

Chapter 2

Urban Laws in Harmony or at Odds With Knowledge– Based Urban Policies: A Case Study on Egypt

Arig M. Eweida

Faculty of Law, Alexandria University, Egypt

ABSTRACT

The UN Habitat New Urban Agenda deals with cities as an opportunity rather than a threat. Moreover, at the heart of every UN Habitat report you can find the call for knowledge and evidence-based policies as well as the call for reforming housing regulations and norms. However, an observer on Egypt's urban policies and regulations might find them at odds with each other. This chapter will start by briefly listing the major knowledge-based recommendations by UN Habitat, providing a brief history of Egypt's modern urban laws and policies accompanied by explanations of certain social factors. Finally, Egypt's current urban laws will be studied and evaluated in light of the above-mentioned recommendations.

INTRODUCTION

When Egypt is mentioned, a brilliant Vintage picture of architecture and the outstanding pyramids and fascinating temples usually comes across the reader's mind. However, according to the statistics, Egypt faces great challenges due to rapid growth of population and the fact that 90% of its land consists of desert areas. Although, Egypt is facing financial challenges, it is entertaining a stable modern history and a good underlying infrastructure as the percentages of clean water and sanitation set below show.

Recent studies have noted that Egypt will face a “significant infrastructure financial gap” over the next 20 years (World Bank, 2018). If we look at the regulatory framework, we will find some early laws which are still in force, such as the “Old Rent Law” promulgated in the 60's socialist era, some relatively new laws such as the Building law of 2008, which aims at consolidating all the Egyptian planning and

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building laws into one comprehensive legislation and the latest laws such as the 2019 Law on reconciliation in building code violations.

These laws sometimes conflict with each other as well as with the national urban policy. Moreover, in 2014 the Egyptian government issued the National Plan “Egypt vision 2030”, which set up its tenth goal to urban development. In this line, UN habitat office in Cairo in collaboration with the Egyptian government has completed drafting Egypt’s housing profile in 2019. Amid all these developments, it is important to study the legal framework in order to make sure that it will support and work in harmony with new knowledge-based urban policies.

The field of urban law is still lacking a comparative perspective (Mistry & Davidson, 2017). Moreover, the Middle East and Africa’s contribution to the field is even more limited. This research aims to investigate the Egyptian urban laws to evaluate to which extent they are knowledge-based and to make recommendations to further enhance the institutional and legal framework in which future cities will exist.

In describing the Case Study (GOPP, 2016), Egypt lies in the north-eastern corner of Africa and extends into the Sinai Peninsula in Asia. Its natural boundaries extend along the Mediterranean Sea, the Gulf of Suez, the Gulf of Aqaba, and the Red Sea. Egypt has 27 Governorates consisting of 231 cities. The total land area is one million square kilometers, and the populated area is 78990 square kilometers, or about 7.8% of the total area. Egypt’s annual population growth rate is 2%. The population is 43% urban. Gross population density is 83.8 persons per square kilometer and net density is 1055.6 persons per square kilometer. 97% of families are connected to the public water network, 90% of families are connected to the sewage system network, 95.04% of houses are connected to the electricity network (2006 Census), and 11.13% of houses are connected to the natural gas network (2006 Census).

Knowledge-based urban development has four domains; socio-cultural development, economic development, urban development (the built and natural environment) and institutional development (Yigitcanlar & McCartney, 2010). This paper focuses on the laws that affect the built environment as a domain of knowledge-based urban development and its related institutions.

The topic of this research was seen as suitable for the case-study research method which Yin set 3 conditions for, which are answering a “how” and “why” questions, the researcher has little or no control over events and the focus of the study is contemporary (Webley, 2016). This is a descriptive study and relies on both secondary sources such as academic research and primary sources such as laws and regulations.

BACKGROUND

When conducting a case-study it is preferable to consult literature relevant to the topic even if they are not within the same discipline (Webley, 2016). The significance of the issue of urbanization worldwide and in Egypt has driven many researchers to consider urbanization generally and to focus more on Egypt from different perspectives.

The first group of studies discusses urbanization in general and in Egypt with regard to geographical expansions which take place through urban sprawl. A number of such studies were conducted to provide evidence on the cities’ growth rate over time, whether globally (Angel, Parent, Civco, Blei, & Potere, 2011) or locally inside Egypt (Radwan, Blackburn, Atkinson, & Whyatt, 2019). A special focus of some of these studies is on urban expansion on agricultural land (El-Hefnawi, 2005). Although aggregate number of acres overtime might not have undergone a significant change, the studies explain that there

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