JOINT NGO SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS ON THE OCCASION OF THE TWENTIETH SESSION OF THE UNIVERSAL PERIODIC REVIEW FOR EGYPT - 2014

I. Introduction

- 1. This report is a review of the past four years of the Egyptian government's performance in improving the situation of the right to an adequate standard of living, indicated in Article 11 of the International Covenant on Economic Social and Cultural Rights (ICESCR). The report was drafted by 12 non-governmental human rights organizations working on several issues, particularly on the right to adequate housing, the right to water, and the right to food. The report will review the Egyptian government's adherence to the implementation of the Covenant on the local level, through the amendment of rules and laws to comply with ICESCR.
- 2. It will also examine this set of rights, in the framework of conclusions and recommendations included in the report of the Working Group [on the Universal Periodic Review] in March 2010 (A/HRC/14/17), as well as in the context of the passing of the new Egyptian Constitution in January 2014. While the constitution has achieved considerable gains in regards to the right to adequate living, it still suffers from unclear language in many articles in regards to the role of various state institutions in respecting, protecting, and enforcing certain rights.
- 3. Over the decades, government attempts to fulfill its economic and social obligations have been lacking vision and necessary effort to ensure well-being and adequate living conditions for the population, both in rural and urban areas. This has particularly impacted poor and marginalized segments the driving force behind the popular uprising on 25 January 2011. Three years later, Egypt remains in a transitional phase struggling towards fulfilling the economic and social rights promised to all Egyptians.

II. THE RIGHT TO FOOD

- 4. Food security policies cannot be separated from agricultural policies and the empowerment of poor and small farmers to find work and a decent life. Additionally, it cannot be separated from the principle of the "social function of land," especially in the production of food and the needs of basic living, regardless of legal form.
- 5. The state slowly stopped providing farmers with agricultural and production needs or supervising the marketing of crops, ultimately letting go of its strategic plans for sustainable agricultural development. This led to a drop in the living standards of farmers and decreased the production capacity of land. Large plots of land were also legally carved out for construction and tourism projects. With the decreased agricultural productivity, the state became a major importer of oil products, cereals and feed, in addition to livestock products.
- 6. As a result of such distorted policies, agriculture was diverted away from strategic crops, such as cotton, sugar cane, lentils, and soybean. The food gap began to expand, as some reports estimate that it could rise from 25% to 30% by 2030, due to the shortage in the production of strategic crops, which are directly linked to the needs of the poor. This will

- lead to the periodic increase in food prices, in addition to water problems with upstream Nile basin countries and the decline in scientific research and agricultural education.
- 7. Recommendation 1: Substituting the current policy of encouraging imports with a policy of food self-sufficiency, based mainly on the cultivation of grain crops followed by vegetables, and reducing the arable land tax, interest rates on agricultural loans, and land rent rates to a level that is affordable to simple farmers.
- 8. Recommendation 2: Facilitating the marketing of farmers' products in local and foreign markets and adding a guarantee against private sector monopoly on trade.
- 9. Recommendation 3: Adopting food sovereignty as a policy framework through supporting agricultural and veterinary research, prioritizing the use of native Egyptian varieties, which are environmentally viable, high-yield, and disease-resistant, in addition to the encouragement of agricultural mechanization appropriate to the small farming pattern and the use of organic fertilizers.
- 10. In the report of the Working Group [on the Universal Periodic Review] in March 2010 (A/HRC/14/17), Azerbaijan recommended to Egypt that it "continue[s] its policies aimed at ensuring the enjoyment by all segments of society of their rights to food and social services." In 2013, Egypt was ranked as one of the Low Income Food-Deficit Countries (LIFDC) by the Food and Agriculture Organization (FAO). The ranking was due to a marked decline in the role of the state in ensuring food security in the past few years. The state had begun to reduce subsidies on agricultural products, leading to an increase in the prices of essential products. The Egyptian Food Observatory indicates that the cost of non-alcoholic foods and beverages rose by an average of 14% between September 2012 and September 2013, with clear increases in the prices of some items, such as bread and cereals (19.6%). iii
- 11. The Egyptian Food Observatory's study conducted between April and June 2013 showed that 13.3% of vulnerable households faced difficulties in accessing subsidized bread. This figure jumped to 41.3% in the June-September 2013 report. iv The World Food Programme (WFP) proposes that the removal of food assistance will lead to pushing national poverty estimates from 25.2% to almost 34%.
- 12. To address rising food prices, the state distributed ration cards to almost 80% of Egyptians. However, this system failed at targeting those who deserve it the most. Around 73% of households using the cards are not of the most vulnerable category, while 17.3% of the most vulnerable households did not receive the ration cards. vi
- 13. Recommendation 4: Address the retrogression in the right to adequate food and postpone plans to reduce food subsidies until an adequate social security system is in place to mitigate its impoverishing consequences.

