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The American University in Cairo

School of Global Affairs and Public Policy

EGYPT'S DESERT PARADOXES, PROMISES, AND POSSIBILITIES:
A STUDY OF LAND RECLAMATION POLICIES ALONG CAIRO-ALEXANDRIA
DESERT ROAD

A Thesis Submitted to

The Department of Middle East Studies

in partial fulfillment of the requirements for
the degree of Master of Arts

by Salwa Yehia Salman

(under the supervision of Dr. Sandrine Gamblin)

September 2017

To my parents

Egypt's Desert Paradoxes, Promises, And Possibilities:
A Study of Land Reclamation Policies along Cairo-Alexandria Desert Road

Abstract

In 2016 'People's Right' campaign, also known as the National Committee for Retrieving Looted State Lands, was assigned to either retrieve or facilitate the formal registration of state lands according to occupants' personal cases. This study explores the official representations of desert land reclamation, allocation, and distribution, with a focus on the (re-) conceptualization of rights, state territoriality, and sovereignty as a part of an emerging national narrative on state lands and property rights. The study draws on methodological insights in the anthropology of development which employs a Foucauldian discourse analysis to examine 'development' and the role of the state under neoliberalism. Through the lens of an unregistered settlement, Ard Baza, the study puts national narratives of desert development and property rights in conversation with individual cases to explore both property and state/society relations. In this framework, I examine several sources including state publications, presidential speeches, newspapers' archives, and official publications between 1952 and 2011. I also explore the history of Ard Baza between 1989 and 2016 through semi-structured interviews with occupants, a sample of land contracts, and other legal documents.

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Transliterations and Abbreviations

Note on Transliteration

This study employs Brill's simplified transliteration system, to give the reader an idea on the Arabic words, related to land issues and resource management, that are used in legal documents, media, and in daily conversations.

Abbreviations

AUC	The American University in Cairo
DDC	Desert Development Centre
EARIS	Egyptian American Rural Improvement Service
EAUDRL	Egyptian Authority for the Utilization and Development of Reclaimed Lands
ESA	The Egyptian Survey Authority
GARPAD	General Authority for Reclamation Projects and Agricultural Development
GIZ/ GTZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GOPP	General Organization for Physical Planning
NUC	New Urban Communities
HCAR	Higher Committee for Agrarian Reform
UAR	United Arab Republic
UN	United Nations
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics

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CHAPTER ONE

Introduction



Figure 1.1 The ruins of a demolished shop, Ard Baza, 2016 (Photographed by author).

A wave of demolition and confiscation orders targeting extra-legal structures has been taking the lands of Egypt by storm. Under the banner of ‘People’s Right’; a committee responsible for retrieving looted state lands was established in February 2016 to mediate between squatters and state institutions, *ḡehāt elwelāyāh*. On 29 May 2016, the settlers of *Ard Baza*¹ waited anxiously in a packed storeroom, a few meters away from the service road parallel to Cairo-Alexandria desert highway, for the ‘People’s Right’ Committee representative to arrive. Plot-owners, who were obviously meeting for the first time, discussed their disputes against the land broker, Baza, over services and fraudulent contracts. A few hours later, the representative

¹ An unregistered area that covers 215 feddans and lies a few meters west Cairo-Alexandria desert road, the area is known as *Ard Baza*, or Baza’s land. Baza is the original land broker who still manages the settlement.

arrived, greeted the settlers and explained briefly the method through which they can apply for reconciliation with the state.

The sounds of police cars sirens getting louder drew the settlers' attention to the military and police forces approaching the gate of the settlement, and within seconds settlers were moving their cars in front of their property to block the passage of the forces. On the top of a military tank were the Commissioner of Wadi El-Natrun Police Station and a representative from the General Authority for Reclamation Projects and Agricultural Development, GARPAD.² The GARPAD official who claimed ownership of the land led the forces to demolish unpermitted buildings. Stopped by the committee's representative, the two state representatives argued over whether the settlement should be demolished. Finally, the committee's officer climbed up a police jeep leading military tanks and bulldozers to Baza's two-story house and an abandoned building on the entryway of the settlement that was both doomed to demolition.

The Question of *Mūwāt* / Desert State Lands

In his speech during the inauguration of several projects in the governorate of Qena, President Al-Sisi urged the police and the military to end illegal land acquisition . . . The President criticized the performance of the government urging it to improve and forcefully settle the legal status of land taken by force from the state.

*Egypt Daily News, 31 May 2017.*³

² The state authority to which state land are allocated.

³ El-Said, Mohammad. "Properties Demolished, Land Retrieved in State Anti-Encroachment Campaign." *Egypt Daily News*, 31 May 2017.

On 9 February 2016, the President of Egypt issued Decree No. 75, to establish The National Committee for Retrieving Looted State Lands under the presidency of Ibrahim Mehleb,⁴ president’s advisor for national projects and former Prime Minister. The decree assigned the committee to calculate and recover unlawfully seized state lands; collect state dues and coordinate with authorities to retrieve looted lands; prepare reports of land grab cases; and transfer cases of looting state lands to national investigation bodies.⁵ Another Presidential Decree issued on 24 August 2017, announced that the recommendations of the committee are obligatory to all-state authorities.⁶



Figure 1.2. The logo of “People’s Right” committee. Source: People’s Right Committee website. (See Works Cited).

The Egyptian state has maintained a monopoly over lands, namely desert lands, from as early as the seventeenth and eighteenth centuries.⁷ The ambiguity of both the right of individuals to own desert lands and that of the state in Egypt’s property law has led to several disputes between the state and members of the society.⁸ A recent research by the Egyptian Center for Policy Studies notes that ninety-six percent of Egypt’s lands are categorized as desert lands that are directly owned by the state, most of which are informally occupied.⁹ The specificity of desert lands emerges from its unique position in the Egyptian Property Law, customary law, and the official development narrative which separates it from other types of lands. David Sims lists four categories of lands, (1) public-domain lands including military lands; (2) state private-domain lands, ‘*Amlāk ’amiriyyāh*’; (3) private lands; (4) religious trust lands

⁴ Under the presidency of both Adly Mansour and el-Sisi Mehleb served as prime minister for the interim government in 2013 and in 2014, minister of housing 2013, he was also a member of the Policies Committee at the National Democratic Party prior to 2011.

⁵ People’s Right website 2017.

⁶ People’s Right website 2017.

⁷ Baer, Gabriel. *A History of Landownership in Modern Egypt 1800-1950*. Oxford University Press, 1962, p.2.

⁸ Ibid.

⁹ Mahmoud Farouk “الوصول إلى الارض في مصر: تحليل الوضع القانوني والسياسي والاثر الإقتصادي” (An Analysis of the Legal, Political and Economic Aspects of Accessing Lands in Egypt).” The Egyptian Centre for Policy Studies, 2015, p. 8.

or *waqf*.¹⁰ In a report published in 2008 on “Landownership Disputes in Egypt— A Case Study on the Tensions Around the Monastery of Aby Fana in May 2008,” the authors defines six categories of state lands among which are, (1) lands of strategic importance; (2) lands within a state-reclamation plan; (3) lands appropriated for the Ministry of Housing under the New Urban Societies’ authority; (4) touristic areas; (5) lands for agricultural development (inside governorates’ administrative borders); (6) lands outside of governorates’ administrative borders.¹¹ Desert lands, in the Egyptian context, are state lands that extend outside of governorates’ borders.¹² According to Richard A. Debs in *Islamic Law and Civil Code: The Law of Property in Egypt*, such categorization is driven from Sharia, he states that:

The only category of state-owned land that is separately treated in the Civil Code and that is traceable to traditional Islamic law is uncultivated land that has no owner and that may be acquired pursuant to the rules on appropriation. These lands apparently continue to be treated as a separate category of state-owned land distinct from either the private domain or the public domain. They are in effect, the (*mūwāt*) lands of Islamic law.”¹³

Along similar lines, Sims illustrates that “absent from all of these laws [public/ state lands laws] is the uplifting phrase, so common in similar legislation in other countries, that the public land is an asset that belongs to the people and is ‘held in trust’ by the state for the benefit of these people.”¹⁴ The way in which Egypt’s property law deals with the possession of desert state lands is still ambiguous and put desert dwellers in a precarious situation where they’re continuously

¹⁰ Sims, David E. *Egypt’s Desert Dreams: Development or Disaster?* Cairo: The American University in Cairo Press, 2014, p. 265.

