Formal Surroundings"*	**2- In Unplanned neighborhood** *"Informal Surroundings"*	**3- In City Fringe** *"Peri-Urban Areas"*
Objectives	1- Socio-economic values are maximized	1- Land-use value is maximized to enhance living environment, foster local economy and prevent expansion of informality.	
	2- Conflicts of property ownership and issues of tenure security are resolved (lands and housing units)	2- Accessibility & connectivity with the rest of the city are improved	
	3- Residents are Encouraged to actively participate & cooperate in upgrading process	3- Densities are optimized	
		4- Infra. & adequate Basic Urban Services-BUS are provided	
	4- Better housing environment is attained		5- Security of tenure is increased
	5- Adequate alternatives to "forced" relocation are offered when needed		
	6- LAs are Up-skilled in managing upgrading & tenure regularization programmes		
	7- Local resources are mobilized to finance in situ upgrading activities *(land value capture)*		
	8- Trust between residents and LAs is gained		

It's aimed, for the 1st category areas to resolve properties ownership conflicts through an appropriate tenure regularization model for boosting area's renovation so as to stimulate its economic value while retaining the distinct social cohesion it is famous for.

However, it is revealed that security of tenure is not an issue, per se, in the areas of the 2nd category, an adequate tenure regularization option, can be a catalyst to financing required housing maintenance.

For the 3rd category areas, which are in need for more security of tenure than areas in the other categories, it's important to emphathize that regularization system deployed, here, for increasing tenure security should, at the same time, maintain properties commercial value relatively low in order to avoid any distortions in land and housing markets

By understanding dynamics and concerns facing the studied areas, which are representing the three mentioned categories, and in order to achieve previous development objectives, various upgrading strategies have been indicated.

Strategies

For the inner city pockets, comprising the 1st category, the upgrading strategy recommended here, is pivoting on two main pillars; a) capitalize on the existing vibrant public life and unique urban fabric in order to attract people to visit the place which creates more job opportunities and therefore improving the economic value of the area. b) Introduce suitable tenure regularization model, and adequate regulations so that residents are encouraged to renovate their properties.

For the areas of the 2nd category, improving accessibility and connectivity with surroundings are the key strategic words in developing these areas. This can be obtained by adopting "street-led" upgrading approach where certain streets are chosen that, when redeveloped, are likely to bring highest social, economic, physical and mobility outcome. Lands nearby or within the settlement must be identified to allocate needed services, enable relocation of affected residents and to improve area densities and efficient land use. Adding to this, formulating and applying adequate tenure regularization model with residents that can leverage their willingness to carry out needed maintenance work of their properties

One of the main development strategies for areas of the 3rd category is to maintain properties commercial value, relatively low, while replanning the area. This aims to avoid increase of rental value, land speculation and predicted gentrification. Two other strategies, here, are also of importance to be considered; one is maximizing the utilization of lands by deploying land readjustment mechanism. Herein, offering a suitable tenure regularization options can be a catalyst to steering such strategy. The other suggested strategy is to control future informal expansion of the area.

These recommended strategies, in each category, are governed by an overarched suggested urban development approach as shown in the table 4.

Table 4
Categories recommended strategies and development approaches

	Category of IS-SOL		
	Inner City Pockets *"Formal Surroundings"*	**In Unplanned neighborhood** *"Informal Surroundings"*	**In City Fringe** *"Peri-Urban Areas"*
Strategies	✓ Preserving social structures *(organic life)* of the communities ✓ Strengthening the functional role of the area for the city ✓ Making areas more physically accessible ✓ Restoring deteriorated houses in a way to breed economic opportunities. *(flexible regulations, mixing uses & reusing ground floors)* ✓ Attracting visitors to create job opportunities ✓ Providing residents with adequate options of tenure security & legal protection to encourage them to renovate their own properties.	✓ Facilitating mobility *(internal & external)* ✓ Replanning, certain areas when needed, to improve connectivity with surroundings and the city ✓ Improving internal road network to be joyful and safe public spaces ✓ Delivering adequate basic urban services and Infra. ✓ Resolving heterogeneity of land-use ✓ Maximizing the utilization of vacant lands *(to address required amenities & finance upgrading measures – cross subsidy)* ✓ Supporting building maintenance *(Materials Subsidies, adequate regulations & microfinance)*	✓ Rearranging lands to maximize its utilization ✓ Providing residents with adequate options of tenure security & more legal protection to encourage them to engage in land re-adjustment process ✓ Maintaining property commercial value, relatively, low to combat gentrification and market distortion. *(adopting Rights-based model for incremental tenure regularization)* ✓ Increasing influence of public sector over land development ✓ Devising implementable options to finance replanning measures
Development Approach	**Renovating / Retrofitting** to preserve area's built environment in order to boost local economy while retaining social structures	**In-situ upgrading** by introducing street-led approach to improve area's connectivity and optimize land uses and densities	**Replanning** by adopting land readjustment process to maximize land utilization & curb informal expansion