III. WATER AND SANITATION:

- 14. Egypt suffers from water scarcity. This is reflected in the average per capita share of water, which did not exceed 857 cubic meters (m³) in 2009/2010^{vii} less than the global average for poor/critical water levels estimated at 1,000 m³ per year. viii
- 15. Total water resources are not expected to exceed 87.67 billion m³ in 2017, according to the Egyptian Ministry of Water Resources and Irrigation. ix This will include 10.56 billion m³ for drinking and service water, (with an increase of 3.14 billion m³ from 1997), while it is expected that the population of Egypt will reach 91 million people in 2017. x
- 16. According to the previously mentioned estimates, the average per capita share of water is

- expected to reach 114 m³ in 2017, which represents a degree of extreme water scarcity. xi The same official figures indicate that 2.3 million households, or 13.4% of the total number of households, do not have a drinking water source inside their housing units.
- 17. The government promotes that it will reduce the number of people deprived of drinking water by 2015 within the framework of achieving the Millennium Development Goals (MDGs). However, the Egyptian administration's management of the drinking water and sanitation facility exacerbated the situation of water in Egypt through privatizing drinking water with the issuing of Presidential Decree No.135 to create the Holding Company for Water and Wastewater.
- 18. The state followed the policy of water commodification in Article 1 of the aforementioned decree, which states: "The purpose of the company is to carry out the purification, desalination, transportation, distribution, and sale of drinking water." This was the first time the phrase "sale of water" was mentioned in Egyptian legislation; trading in water, buying and selling for profit, was never included in Egyptian laws organizing the institutional framework of water throughout the various historical periods until 2005, when this law was issued.
- 19. As a result, around 56% of the rural population were deprived of their right to safe drinking water and thus exposed to serious health implications. The complete absence of justice in the distribution of household water between the capital and the rest of the governorates was also evident. xii
- 20. A similar scenario of inequitable service distribution is evident in sanitation service provision. Government statistics indicate that around 46.6% of households are connected to sewage systems. Around 50% of Egyptian households, mostly in Upper Egypt, discharge wastewater through self-built networks or trenches. In addition, 641 thousand households, around 3.7% of total households, lack any kind of sewage networks. Xiii Moreover, the percentage of households linked to the network in urban governorates, such as Cairo and Giza, is 96%, while it falls to less than 15% of households in the governorates of Upper Egypt.
- 21. As a result of the 2014 Constitution, which adopted the right to water as a citizen's right and not as a human right in Article 79, xiv the state is obliged to redraft its contradictory policies and legislations, to conform to the new constitution and avoid any policy of monopoly or privatization.
- 22. Realizing the right to water, especially for individuals in Egypt, raises the subject of the extra-territorial obligations of the state. Due to its heavy reliance on a water source that originates across its state borders, the Arab Republic of Egypt and other Nile basin countries have external obligations to respect and protect water in Egypt, as well as realize it as a human right, through the local management of environmental resources and other forms of international cooperation.
- 23. Recommendation 5: Reform policies, laws and legislations to comply with the 2014 Constitution; recognizing the right to water as a public good.
- 24. Recommendation 6: Ensure access to safe drinking water and adequate sanitation for all, to remedy the current state of unequal allocation of resources among governorates.