¹¹ Johannsen, Asger Toft, et al. “Landownership Disputes in Egypt: A Case Study of the Tension around the Monastery of Abū Fānā in May 2008.” Arab West Report, 2008, p.21.

¹² Johannsen, Asger Toft, et al. 21.

¹³ Debs 136; Egypt’s Civil Code of 1949, to which Debs refer to in his study, still regulates property and contractual rights in Egypt.

¹⁴ Ibid, p.264.

haunted by the threat of eviction and demolition. The status of *wad' yadd*, a process where individuals can gain ownership over a desert land through cultivation and peaceful occupation, is one dimension of this ambiguity that adds to an incoherent legal landscape in treating desert properties and state lands in general.¹⁵ Gabriel Baer posits that the main distinction between state property and public property is that “ownership of the former may be transferred to individuals; ownership of the latter may not.”¹⁶

The transaction of lands from the state domain to the private domain is appropriated through both formal registration and customary land ownership, in “Landownership Disputes in Egypt,” the authors define two customary methods through which individuals claim desert state lands either through unregistered *'urfi* contracts between two parties outside of the formal registration system or through *wad' yadd* “(...) the seizure of a piece of land without any legal documents.”¹⁷ However, the distinction between formal land registration and customary land ownership in Egypt’s property law, especially in the case of state lands (agricultural and desert), is more complicated in both Egypt’s property/legal discourse and in practice, for instance, Sims illustrates that the system under which the acquisition of uncultivated lands is regulated in the Civil Code have led to a ‘legal problem,’ “one part of the code recognizes the right to claim (through *wad' al-yadd*) unused land and cultivate it and, after a period of fifteen years of peaceful, unchallenged, and uninterrupted possession gain ownership . . . elsewhere in the code [,] it states that such a right does not apply to state lands.”¹⁸ In this framework, two main laws

¹⁵ In Emad El-Din Abu El-Ghazaly’s *تطور الحيازة الزراعية: زمن المماليك الجراكسة (دراسة في بيع املاك بيت المال) (The Evolution of Agricultural Tenancy: The Circassian Mamluks Period (A Study on Selling Bayt al-Mal))*. Ein for Human and Social Studies, 2000. He analyses the transferal of state property to individuals in Egypt under the Mamluks, who had a monopoly over lands that were mostly held under *iltizam*, where *multazim* middlemen were responsible for collecting taxes from Egyptian peasants, such transactions took place at times of crisis and acted as a source of fast revenue to the state in times of war and economic crisis e.g. Qaitbay military campaigns.

¹⁶ Baer 196.

¹⁷ Johannsen, Asger Toft, et al. 7.

¹⁸ Sims 265

regulate individuals' access to desert state lands, The Desert Lands Law of 1981 and State Private Property Law, modified in 2017.

Research Focus and Questions

This study draws on theories of discourse to explore official representations of state/desert land reclamation, allocation, and distribution, with a focus on the (re-) conceptualization of land rights, state territoriality, and sovereignty as a part of an emerging national narrative on state lands and property rights. Through the lens of an unregistered settlement, the study puts national narratives of desert development and property rights in conversation with individual cases to explore property relations and state/society relations. I examine two sets of sources including state publications, presidential speeches, archives of official newspapers' publications between 1952 and 2011; then shift the focus of the narrative to the history of *Ard Baza* between 1989 and 2016; I also go through a sample of land contracts between state institutions and settlers and legal documents related to land ownership disputes. The study draws on methodological insights in the anthropology of development which employs a Foucauldian discourse analysis to examine 'development' and the role of the state under neoliberalism.¹⁹

The main argument of this study lies at the juncture of two views on inclusiveness which are presented in David Harvey's 'Right to the City' and debates on property rights as a part of a national/ international legal discourse, it hypothesize that while non-hierarchical inclusiveness can be attained in the presence of strong social movements, the current jeopardized situation of Egypt's social movements calls for alternative forms of resistance, in this framework, I argue that such resistance should be directed towards re-investigating the right of the state to hold

¹⁹ This body of literature was developed by a number of anthropologists such as Akhil Gupta (1995, 1997); James Ferguson (1990, 1997, 2011); and Arturo Escobar (2008, 2011); this study employs David Harvey's definition of neoliberalism as "(...) theory of political economic practices proposing that human well-being can be advanced by the maximization of entrepreneurial freedoms," see, Harvey 2007.

property under what comes to resemble a private property right. The study first examines academic and theoretical debates on property rights and informality and links these debates to Egypt's desert lands, it then delves into earlier official representations of desert state lands' distribution, finally, it examines representations of ownership, social networks, and patterns of inclusion/ exclusion in an unregistered desert settlement.

The main questions that guide this research are how have the Egyptian state used and portrayed secure property rights to encourage voluntary resettlement and investment in desert lands? And, how do informal desert communities react to the retrieval of state lands? These two questions lead to four main sub-questions, (1) What were the main shifts in the official narrative, and how can these shifts be read in the broader economic and political framework? (2) How can studying desert reclamation contribute to the general understanding of the dynamics of property and state/society relations? Also, how can the case of *Ard Baza* contribute to the understanding of such relations? (3) What are the legal and customary frameworks that regulate the right to desert lands in Egypt? (4) How do legal agreements and local resource management influence collective action and resistance in squatter and informal communities?

Area of Study/ Ard Baza

Ard Baza is a semi-formal settlement located on kilometer 91 from Cairo west of Cairo-Alexandria desert road, Baza, the original landowner and a retired public officer at Sadat City Council, bought the land (215 feddans) in 1989 and have been selling small plots that range between few meters to feddan since the 1990s.²⁰ Before Baza bought the land, it was allocated to Sadat City Authority, under the Ministry of Housing, Utilities, and Urban Development, and in

²⁰ One feddan is equal to 1.038 acres.

2002 *Ard Baza* was transferred to The General Authority for Reclamation Projects and Agricultural Development under the Ministry of Agriculture and Land Reclamation. The Ministry of Agriculture issued the first demolition order against *Ard Baza* in 2011, followed by another in 2014, and after the establishment of the People's Right Committee, a representative from the committee arrived at *Ard Baza* to stop the demolition order. With a very small population of about 20 resident families, *Ard Baza* does not provide much insight into the daily struggle of squatter populations, however, with over 200 plot-holders, the case of *Ard Baza* is an example of a growing form of investment by low-income and middle-income individuals in semi-formal lands and desert reclamation activities. This project follows the process of registering *Ard Baza* through the lens of individual cases to cast a light on broader contexts, such as the dynamics of competition over property in Egypt, desert development narratives, policies, and practices, state/society relationships, resource management and social networking in informal areas.

Review of Literature

This part sketches and examines literature that constitutes the bulk of knowledge on desert reclamation, distribution, global land deals, and land titling. In this framework, I examine two relevant bodies of literature, literature on the history of Egypt's desert reclamation and land tenure and global debates on land titling and land deals. The first body of literature constitute the bulk of knowledge to which this study contributes and it gives the reader an idea of previous scholarly production on desert reclamation²¹ and distribution. The second body of literature on

²¹ This study uses D. Sims definition of desert reclamation as the "(...) development of arid areas for agriculture, whether with Nile water or groundwater," which is excerpted from national representations and the Islamic definition of *mūwāt* lands, see, Sims 9.

land titling and land deals connects local accounts of desert development to global debates on land titling and land deals.

Scholarship on Egypt's Desert Reclamation and Land Tenure Policy

Desert reclamation projects have inspired several ethnographic and socioeconomic studies; the early significantly limited body of literature, produced between the 1950s and 80s, contributed to what was then a growing body of literature on the redistribution of landed property under land reforms.²² With the change in land reclamation policies and urban expansion into the desert by the end of the 1980s, a shift towards critical analysis of urban neoliberalism and desert informalities have developed.

