

Security of Tenure and Laws: The Case of Cairo's Squatter¹ Areas

Mohammed Alfiky

Researcher, IUSD Lab Cairo, Ain Shams University, Cairo, Egypt

mohammed_alfiky@eng.asu.edu.eg

Abstract

“Once ownership rights and planning were introduced to cities, their populations lost their autonomy in securing housing. Ownership rights restricted the freedom of housing location, while planning restricted land use, construction and development.” (Yalcintan & Erbas 2003: p.95)

For decades, security of tenure has been a problem to most of the developing countries. Almost 50% of developing world urban residents lack legal documents for the tenure security (Payne et al. 2012; Alfiky 2014). Based on the Universal Declaration of Human Rights, adequate housing is essential to achieve an adequate standard of living (United Nations 1999). The right to adequate housing should be enforced with the provision of legal access to land, effective use of land and protection from forced eviction that is obliged by the international law (United Nations 1999, UN-Habitat 2008, Payne et al. 2012). Legal or secure access to land is the opportunity of people to occupy or use the land either permanently or temporally for shelter, economic and productive activities (UN-Habitat 2008). Secure access to land encourages people to invest in land and develop economic activities (ibid).

According to (United Nations 1999: p.32)“Security of tenure implies that the right of access to and use of land and property is underwritten by a known set of rules, and that this right is justifiable.” The aim of this research is to study the problem of security of tenure in Cairo's squatter areas and its relation to the law. Security of tenure has been addressed by different laws and agreements either international (e.g. International Law, Declaration of Human Rights, etc.) or national (e.g. Unified Building Law no. 119/2008, Expropriation of Property for the Public Benefit Law no. 10/1990, etc.). Besides, the Islamic Law ‘*Shari'a*’, that is astonishing in the rules that govern the right to access land and access adequate housing.

The research will give an insight on the problem of security of tenure worldwide, then focus on the case of Cairo. Also, it will study the different laws and shows how they impacted the security of tenure. Moreover, it will discuss how the static laws in Cairo led to more squatter areas.

Keywords: Security of tenure; Squatter areas; Laws: Islamic Shari'a

¹ Areas on state owned desert land

References:

- Alfiky, M., 2014. *Community Based Security of Tenure (Initial Framework for Squatter Areas in Cairo) (Unpublished M.Sc.)*. Ain Shams University / Stuttgart University.
- Payne, B.G., Durand-lasserve, A. & Payne, G., 2012. “ *Holding On : Security of Tenure - Types , Policies , Practices and Challenges ,* ” Available at:
<http://www.ohchr.org/Documents/Issues/Housing/SecurityTenure/Payne-Durand-Lasserve-BackgroundPaper-JAN2013.pdf>.
- UN-Habitat, 2008. *Secure Land Rights for All*, Nairobi. Available at:
[https://www.responsibleagroinvestment.org/sites/responsibleagroinvestment.org/files/Secure land rights for all-UN HABITAT.pdf](https://www.responsibleagroinvestment.org/sites/responsibleagroinvestment.org/files/Secure%20land%20rights%20for%20all-UN%20HABITAT.pdf).
- United Nations, 1999. *Security Of Tenure*, Available at:
<http://www.un.org/ga/Istanbul%2B5/32.pdf>.
- Yalcintan, M.C. & Erbas, A.E., 2003. Impacts of “Gecekondu” on the Electoral Geography of Istanbul. *International Labor and Working-Class History*, 64(64), pp.91–111. Available at:
http://www.journals.cambridge.org/abstract_S0147547903000218.