IV. RIGHT TO ADEQUATE HOUSING:

- 25. Although the improvement of living standards was one of the main demands of the 25 January 2011 uprising, forced evictions have not ceased. The past three years witnessed 21 forced eviction operations, without reparations or fair compensation to thousands of evictees.^{xv}
- 26. Housing policies can still be characterized by haphazardness and the lack of a strategic vision, as a result of the systematic adherence to Structural Adjustment Programs (SAPs) to comply with the direction of the open market, at the expense of those with limited income^{xvi} who lack the minimum standards of adequate housing. This resulted in the lack of social justice in the distribution of investments and services, which along with the absence of state presence in many residential areas, ^{xvii}led to an increase in informal, marginalized, and deprived settlements that continue to be treated by the government as areas posing a threat to peace and security. Statistics show that around 44% of Egypt's population does not have clear legal tenure ^{xviii} rendering them vulnerable to the state's Informal Settlement Development Program, which is more of a slum clearance project that forcefully evicts and occasionally resettles residents of so-called "un-safe" areas and demolishes their original community.
- 27. In the past decade and a half, the Egyptian government forcefully evicted around 24 thousand families, and resettled some in housing units on the outskirts of the city. xix While the majority of these evictions occurred in Greater Cairo, some cities in Upper Egypt such as Luxor also witnessed forced evictions. Around 10% of Luxor's population around 4200 homes was forcefully evicted between 2006 and 2010 under the pretext that such acts will rejuvenate tourism and help in preserving heritage areas. xx
- 28. Eviction and resettlement, as applied by the Egyptian government, takes many shapes and forms. It is common to cut off electricity, water and sanitation from the residents to force them to leave their homes^{xxi}, and it is also common that the housing units promised as compensation are not adequate in regards to services and facilities or in regards to the absence of legal tenure, leaving residents at risk of eviction, even in new settlements.^{xxii}
- 29. The state put in place a national program for the development of informal settlements (1993-2008). Instead of adopting a strategic vision to develop informal areas and improve the living standards of their residents, more than 5396 homes were removed from 350 settlements in exchange for unfair compensations, which averaged 5,000 EGP (€529) per room. xxiii
- 30. Hundreds of families continue to suffer from serious violations after being forcibly evicted without reparation of any kind. On 18 February 2014, Cairo Governorate supported by riot police removed the homes of almost 1000 families in Ezbet el-Nakhl area in Cairo without prior notice or consultation with the residents, and the use of excessive force was noted. XXIV On 26 February 2014, riot police demolished the tents of dozens of families, who were victims of the demolition of 18 February 2014, and were left with no shelter. XXV
- 31. In the report of the Working Group [on the Universal Periodic Review] in March 2010 (A/HRC/14/17), The Kingdom of Saudi Arabia recommended that Egypt "continue[s] to strengthen its efforts in ensuring housing for all Egyptian citizens." This recommendation was accepted by Egypt, but national plans remain unable to achieve it. The national plan to develop unsafe areas (Informal Settlement Development Facility, 2009-2017) has