In “Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands” R. Springborg examines the political basis of tenure policies under Gamal Abdel Nasser (1956-70) and Anwar Al-Sadat (1970-81) in a study that was published in 1979.²³ Based on Max Weber’s concept of patrimonialism, a form of government where the “(...) ruler’s authority is personal-familial, and the mechanics of the household are the models for political administration,”²⁴ Springborg illustrates that “in the patrimonial state clientage networks emanating downward from the ruler provide the organizational structure by which the state is actually governed and through which challenges to the ruler arise.”²⁵ He draws on several

²² For more on Land Reform in the Egyptian context, see, Reem Saad’s ethnography *Social History of an Agrarian Reform Community in Egypt*. American University in Cairo Press, 1989.

²³ Land tenure is the “(...) relationship, governed by law or custom, between people whether individuals or groups, concerning lands,” see, Land Tenure Studies. “Land tenure and rural development.” *Land administration* 3, 2002.

²⁴ Adams, Julia. “The Rule of the Father: Patriarchy and Patrimonialism in Early Modern Europe.” *Max Weber’s Economy and Society: A Critical Companion*, 2005, pp. 237-266.

²⁵ Springborg, Robert. “Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands.” *Middle Eastern Studies* 15.1, 1979, p. 49; In his other book *Family, Power, and Politics in Egypt: Sayed Bey Marei — his clans, clients, and cohorts* Springborg analyzed the way through which political elites, such as Marei, have maintained their social sovereignty and transferred into Nasser’s notability, see, Springborg, Robert, *Family, Power, and Politics in Egypt: Sayed Bey Marei — his clans, clients, and cohorts* Philadelphia: University of Pennsylvania, 1982, 10; also see Salman, Salwa, “Analysis of Egypt’s agrarian reform

empirical evidence to illustrate and examine how elite networks are constructed to maintain the ruler's power; to do so, he examines a particular conflict between Magdi Hassanein, a Free Officer who was responsible for the establishment of Tahrir Province, and Sayid Marei, the head of the Higher Committee for Agrarian Reform, over different models of land tenure, namely collective vs. individual models. The two models were experimented in one among the first reclamation projects, Tahrir Province. Springborg's analysis offers several interesting insights on the power of the ruler, in contrast to the state as an abstract entity, however, it overstates the individual power of the ruler while overlooking other institutional and global dimensions that have contributed to shaping Egypt's land tenure policy.

A study that The Desert Development Centre (DDC), a non-profit research institution established by the American University in Cairo in 1979, draws on the Soviet and the American initiatives to implement different land distribution and tenure models in different areas in Tahrir Province. This, along with the conflict between Marei and Hassanein resulted in a shift between the two distribution models.²⁶ They note that:

In South Tahrir, the initial debate was between state farms or collective on the one hand, and the smallholder/cooperative model on the other hand . . . In Egypt as a whole, South Tahrir came to represent the state farm model, as opposed to the smallholder model being

and the changing structure of land ownership, 1952-1961." Working Paper, 2014, p. 9.

²⁶ Hopkins, Nicholas S. et al, *Participation and Community in the Egyptian New Lands: The Case of South Tahrir*. Cairo: The American University in Cairo, 1988, 6; The authors examined the history of Egypt's desert development through the lens of the South Tahrir and the perspectives of its' settlers based on "an analysis of the discourse presented in [their] notes," 26 their research which was primarily focused on the political participation of the new community notes several problems that hinder the maturity of these new communities, among which are the shift in land distribution policies, the lack of supply and services, and the absence of 'local government institutions.'

realized with American assistance [through the Egyptian-American Rural Service] in Abis and elsewhere.²⁷

In another study, published in 1977, H. Tadros evaluates reclamation and resettlement process in new desert projects, he conducted his research in two types of settlements, that he classified according to land tenancy, fully-owned and leased plots in the reclamation projects located in the North-western Nile Delta.²⁸ Based on household surveys, interviews with settlers and administrators, along with analyses of governmental statistical data, he concludes that “ settlers were wholeheartedly in favor of land ownership; in addition to the higher prestige which it conveys, land ownership gives feelings of security . . . this is not the case with the tenants, who are constantly haunted by the idea that one day they might lose both their land and their houses, for one resource or another.”²⁹ Springborg illustrates that even though Nasser’s administration claimed to give land back to the people, in 1962 Nasser’s personal secretary, Major Kamal El Hennawi, proclaimed to Rose Al Youssef weekly that “ experience has demonstrated that the distribution of agrarian reform land to the peasant and of houses to certain members of the cooperative associations has alienated them from the socialist spirit,”³⁰ accordingly, Springborg illustrates that in 1964 the Egyptian government stopped granting titles to small-holders.³¹

A shift from agricultural to urban expansion into the desert was already taking place during the 1970s, however, the first reflections on such changes became a subject of academic inquiry and theorization years later. Desert transformation’s rhetoric shifted from the

²⁷ Hopkins, Nicholas S. et al, 6.

²⁸ The study was carried out between 1971 and 1975 under the supervision of the AUC’s Social Research centre, in cooperation with the Egyptian General Organization for land Cultivation and Development.

²⁹ Tadros, Helmi R. *Rural Resettlement in Egypt’s Reclaimed Lands: An Evaluation of a Case Study in the Northwestern Nile Delta*. Cairo: The American University in Cairo, 1978. Print. Cairo Papers in Social Science v. 1, monograph, p. 18.

³⁰ “Patrimonialism and Policy Making in Egypt” 58.

³¹ Hopkins, Nicholas S. et al. 12.

empowerment of peasantry to safeguarding low-income urban dwellers, thus initiating new plans for subsidized housing units and the construction of new satellite cities.³² The ‘invasion of the desert’ as well as ‘desert development’ were primary mission for the Egyptian state in the 6th of October Working Paper,³³ this invasion entailed the use of desert lands for urban expansion.³⁴ M. Batran and C. Arandel note that:

by 1980, the formulation of a new master plan became imperative because demographic growth had again been underestimated and the satellite cities were not ready to absorb the excess population. The objectives of the new master plan were to redefine the urban strategy, to make essential choices regarding investment in urban projects.³⁵

The implementation of the Structural Adjustment Program in the early 1990s and the 2005 neoliberal reforms, introduced new patterns of exclusion and spatial segregation between social classes influencing both urban and rural dwellers,³⁶ and especially manifested in desert gated communities;³⁷ T. Mitchell points out that:

The development tracts spreading out across the fields and deserts around Greater Cairo represent the most phenomenal real estate explosion Egypt has ever witnessed. No one has mapped what is happening, but a conservative estimate is that within less than five years the area of its capital city has doubled.³⁸

³² See Dorman, W. Judson. "Exclusion and Informality: The Praetorian Politics of Land Management in Cairo, Egypt." *International Journal of Urban and Regional Research* 37.5, 2013, pp. 1584-1610; Sims 2014.

³³ Sims 38-39.

³⁴ Ibid.

³⁵ El-Batran, Manal, and Christian Arandel. "A Shelter of Their Own: Informal Settlement Expansion in Greater Cairo and Government Responses." *Environment and Urbanization*, 1998, p. 225.

³⁶ Kuppinger, Petra. "Exclusive Greenery: New Gated Communities in Cairo." *City & Society*, 2004, pp. 35-61.

³⁷ Ibid.

³⁸ Mitchell, Timothy. "Dreamland: The Neoliberalism of Your Desires." *Middle East Report*, 1999, p. 29.

Since the 1990s, government's long support for state-led mega-reclamation projects have now been replaced with new policies that encourages commercial farming and fund-oriented projects,³⁹ except for few projects such as Mubarak's reclamation project established in 1986 on the western side of the Nile Delta and funded by the World Food Programme, Denmark's development cooperation under the Ministry of Foreign Affairs in Denmark (Danida), and the European Union.⁴⁰ Hanne K. Adriansen places the economic and social aspects of resettlement in Mubarak's project within the broader history of Egypt's desert reclamation and policies of distribution.⁴¹ The project was designed to absorb new graduates, the surplus young labor force after the government abandoned its employment guarantee policy, and in 1997 landless farmers who have lost their lands after the enactment of the Tenancy Law of 1992 joined graduates in Mubarak's project.⁴²

Whilst the previously mentioned studies have employed an ethnographic lens to analyse the socioeconomic aspects of Egypt's desert reclamation, I would like to conclude this part by presenting two of the most important studies for the context of my research, David Sims's *Egypt's Desert Dreams*, published in 2015; and Jessica Barner's "Pumping possibility: Agricultural expansion through desert reclamation in Egypt," in 2012.