Incremental Tenure Regularization-TR system

It's claimed here that, in each of the recommended development approach, context-based, tenure regularization – (TR) system is needed in order to achieve certain outcomes.

For the "Renovating" approach, (TR) system should be tailored, not only to increase security of tenure, but also to encourage residents to refurbish and rebuild their houses to improve economic value of the place. "In-situ upgrading" approach needs TR system which can support and minimize repercussions of "forced" relocation measures needed for better area accessibility and connectivity with its surroundings and also to urge residents preserve their properties by maintenance work. In the "Replanning" approach, its land readjustment mechanism needs an adequate TR system to assist its implementation cautiously enough so as neither land market distortion nor gentrification occurs.

The evidence suggests that caution is advisable in effecting major changes to tenure systems in Egyptian case. This is partly because titles and rights once granted cannot easily be withdrawn unless dwellers fail to meet agreed obligations. A starting point may therefore be to regard every step along the continuum of land rights, *(Figure 2, UNHABITAT, 2008),* from complete illegality to formal tenure and full property rights as a move in the right direction, to

be incremental, one option is to increase the rights of residents rather than changing their formal tenure status. This would minimize market distortion and the risk of undesirable social consequences *(G. Payne, 2000).*

Fig. 2
Continuum of land rights
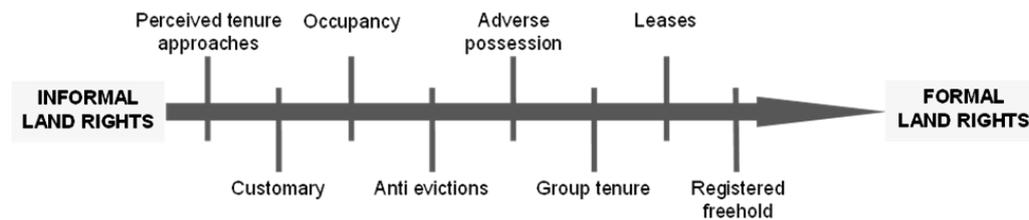
Such incremental TR system seems to offer improved tenure security, nevertheless the commercial value of property will remain relatively law, thereby minimizing market distortion. Adding to this it appears to support public authorities influence over land development and offers a practical option for financing and development. *(G. Payne, 2000)*

The government of Egypt has little experience of formulating and implementing tenure regularization (TR) systems appropriate to all sectors of demand. The direct and indirect consequences are literally difficult to be predicted, therefore can't be controlled. Thus it's recommended for the sake of increasing tenure security to build on what tenure system already exists, rather than introducing radical changes, until more experience is gained in predicting policy outcomes.

Consideration should also be given to the increase of the range of tenure options available, possibly by adapting existing local tenure systems, or innovations from other countries. This will help to minimize short-term fluctuations in land prices and other indirect consequences and enable householders and the government to learn from experience and adjust to change at an acceptable pace. *(G. Payne, 2000)*

Finally, the increasing commodification of land and property markets in Egypt will continue to exert a powerful influence on land tenure policies and therefore housing policies. However, it's important to remember that considering settlement's surrounding context and its residents socio-cultural needs have an important place in sustaining the way that tenure regularization systems operate.

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