- identified 208 thousand households in 420 areas in need of development,. The plan mainly relied on forced resettlement outside the city in 90% of its implemented programme up until 2013, and has demonstrated a lack of community participation in the development process, in addition to threatening 119 thousand households, living on state lands or with unstable tenure, with eviction or unfair compensation. **xxvi**
- 32. Recommendation 7: State recognition of tenure rights of semi-formal and informal tenure holders (owners, renters, usufruct, traditional, etc.), with clear definitions of tenure types, relevant compensation or reparation and mainstream participatory framework for inclusion of affected communities in planning and implementation process and with guarantees against forced eviction equal to those with formal tenure, with the immediate halting of all projects that operate under eviction decrees.
- 33. Even though government production of low income housing has averaged 23% of the formal urban market (32,000 units per year) over the last decade, xxviii constituting LE 24 Bn (EUR 2.4 Bn) in public investments, xxviii these units have not benefitted the poor.
- 34. The National Housing Project (NHP, 2005-2011), was supposed to provide 500,000 subsidized housing units to the poor, however 90% of the units were allocated through ownership where prices were unaffordable to the poor due to use of an inaccurate legal definition of low-income earners that qualified only those from roughly the top half of the second quintile, all the way to the upper levels of the fifth (richest) quintile^{xxix}.
- 35. Affordability in and of itself was not the only hurdle, as qualification for the bank or mortgage loan required a formal job thereby excluding almost 60% of the working population who have informal jobs, while for later phases, applicants were required to have a government employee act as a guarantor to qualify for the loan, further complicating access. There were also socially discriminatory requirements for some schemes, which were only made available to male applicants from professional syndicates or government agencies; also having to prove that their wives had both a college degree and were employed, and that they did not have more than two children. **xxxi**
- 36. The allocation process was rife with accusations of fraud, as the supposed open lottery of beneficiaries that passed the screening process, was not transparent leading to abuse by parliamentarians and others that were able to circumvent the process. xxxii
- 37. Security of tenure is at risk as owners are not given the title to the property until the full value is paid back, typically over 20 years, while the informal subletting of ownership units puts tenants at a considerable risk of eviction due to informal contracts and the speculative intention of land lords to sell the unit at a moment's notice if a suitable offer to buy was made. xxxiii
- 38. The current subsidized housing scheme, the Social Housing Programme (SHP 2012-2017), has promised to deliver one million units to low income earners in five years. However this too continues on the policies of its predecessor where affordability is only really for the top half of earners xxxiv.
- 39. On the other hand, as Egypt passes through the transitional phase, popular demands were answered and the right to adequate housing was guaranteed in the 2014 Constitution. However, the wording of this right and other related rights lack a clarification of the degree to which the state is obliged to solve housing and built environment issues facing the Egyptian public. The full guarantee of the possibility of enforcing these rights in a fair and obligatory manner was also absent. **xxxvi**
- 40. Recommendation 8: Reiterating the state's obligation to guarantee the right to

- adequate housing in accordance with Article 11 of ICESCR through the introduction of policy reform to increase affordability and govern land and real estate market in order to decrease the house price-to-income ratio.
- 41. Recommendation 9: Reform social housing policy, laws and programmes to only target subsidies to the poorest segments of society regardless of background and especially those in the informal labor sector in a transparent and effective manner.
- 42. Recommendation 10: Ensure the state's commitment to transparency and setting clear standards for land and housing allocation policies.
- 43. Recommendation 11: Introduction of a mix of housing support schemes that reflects the geographic and financial constraints of housing need, where rent is the dominant option for completed units, usufruct deeds for subsidized land that is built privately, and the offering of low interest loans for structural improvement of dilapidated housing stock.

V. <u>DISTRIBUTION OF PUBLIC RESOURCES AND SERVICES AND LOCAL GOVERNANCE:</u>

- 44. The distribution of formal serviced land intended for housing among the various regions of Egypt is overly biased towards Greater Cairo, which profits from around 74% of such land or equaling about 28 meters squared per person (m²/person), though by contrast, the share of formal serviced land for residents in rural governorates in Upper Egypt drops to 2 m²/person. **xxxvii**
- 45. As for energy, despite the statistics showing that almost 99.5% of Egyptian households are connected to the electricity grid, per capita shares vary inequitably. Per capita share of electricity intended for household consumption in Cairo is 1708 kilowatts per year, three times the national average. **xxxviii**
- 46. The 2014 Constitution provides obligates the state to guarantee the fiscal and administrative independence of local administrations, giving them certain responsibilities, including the monitoring of the executive branch, as well as ensuring the diversity of representatives through lowering the age of candidacy, and guaranteeing the representation of women, youth, and people with special needs. Yet, local administration is still restricted by the intervention of the central government in decisions, such as in cases involving the transgressions of local councils, damage to public interest, or the interests of other local councils, while setting ambiguous criteria for the limits of such restrictions or the cases in which executive power might intervene in the mandate of local government. Additionally, the central government remains in control of the appointment or election of governors, the heads of other local administrative units, and determining their mandate.
- 47. Municipalities are dependent on the central government to provide 80% of their financial resources. Percentage of the state budget allocated to municipalities stagnate around 11% **xxix** of the local budget a significantly smaller number when compared to the global average for emerging economies, estimated at 20-30%. **Poor funding and lack of autonomy have rendered the local administration system to become an extension of the central authority, limiting it to the management of economic and social services, only practicing autonomy from the central government in minor issues. **Ii
- 48. This is in addition to neglecting the tools of public participation in the local administration system and the absence of legal texts empowering citizens to make the