Sims's book gives a comprehensive and detailed account of desert development based on case studies, statistical data, maps, historical texts, with a limited attempt to draw a theoretical map to desert development in general, however, as an urbanist and advisor for national institutions and international donor providers on issues of housing, urban, and desert

³⁹ Adriansen, Hanne Kirstine. "Land Reclamation in Egypt: A Study of Life in the New Lands." *Geoforum* 40.4, 2009, pp. 664–674.

⁴⁰ Ibid. 665.

⁴¹ Ibid. 664-674.

⁴² Ibid. 666; for more information about the repercussions of the Tenancy Law of 1992 see Saad, Reem, "State, Landlord, Parliament and Peasant: The Story of the 1992 Tenancy Law in Egypt." Oxford University Press, 1999.

development, Sims provided an insider's analysis of desert development projects.⁴³ He divides reclamation projects into three types, government-led; independent or state lands that are allocated to cooperatives, individuals, and companies; and squatter reclamation *wad 'yadd*. In the last chapter of his book, Sims portrays the legal and institutional framework that governs desert lands; he points out to the absence of 'unified mapping' and the 'overlapping jurisdictions' as two main obstacles to desert development.

On the other hand, J. Barnes's field-based study in two reclamation sites in West Nile Delta and Fayoum to examine the emergence of social and economic networks in new desert communities around water pumps, basing her analysis on actor-network theory to study the role of water pumps as an actor in the process of building communities; she highlights that by monopolizing the flow of water from one field to another the government uses water supply ; as an example, she highlights that in March 2007, the Egyptian government sent a project appraisal document to the World Bank's board requesting a fund of US \$300 million to support the West Delta Irrigation Rehabilitation Project.⁴⁴ The Ministry of Water Resources and Irrigation had launched the project in December 2000 to divert water from Rayah al-Nasseri canal, located at km 7.0 from the Nubariya canal, through high pressure pumps to the Western Desert.⁴⁵ And in an interview with one of the government's officials responsible for the execution of the project, Barnes notes that when she asked him about the possibility of damage the project can cause through diverting water to the desert, his answer was simply 'let the Delta die'.⁴⁶

⁴³ Amar, Paul. Review of *Egypt's Desert Dreams: Development or Disaster?* By David Sims. 2016, pp. 717-721. Print.

⁴⁴ Barnes, Jessica. "Pumping Possibility: Agricultural Expansion through Desert Reclamation in Egypt." *Social Studies of Science* 42.4, 2012, pp. 517-538.

⁴⁵ Ibid.

⁴⁶ Sims 2.

Both authors have followed different approaches in collecting data and interpretation, their works sketch the web of social and political networks that emerge within and around new desert communities and go beyond traditional readings of desert development; whilst Sims outlines mostly quantitative data that has not been presented before, at least in English written scholarship; Barnes makes very interesting reflections on the role of water pumps in shaping social relations among new communities. Bruno Latour portrays ‘socio-technical assemblages’ as follows “take any object, at first it looks containing to itself with (well-delineated) edges and limit, then something happens, a strike, an accident, a catastrophe and suddenly you discover a swarm of entity that seem to have been there all along but was not visible before,”⁴⁷ this portrayal offers very interesting insights on how objects such as water pumps and electric power transformers play an important role in the construction of social relations/ power relations among members of new communities.

Land Deals and Land Titling: Global/ Local Anecdotes and Reflections

Families would stake out a piece of land and, usually relying on lift pumps and channels from the nearest canal or other water source, would try to grow either crops or fruit trees [this process is known as *wad ‘yadd*] . . . In 2010 government officials put the amount of desert land under *wad ‘yadd* cultivation at “at least one million feddans.”

— *D. Sims, 2015.*⁴⁸

Former Prime Minister, Ibrahim Mehleb, invited Hernando de Soto, Peruvian development economist and President of the nongovernmental Institute of Liberty and

⁴⁷ Bruno Latour "Keynote— Networks, Societies, Spaces: Reflections of an Actor-Network Theorist." International Seminar on Network Theory. USC Annenberg. 2 Mar. 2010. Web. 10 May 2017.

⁴⁸ Sims 43.

Democracy (ILD), to discuss the possibility of reforming Egypt's property system and retain the value of a growing informal property sector in January 2015.⁴⁹ Earlier in 1997, de Soto published a study in cooperation with The Egyptian Centre for Economic Studies on "Dead Capital and the Poor in Egypt" where they estimated an average loss of 241 billion US dollars in rural, urban and desert informal sectors *dead capital*⁵⁰ mainly due to the high cost and complexity of land registration, a process that requires more than seventy-seven 'bureaucratic procedures' during the span of six to fourteen years.⁵¹ He proclaims that "(...) the problem that Egyptians will face is that most property in the informal sector cannot be documented and permanently inserted into the legal and global market economy by traditional titling, registration, surveying, mapping and privatization approaches."⁵² De Soto lists six steps towards reforming Egypt's property registration system that start with (1) identifying the main challenges to formal registration and collecting information on the informal property market; (2) implementing an administrative and institutional reform strategy; (3) 'collect proofs of ownership'; (4) establishing a 'communication strategy' to raise awareness among informal communities; (5) developing the 'registry, surveying, and , mapping technologies'; finally (6) integrating the informal sector.⁵³

⁴⁹ An article published on "Expert to help Egypt develop shantytowns" in *Al-Masry Al-Youm* 16 Jan. 2015. *Egypt Independent*. Web. 16 Apr. 2017.

⁵⁰ In De Soto's work, dead capital is capital that does not circulate the formal market, he asserts that the inability to use their property (sell, invest, rent, etc) or use their property to secure loans poses a major threat to the national economy and obstruct development, see, De Soto, Hernando. *The Other Path*. New York: Harper & Row, 1989; *The mystery of capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. Basic Civitas Books, 2000; also see, Williamson, Claudia R. "The two sides of de Soto: Property rights, land titling, and development." (2011).

⁵¹ The lecture held by de Soto, in cooperation with The Egyptian Centre for Economic Studies and funded by the USAID, see, Hernando de. *Dead Capital and the Poor in Egypt*. Cairo, Egypt: The Center for Economic Studies, 1997. Print. Distinguished Lecture Series 11.

⁵² Hernando de Soto *Dead Capital and the Poor in Egypt*. Cairo, 1997, p. 2.

⁵³ *Dead Capital and the Poor in Egypt* 30-35.

De Soto's work has contributed to shaping market-led reform strategies in several countries of the global south.⁵⁴ As development economists and a long-term international adviser to several 'underdeveloped' countries, he has been engaged in reform debates since 1997 under Mubarak's regime. In a talk at the proceedings of the American Philosophical Society, in 2013, he describes the Arab Spring as a wave of entrepreneurial⁵⁵ revolts and proclaims that "we [the ILD] were hired by the Muslim Brotherhood to bring entrepreneurship to the poor in Egypt."⁵⁶ A major critique of de Soto's thesis is premised on his strong advocacy for the commodification of property while overlooking patterns of exclusion that emerge from market-led reforms.⁵⁷ Even within market-oriented framework and line of thought, several researchers proved that the formalization of the property will not lead to the increased access to credit and other financial services, it also does not facilitate national land transactions. *1: Land Tenure and Poverty in Africa and the Caribbean*, a collection of empirical-oriented studies that test de Soto's thesis in a local context, researchers⁵⁸ highlight three key limitations to de Soto's argument including the "(...) role of colonial and postcolonial governments in constructing exclusion and illegality,"⁵⁹ assuming that investment and access to property loans are the main scopes of poor property holders, and underestimating state corruption as an obstacle to securing property rights.⁶⁰

⁵⁴ The reform strategy that de Soto implemented in Peru and documented in the *Mystery of Capital* was a pilot project and the first experiment of his thesis.

⁵⁵ For a general introduction on market-driven entrepreneurship in political economy see, Henrekson, Magnus, and Robin Douhan. *The political economy of Entrepreneurship*. Edward Elgar Publishing, 2008; and for a detailed account of theories of entrepreneurship in relation to the public/ private sectors read chapter two of Ostrom, Elinor. *Governing the commons*. Cambridge university press, 2015.

⁵⁶ De Soto, Hernando. "Thoughts on the Importance of Boundaries." Proceedings of the American Philosophical Society, Vol. 157, No. 1, pp. 22-31

⁵⁷ Home, Robert and Hilary Lim *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*. Cavendish Publishing Limited, 2004.

⁵⁸ Researchers include C. Fourie, C. Griffith-Charles, R. Home, J. Kangwa, H. Lim, and C. Molebatsi.

⁵⁹ H. Lim and R. Home 149.

⁶⁰ Ibid.

R. Home and H. Lim posits that “the magic of property turns sand to gold is an aphorism that aptly encapsulates the de Soto thesis and current policies of the World Bank, USAID (,) and other aid agencies.”⁶¹ They portray de Soto’s thesis as a ‘magic bullet’ that has disturbed a long silence over violations of security of land tenure and the precarious living conditions of communities that exist on the margins of the legal system. However, the question that the authors pose is whether land titling will secure tenure rights.

In 1986, the UN’s Declaration on the Right to Development defines the ‘right to development’ as a social, economic and political progress of populations and as a primary human right, where the mechanisms of integration and equal access to development are set and governed by states.⁶² The ‘right to development’ has been the basis for different UN campaigns one of which is the right to ‘secure tenure’, adopted by the UN Centre for Human Settlement Program in 1999, to help states set a legal framework to facilitate land registration and ensure a secure base of rights to slum dwellers.⁶³ Caroline Runkel examines the GTZ’s, German Organization for Technical Cooperation, involvement in a titling project that aimed at legalizing property in Manshiet Nasser⁶⁴ in 2009; she closely examines three cases of land titling that took place between 1976 and 1998, including, Helwan Housing and Community Upgrading project (1976-1988), Hayy Al-Salam in Ismailia (1978-1983), and Nasriyya in Aswan (1987-1998).⁶⁵ Runkel points out that squatters have generally shown a lack of interest in titling their property

⁶¹See, Home, Robert. "Outside de Soto's Bell Jar: Colonial/ Postcolonial Land Law and the Exclusion of the Peri-Urban Poor." *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*. (Cavendish Publishing Limited, 2004) 11-30.

⁶² The United Nations. Declaration on the Right to Development. 1948. Print.

⁶³ Home, Robert, and Hilary Lim, eds. *Demystifying the Mystery of Capital: Land Tenure & Poverty in Africa and the Caribbean*. Routledge, 2013.

⁶⁴ A squatter area on the edges of Cairo, several studies have examined Zabaleen ‘garbage’ community in Manshiyet Nasser.

⁶⁵See, Runkel, Carolin, *The Role of Urban Land Titling in Slum Improvement-The Case of Cairo: A Critical Examination of the GTZ Land Titling Program in Manshiet Nasser*. Berlin, 2009. pp. 64-66.

due to the lack of trust in the effectiveness of the titling process, “(...) does the government really want to sell the land? Or is opening an ineffective titling process [,] a compromise that will ostensibly welcome GTZ’s work and at the same time hold the government out of this risky affair?”⁶⁶

The extent to which land titling will guarantee security of land tenure is questionable, however, in the light of a broader critical discussion on land deals⁶⁷ in postcolonial countries, several scholars have pointed out to land titling is a process through which a state reconfigures its’ sovereignty, authority, and territoriality; Home asserts that “not only is the modern nation-State partly defined by its territorial claims to sovereignty, but the construction and exercise of State power takes place within this territory, giving spatial geography a heightened significance in most of the State’s activities.”⁶⁸ Hence, the regularization of access to land, power to allocate, and to re-define rights become essential to state-building ⁶⁹ in this context, “it was argued that land grabs were happening in states where ‘governance of the land sector and tenure security are weak,’⁷⁰” ⁷¹ authors’ instead highlight state’s role in facilitating illegal occupation of lands for the benefit of capital-induced projects rather than the benefit of locals.⁷²

⁶⁶ Runkel 106.

⁶⁷ According to Home and Lim, a ‘change in terminologies’ in intellectual debates on the illegal occupation of lands after the UNCHS (Habitat) Global Campaign for Secure Tenure in 1999, few examples are the shift from using ‘land grabs’ to ‘land deals,’ to decriminalizing extra-legal settlements and communities.

⁶⁸ Home 12.

⁶⁹ Naseem Badiy casts a light on how land allocation has been instrumental to building the South-Sudanese state after signing the Comprehensive Peace Agreement in 2005 in his article “The Strategic Instrumentalization of Land Tenure in ‘State-Building’: The Case of Juba, South Sudan.” *Africa*, 2013, pp. 57-77.

⁷⁰ Arezki, Rabah, Klaus Deininger, and Harris Selod. “What drives the global ‘Land Rush?’” *The World Bank Economic Review* 29.2 (2013): 207-233.

⁷¹ Wolford, Wendy et al “Governing Global Land Deals: The Role of the State in the Rush for Land,” *Development and Change*, 2013, p.190.

⁷² *Ibid.*

At this juncture, the retrieval of state lands contest themes of development and empowerment that have occupied official representations of desert reclamation and land allocation since the enactment of the First Land Reform Bill in 1952. Both bodies of literature do not expand on the concept of ownership from a legal and socioeconomic viewpoint, another pitfall of the above-examined literature is its failure to illustrate the cultural aspect of ownership and the specificity of the Egyptian local reclamation and land distribution experience, in this framework, this study expands on the local aspect of desert reclamation, distribution, and the concept of informality in Egypt.

Theoretical Debates and Considerations

Tenure Security, Property Rights, and Capital Accumulation

A great deal of energy is expended in promoting their significance [human rights] for the construction of a better world. But for the most part (,) the concepts circulating do not fundamentally challenge hegemonic liberal and neoliberal market logics, or the dominant modes of legality and state action.

— D. Harvey, 2008.⁷³

David Harvey's 'Right to the City' and Hernando de Soto's thesis on *Dead Capital* are two opposite takes on the concept of rights, while Harvey explores the right to public spaces and inclusion in the urban process de Soto examines the right of low -income populations in secure tenure, in other words, their right in private property. Following a Marxist interpretation of capital accumulation, Harvey highlights the role of property market in surplus absorption and

⁷³ Harvey, David. "The right to the city." *The City Reader*, 2008, pp. 23-40.

accumulation by dispossession,⁷⁴ which is one of the basis of modern class struggle. While Harvey argues that resistance for dispossession is a role to be carried out through collective resistance, De Soto, on the other hand, analyses another form of dispossession that is based on the absence of legal rights to assets that are occupied by the poor, which is in other words, the absence of an inclusive property registration system, ‘property registration’.⁷⁵ De Soto portrays the lack of property representations as follows, “imagine a country where nobody can identify who owns what, addresses cannot be easily verified, people cannot be made to pay their debts, resources cannot conveniently be turned into money, ownership cannot be divided through documents.”⁷⁶

As mentioned earlier, while de Soto emphasises on the importance of property representation to secure low-income populations’ tenure rights and promotes as the right to economic power through recognition and formalization of property, he premises his rationalization of the formalization of property system is based on an advocacy for market-induced reforms, which leads us back to accumulation by dispossession and the triumph of radicalized capitalism, space modification, and unjust distribution of resources. Since property debates are always used in a context where different political ideologies dominates its’ examination, in my own reading, while de Soto draws on an important aspect that is overlooked in many critical analysis, which is people’s right to secure property, his analysis only advocates for property registration for the purpose of the inclusion of low-income society in the capitalist

⁷⁴ An example of dispossession is manifested in the eviction of squatter populations to establish high-tech projects, malls, gated communities, for further expansion on examples of dispossession see, Mitchell, Timothy. "Dreamland: The neoliberalism of your desires." *Middle East Report*, 1999; Bush, Ray. "Coalitions for Dispossession and Networks of Resistance? Land, Politics and Agrarian Reform in Egypt." *British Journal of Middle Eastern Studies*, 2011, pp. 391-405.

⁷⁵ De Soto, Hernando. “Law and Property Outside the West: A Few New Ideas About Fighting Poverty.” *Forum for Development Studies*, 2002, p. 350.

⁷⁶ “Law and Property Outside the West: A Few New Ideas About Fighting Poverty” 349.

machine, the commodification of resources, where new forms of accumulation by dispossession emerge and develop.