- local executive bodies and local popular councils accountable, which would ensure the promotion of economic and social rights of citizens on the local level, especially on matters related to the right to access water, the right to adequate housing, and the fair distribution of civil services and facilities.
- 49. In one case, a decision was issued to remove the area containing the shelters in West Sohag neighborhood, in the governorate of Sohag, in 2005. This has been not been addressed for the past nine years and the residents remain to be suffering from roof collapses, lack of facilities, absence of sanitation, and a high number of diseases and epidemics resulting from uncollected waste. xlii
- 50. Violations to the housing, water and sanitation and other social rights are systemized, and sometimes legalized, through an urban governance framework that is ambiguous and lacks transparency and accountability to the public. Many key legislative clauses give the executive authority the power to make exceptions, such as Law 10 of 1990 "Expropriation for Public Good" Law which gives the Cabinet of Ministers the right to declare a project of a "public good" nature and as such can expropriate private property for its establishment without the right of property owners to appeal the project
- 51. Recommendation 12: Reforming the urban governance framework and transitioning to democratic and decentralized local governance to create an effective local administration system that is responsive, transparent, and accountable with technical and administrative capacity; in addition to increasing funds allocated to local government and granting them the authority to raise and collect local revenues to allow for localized solutions and programs to be implemented to better serve local needs.
- 52. Recommendation 13: Creating avenues for free public participation in the urban planning and management decision making mechanisms and institutionalizing means of direct participation through open forums, consultations and other public meetings.

VI. PROCESS RIGHTS: FREEDOM OF ASSOCIATION AND ORGANIZATION:

- 53. Cooperatives are one of the main participatory mechanisms for the promotion of economic and social rights and the improvement of living standards. This sector encompasses 18 million cooperative members in 18,000 cooperative associations in Egypt with various activities (agriculture, housing, production, and fisheries), and is neglected by the state in its focus on the public and private sectors. xliii
- 54. Constitutional and legislative texts, which organize cooperatives in Egypt, are a primary impediment to the development and reassessment of the vision on how to address them. They have been transformed, in practice, into one of the bodies of central authority, particularly due to the many interventions by officials in their formation and operation allowed by Law 28 of 1984. Thus, cooperatives lost their autonomy, initiative and suffered from legislative deadlock, becoming unable to follow developments in their field of work and deficient in their ability to realize cooperative principles. They also lost their key role related to social and economic services to achieve decentralization and enhance economic and social capabilities, especially in relation to the right to adequate housing and the right to food.
- 55. Owing to the popular mobilization over the past three years and the calling for the improvement of economic and social conditions, constitutional texts in the transitional

phase included the recognition, protection, and support of cooperative ownership and guaranteed its independence. However, there was no mention of any mechanism to ensure and implement the constitutional stipulations. The issue was referred to the law to organize such matters, despite the existence of six different cooperatives laws in Egypt, which impede, if not incapacitate, the cooperative sector from carrying on its expected role to resolve several livelihood issues, which the state is unable to fulfill and tends primarily to neglect. **Iv*

56. Recommendation 14: Review constitutional text and relevant legislations to support cooperatives and ensure their autonomy from central authority in order to protect the right to organization.

Endnotes:

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xvi See "A New IMF Loan for Egypt?," Land Times, Issue 3, July 2013,

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xixIbid pg. 83

xxIbid pg. 86.

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xxiiiYahia Shawkat, *Al-'adala al-Igtimaeyawal-'omran, KharitatMisr,* Social Justice and the Built Environment, A Map of Egypt, 2013 pg. 82

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