Encountering the State

In 1927, Morris R. Cohen published a study on “Property and Sovereignty,” asserting that “the distinction between property and sovereignty is generally identified with the Roman discrimination between dominium, the rule over things by the individual, and imperium, the rule overall individuals by the prince.”⁷⁷ A modern reading of Cohen’s property/sovereignty divide would put the reader in puzzlement, since the conceptualization of sovereignty has been overcrowded by various interpretations of the role of the sovereign under neoliberalism,⁷⁸ as well as the role of the state under neoliberalism, the role of a state in Harvey’s interpretation is an intermediary actor who coercively enforces ‘capitalist development’:

There is considerable evidence that the transition to capitalist development was and continues to be vitally contingent upon the stance of the state. The developmental role of the state goes back a long way, keeping the territorial and capitalistic logics of power always intertwined though not necessarily concordant.⁷⁹

On private property, Iliya Harik states “the concept of private property makes sense in the context of the state or some communal order with a structure of command,”⁸⁰ however, how can we analyze the relationship between sovereignty, property, and neoliberalism in the case of state’s property? While there is a huge academic silence on communist, post-communist, and

⁷⁷ Cohen, Morris R. "Property and sovereignty." *Cornell LQ* 1927, p. 8.

⁷⁸ Harvey, David. "The “new imperialism”: Accumulation by Dispossession." *Actuel Marx* 1, 2003, p. 122.

⁷⁹ Ibid, also see, Harvey, David. "The New Imperialism”: Accumulation by Dispossession." *Actuel Marx* 1, 2004, p. 71-90.

⁸⁰ Harik, Iliya F. *Economic Policy Reform in Egypt*. University Press of Florida, 1997, p. 3.

socialist countries' system of state ownership, in the Egyptian case, populations are evicted in the name of retrieving state property. In "Restructuring Socialist Ownership" Remanth N. Swamy states:

State ownership, it may be recalled, has for long been considered to be the central pillar of the traditional economy of the Soviet-type-in conjunction with centralised planning and one -party dominance, these three features were canonised in the tortuous evolution of the body of doctrine which until recently went under the name of the 'political economy of socialism.'⁸¹

Another reading of the place of state property under neoliberalism is excerpted from James Ferguson's analysis of neoliberalism as a regime of political and economic practices that "puts governmental mechanisms developed in the private sphere to work within the state itself, so that even core functions of the state are either subcontracted out to private providers, or run (as the saying has it) "like a business,"⁸² he adds "the question of what should be public and what private becomes blurred, as the state itself increasingly organize itself around "profit centres"(.)"enterprise models" (,) and so on."⁸³

The question of neoliberalism and property has been a subject of a growing body of literature during the last few decades, in a conference that was held at Harvard Law School in 2014, a number of political and social activists, political philosophers, anthropologists, and lawyers discussed "Remaking Property After Neoliberalism," I will highlight a particular debate between Dunken Kennedy, the founder of Unbound critical legal students movement at Harvard

⁸¹ Narayanswamy, Ramnath. "Restructuring Socialist Ownership." *Economic and Political Weekly*, 1989, pp. 970-971; also see the definition of state capitalism in Nadia R. Farah *Egypt's Political Economy: Power Relations in Development*, Cairo, 2009.

⁸² Ferguson 172.

⁸³ Ibid.

Law School, and Michael Hardt, political philosopher who has co-authored with Antonio Negri in *Empire* among other works, to draw on the different takes on the relationship between property and neoliberalism within critical studies. Kennedy describes left fetishism/ right fetishism in relation to neoliberalism, “property as slogan deployed in debates about what to do about policy or about law,” in this context, according to Kennedy ‘property’ is more than a category but a discourse or a regime of references where certain political ideology and systems of ‘recognition’ are deployed.⁸⁴ What Kennedy draws on is the construction of property in different political contexts, and in this framework, he illustrates that private property is ‘internally incoherent,’ thus, left fetishism takes form when private property is portrayed as a coherent system imposed by abstract powers on the global south. While he affirms that private property was and is imposed by dominant economic reforms, such as neoliberal reforms, he emphasizes the importance of understanding property as a bundle of rights and as a “tool for the forceful (re-)configuration of social relations,” on both micro and macro levels.⁸⁵

Collective Resource Management and Resistance

In response, Michael Hardt held a lecture at The European Graduate School on “Property Law and the Common,” where he draws on the common as the left’s alternative to resource management and private property,⁸⁶ he argues that Kennedy presents property from within the legal construct, and argues that the deconstruction of the pre-existent structures of ownership would lead back to the commons,⁸⁷ “the task is to institute free access and circulation of the

⁸⁴ Dunken Kennedy "From Homo Economicus to the Commoner: Beyond the Neoliberal Subject." *This Land is Your Land: Remaking Property after Neoliberalism.* Harvard Law School, 2014.

⁸⁵ Ibid.

⁸⁶ Michael Hardt "Property Law and the Common. 2015." Public open lecture. The European Graduate School, 2016.

⁸⁷ Hardt, Michael. Michael “The Common in Communism.” *Rethinking Marxism*, 2010, p. 346.

commons.”⁸⁸ The idea of the collective management of land resources has been revived. with E. Ostrom *Governing the Commons* published in 1990 as a pioneer study that exerts empirical data on different models of governing commons, it’s an anti-thesis to G. Hardin’s popular study on “The Tragedy of the Commons” published in 1968.⁸⁹ She examines three models of governing natural resources, specifically lands, including, Hardin’s tragedy of the commons, game theory, and M. Olson’s collective action theory.⁹⁰ In an interview with G. Hardin, he proclaims that,

What I meant when I wrote the *Tragedy of the Commons* was to call people’s attention to the fact that the problem of dividing the resources [have] to be done in a way that fits in with human nature. We shouldn’t expect too much of it. The expectation which you find in the Marxist ideal from each according to his needs, we know does not work from the seventy years of experiment in Russia.⁹¹

Ostrom, however, delves into the mechanisms of governing the commons and illustrates that the scale and location of the land plays a key part in the success or failure of collective management.⁹²

Methodology

This study excerpts methodological tools from discourse and actor-network theories to examine formal/informal desert development, property/social rights, in relation to state institution, authorities, and agents. Michel Foucault describes the construction of history, as a

⁸⁸ Ibid.

⁸⁹ Garret Hardin. "The Tragedy of the Commons*." *Journal of Natural Resources Policy Research*, 2009, pp. 243-253; Elinor Ostrom *Governing the commons: The Evolution of Institutions for Collective Action*. Cambridge, 1990.

⁹⁰ Ostrom, 1990.

⁹¹ "Tragedy of the Commons and Resource Allocation." Interview by Garrett Hardin. *The Garrett Hardin Society*. The Garrett Hardin Society, 18 Feb. 2008. Web. 15 Feb. 2017.

⁹² Ostrom 1990.

form of knowledge, as a process where “(...) historians have preferred to turn their attention to long periods, as if, beneath the shifts and changes of political events, they were trying to reveal the stable, almost indestructible system of checks and balances,”⁹³ Foucault illustrates that in order to analyse a ‘discursive field’ “we must grasp the statement in the exact specificity of its occurrence; determine its conditions of existence, fix at least its limits, establish its correlations with other statements that may be connected with it, and show what other forms of statement it excludes.”⁹⁴

In this context, discourse analysis goes beyond narratives to highlight the relationship between power and the production of knowledge, providing the needed tools to challenge hegemonic narratives, “Foucault’s concept of discourse brings us to the question of hegemony and the power of discourses in establishing a dominant or a counter-hegemonic representation.”⁹⁵ Foucauldian discourse analysis the reconfiguration of power through social relations, discourse and the strategy through which both are tied up,⁹⁶ his analysis of Juridical power and biopower encompasses the intrinsically link between individuals as subjects and objects of power,⁹⁷ where they come to reproduce power structures. Employing Foucauldian concept of power provides a comprehensive analytical framework for an in-depth analysis of the development discourse, in relation to other discourses such as the legal and economic, second it shakes our understanding of binaries as formal vs. informal, development vs. under development and off-development, and locals vs. outsiders. In his 1975 to 1979 lectures on “The Birth of Biopolitics” at the College de France where he emphasized on the interrelation between neoliberalism and governmentality “,

⁹³ Michel Foucault. *The Archeology of Knowledge*. Routledge, 2002, pp.3-4. Print.

⁹⁴ Ibid.

⁹⁵ Ranier Diaz-Bone, et al. "The Field of Foucaultian Discourse analysis: Structures, Developments and Perspectives." *Historical Social Research*, 2008, p.12.

⁹⁶ Jessop, Bob. *State Power*. Polity, 2007.

⁹⁷ Foucault, Michel. "The Subject and Power." *Critical inquiry* 8.4, 1982, pp. 777-795.

where the subject comes to define themselves within the dominant discourse and internalize mechanisms of discipline and reproducing power relations and structures, biopolitics.⁹⁸ This line of thought, have been employed by development anthropologists, such as, James Ferguson, Akhil Gupta, and Arturo Escobar, who analyze the historical formation of concepts such as development on both micro and macro levels. In this framework, I apply discourse analysis to examine the representations of social justice, equality, rights, and state sovereignty in official representations of desert land reclamation and distribution, I also examine the settlers' representations of the state and of ownership. The following part examines the methodological application of Foucauldian discourse analysis in Arturo Escobar's post-development theory. While this study does not employ post-development theory, it exerts and employs the same strategy of discourse analysis.

Discourse Analysis/ Post-Development

Arturo Escobar examines the construction of development as a historical formation that is a twin to the concept of modernization and one of the main transformative forces towards economic liberalization and hyper-capitalism.⁹⁹ Development according to Escobar is a discourse that can be traced back to the UN's founding conference and the classification of three worlds, where certain parts of the world were considered 'developed' and others undeveloped according to their economic progress and level of industrialization.¹⁰⁰ Escobar defines development as a

⁹⁸ Joseph 2007.

⁹⁹ Arturo Escobar. *Encountering development: The making and unmaking of the Third World*. Princeton University Press, 2011; also, see Escobar, Arturo. *Territories of Difference: Place, Movements, Life, Redes*. Duke University Press, 2008.

¹⁰⁰ Ibid; also, Lushaba, Lwazi Siyabonga. "Development as Modernity, Modernity as Development." African Books Collective, 2006, p. 3.

practice, discourse (regime of representations), and a set of references that individuals come to identify themselves according to.¹⁰¹

Escobar's post-development theory, thereby, employs Foucauldian discourse analysis to examine the historical formation and evolution of development as a regime of references that he suggests resulted in the 'modernization of poverty' and came to imply the intervention to transform 'underdeveloped' countries; thus, the formation of Development's own transnational legal norms, economic networks and forms of governance.¹⁰² He illustrates, unlike other critiques of the theory of modernization, development can easily be tracked down to the politics of everyday life through examining mechanisms of transformation, directing the flow of capital, reshaping desert spaces, in relation to national and international development discourses.¹⁰³

According to Escobar, during the 1960s, reflections on development crowded the academic, political and economic fields, Walt Rostow's model of development, also known as the model for economic growth, named five stages for development and evaluated the chance of developing different countries, where pre-capitalist modes of production manifested the main reason for backwardness in need for development.¹⁰⁴ The road to development, presented by Rostow, was linear and can be attained by passing through fixed stages.¹⁰⁵ With the establishment of the USAID in 1961, the "Act for International Development: A Program for the Decade of Development" set the basis for U.S. aid policies, strategies for development and the

¹⁰¹ Escobar, Arturo. *Encountering development: The making and unmaking of the Third World*. Princeton University Press, 2011.

¹⁰² A very simple definition of juridical power would be the power exercised on and among individuals through law, institutions, policies, etc; see, Schneiderman, David. "Constitutional Property Rights and Elision of the Transnational: Foucauldian Misgivings." *Social & Legal Studies* 24.1, 2015, pp. 65-87.

¹⁰³ Escobar, Arturo. *Encountering development: The making and unmaking of the Third World*. Princeton University Press, 2011.

¹⁰⁴ Rostow, Walt Whitman. "The stages of economic growth." *The Economic History Review* 12.1, 1959, pp. 1-16; Rostow, Walt Whitman. "The Process of Economic Growth." 1960.

¹⁰⁵ Komlos, John. *Nutrition and Economic Development in the Eighteenth-Century Habsburg Monarchy: An Anthropometric History*. Princeton University Press, 2014.

underpinning philosophy for adopting this new foreign policy.¹⁰⁶ According to the document, saving undeveloped countries from the evils of communism is a central purpose of the program that was designed not only to provide aids but technical support as well, the document states:

One of the most critical circumstances of today is that the underprivileged masses in less developed areas of the free world have a passionate aspiration toward economic, social and political change. The desire for modernization and industrialization is active and intense among the nations of Africa, Latin America, the Middle East and Asia, whether very old or very new. This irresistible trend toward a better life and toward progress is well understood in the communist bloc: purposeful communist programs are underway to exploit the instabilities of the transnational period and to bring the less developed countries into the communist bloc.¹⁰⁷

After the 1980s, a world debt crisis the International Monetary Fund along with the World's Bank started to direct reform programs toward indebted countries.¹⁰⁸ There are various interpretations on neoliberalism in academic literature, a very simple definition of neoliberalism is limited to economy and governance, where neo-liberalism comes to be understood in the context of a set of market-driven economic reforms or market liberalization and limiting state's control.¹⁰⁹ Aihwa Ong reviews the various interpretations of neoliberalism in different disciplines and theoretical interpretations, he states that "neoliberalism is reconfiguring

¹⁰⁶ *USAID History*. USAID, 7 Nov. 2016. Web.

¹⁰⁷ Escobar 2011.

¹⁰⁸ *Ibid.*

¹⁰⁹ Farah, Nadia Ramsis. *Egypt's Political Economy: Power Relations in Development*. Cairo: American University in Cairo Press, 2009.

relationships between governing and the governed, power and knowledge, and sovereignty and territoriality.”¹¹⁰

Case Study

“Without the ability of legal precedent to draw connections between a case and a general rule, what would we know about putting matters into a larger context”

— *Bruno Latour*.¹¹¹

Tools in actor-network theory are employed to analyze the construction of power relations in the case of *Ard Baza*. This study examines social relations that emerge around contractual agreements and managing resources such as water and electricity. Latour develops a qualitative observation method for analyzing social and power networks through the analysis of the nodes and interactions between human actors and non-human technologies such as legal contracts (legal networks), water pumps, electric transformers, etc. He describes such networks as flexible interactions where power flows from one social actor to another, “the question of the social emerges when the ties in which one is entangled begin to unravel; the social is further detected through the surprising movements from one association to the next; those movements can either be suspended or resumed,”¹¹² what Bruno illustrates the ‘translational approach’ complicates Foucault’s concept of the subject of power, “in the translation approach the initial force is never transmitted in its entirety and no matter what happened earlier, it can stop at any

¹¹⁰ Ong, Aihwa. *Neoliberalism as exception: Mutations in citizenship and sovereignty*. Duke University Press, 2006, p. 3.

¹¹¹ Latour, Bruno. *Reassembling the Social: An Introduction to Actor-Network-Theory*. Oxford University Press, 2005, p.7.

¹¹² *Reassembling the Social: An Introduction to Actor-Network-Theory* 7.

time depending on the chain; again, instead of a passive medium through which the force is exerted, there are active members shaping and changing the token as it is moved.”¹¹³

In this context, I employ the following research methods:

- 1- Observation of Participation: As a resident at *Ard Baza* I’ve dedicated three months to observe my routinely participation in *Ard Baza*, in the text I emphasize on occasions and incidents which highlight the power dynamics, along with, state/individual relations.
- 2- In-depth interviews with thirteen members of *Ard Baza* settlement. The interviews were taped and translated in detail to examine the narratives and representation of the settler’s land ownership, hand claims, and the registration process.
- 3- Discourse analysis: Reviewing newspaper articles between 1952 and post-2011 (desert land distribution, desert development) Microfilm Al-Ahram archive and online; sale contracts, presidential decrees, Presidential speeches, interviews, and autobiographies, I also look through legal documents and contracts.

Limitations

In this research, I have conducted fifteen interviews with settlers and plot owners of *Ard Baza*, this research was originally designed as an ethnographic study that would have included more than fifty participants, however, after the demolition incident in 2016 most settlers were hesitant about participating. And, only ten residents shared with me a full account of their contractual agreement with the landowner, land price, and their reflections on the ‘People’s Right’ committee, while the other five provided me with very limited information on their individual cases. Another limitation or obstacle that faced me while studying the case of *Ard*

¹¹³ Latour, Bruno. "The Powers of Association." *The Sociological Review* 32.S1, 1984, pp. 264-280.

Baza, is the absence of common spaces. These limitations forced me to shift my focus to more available sources such as desert development discourse. The limitations and obstacles of studying *Ard Baza* emerge from a long history of fieldwork limitations that hinder researchers from reflecting on different vital issues in the Middle East.

The Organization of the Study

The second Chapter, **Contextualizing the History of Egypt's Desert Development Reclamation Policies and Discourse(s)**, examines the emergence of desert reclamation as a part of Egypt's national development narrative between 1952 and the present time. It draws on the influence of the shifting macroeconomic reforms on the reconstruction of desert allocation and distribution narratives under different political regimes. Academic literature, newspaper articles, presidential speeches, and project assessment reports are analyzed to study the shift in policies and narratives. The third chapter, **The Case of *Ard Baza*** goes through laws that regulate Egypt's desert lands ownership, with a focus on conditional property rights, especially allocation rights by direct and indirect orders. It also puts into perspective the shifts in conceptualizing property. The fourth chapter, **Dispossession and Narratives of Land Ownership**, presents the findings of a settlement located on Cairo-Alexandria desert road and undergoing the process of legalization.

CHAPTER TWO

Contextualizing the History of Egypt's Desert Development

Reclamation Policies and Discourse(s)

“Histories and discourses arise from, and persist through, relationality and reflexivity-without reference no effect and no communicability”

*S. J. Schmidt, 2016.*¹¹⁴

By the end of the 1940s and the early 1950s, eighty percent of landowners possessed twenty percent of lands while 1.5 percent of landowners owned the rest.¹¹⁵ In 1950, H. A. Dawood notes “the time that it takes an Egyptian agricultural laborer to accumulate the funds needed to buy even one feddān is almost infinite.”¹¹⁶ Also, K. A. Fargany points out that by the beginning of the 1950s the agricultural crisis reached its peak as small and landless farmers living conditions deteriorated and job opportunities in the industrial sector diminished.¹¹⁷ In September 1952, following the Free Officers' coup, the Government of Egypt started to work with the newly enacted Agrarian Reform Bill, which limits land ownership to 200 feddans per

¹¹⁴ Schmidt, Siegfried J. *Histories and Discourses: Rewriting Constructivism*. Andrews UK Limited, 2016.

¹¹⁵ Saad Gadalla *Land reform in relation to social development*. 1962

¹¹⁶ Dawood, Hassan Aly. "Farm Land Acquisition Problems in Egypt." *Land Economics* 26.3 (1950): 305-307.

¹¹⁷ Fargany, Khairy A., *ملاحح تطور الإقتصاد المصرى فى ظل التحولات السياسية والإقتصادية*. 1981.

household, the reform was the main element to the “founding story” of the “1952 “revolution.”¹¹⁸

This chapter will examine the official representations of desert (state) land distribution and allocation between 1952 and the 1990a, through closely looking into archival materials, state publications, presidential speeches, archives of official newspapers.

‘The Land is Ours’

“Brethren’s, the land is ours’, to those who work on it. We have abolished feudalism and feudalists, exploitation and exploiters, but now we must look forward”

—*Jamāl ‘Abd al-Nāṣīr, 1954.*¹¹⁹

On 23 July 1952, an officer representing the Revolution Command Council announced in a short broadcast message the abdication of King Farouk.¹²⁰ The statement, also known as the Declaration for the Revolution, stressed on the role of the corrupt monarchy in the Egyptian military defeat in the 1948 Arab-Israeli war, thus obliging the Free Officers to abolish the old corrupt system and purge the Egyptian military.¹²¹ Eradicating feudalism, ending foreign hegemony, were two key principles of the revolution, along with empowering workers and impoverished peasants.¹²² The enactment of the First Agrarian Reform Law in 1952 came to

¹¹⁸ Laurie Brand *Official stories: politics and national narratives in Egypt and Algeria*. (Stanford University Press, 2014) 121; "The Politics of National Narratives." CIRS Monthly Dialogue on “The Politics of National Narratives: The Evolution of ‘Revolution’ in Egypt.” 23 Mar. 2015. *Center for International and Regional Studies*. Web. 23 Mar. 2017; Marei, Sayed. *Agrarian Reform in U.A.R.: Texts and Documents*. (Middle East Publications, 1957) 7.

¹¹⁹ In a speech that Gamal Abdel Nasser, who was then a Prime Minister, gave in the celebration of handing farmers contracts of “landownership” in Minya Governorate in Upper Egypt. See,

¹²⁰ In 1953 the statement of the revolution was recorded by Anwar Al-Sadat. In an interview that was published in Al-Ahram in 24th of July 2002, Fahmy Omar the presenter who announced the abdication of King Farouk narrates the conditions of “Announcing the Revolution” on the 23rd of July 1952. See, Abdel-Latif, Omayma. "Announcing the Revolution." *Al Ahram Weekly* [Cairo] July 2002.

¹²¹ ElSadat, Mohamed Anwar. “بيان ثورة يوليو (The Declaration of the Revolution)” 23 July 1952.

¹²² Laurie Brand *Official stories: politics and national narratives in Egypt and Algeria*. Stanford University Press, 2014, p. 121.

represent the Free Officers’ commitment to putting these elements into action.¹²³ The Higher Committee for Agrarian Reform (HCAR) was founded to manage the requisition and redistribution of lands that exceed the limits set up by the agrarian law, 200 feddans per household,¹²⁴ it was also responsible for distributing newly reclaimed desert lands.¹²⁵

I. Harik highlights that “liberation of the peasant stood as a symbol of the liberation of the primordial Egyptian, not just as part of an economic plan.”¹²⁶ Broadcasting and documenting land distribution, where Egypt’s presidents’ visit rural areas and hand over land contracts to farmers became a tradition that manifests the president’s commitment to the ideals of the 1952 revolution. In 1954, few officers, including, Abdel Nasser and Abdel Hakim Amer, who was then a lieutenant in the Egyptian military, handed over reform contracts to ‘peasants’ in al-Minya Governorate,¹²⁷ where Abdel Nasser declared “you are the legitimate owners of the land” declared Abdel Nasser, “what we are handing over to you today are not land contracts, but liberation contracts” proclaimed Amer.¹²⁸

Land Reform: Collective/ Individual Models



Figure 2.1. Shows a one page long congratulatory note in Al-Ahram newspaper, sponsored by Egypt’s private companies on the sixth anniversary of the 23rd of July revolution., 1958. (See Works Cited).

¹²³ Saad 4-5.

¹²⁴ Marei, Sayed. *U.A.R. Agriculture Enters a New Age*, 1960, p. 52.

¹²⁵ Ibid

¹²⁶ Harik 61.

¹²⁷ " (Distributing Lands on Peasants in El-Miniya on 27 September 1959 توزيع الاراضي علي الفلاحين في المنيا (27 سبتمبر 1954)." *YouTube*. Web. 12 Sept. 2009.

¹²⁸ Ibid.

Sayed Marei, President of the Higher Committee for Agrarian Reform and Minister of Agriculture, states in his book on *Agrarian Reform in U.A.R.: Texts and Documents* that after the enactment of the reform the Ministry of Agriculture sent out 121 letters calling upon the ‘national spirit’ of landowners possessing more than 200 feddans obliging them to hand in their lands peacefully for redistribution under the administration of the Land Reform Agency, the executive branch of the Higher Committee for Agrarian Reform¹²⁹.¹³⁰ The reform law entitled landowners to sell or transfer up to 100 feddans to their children within a ten-year period,¹³¹ it also set the rental rate of land at seven times the tax value.¹³² In 1955, Gamal Abdel Nasser, who was then Egypt’s prime minister, asserts that the “(..) Land Reform Bill was, in the main, designed to liberate the bulk of peasants from the feudalism which was a corollary of the system of land tenure,”¹³³ he adds, “it is expected that the agrarian reform program will [also] switch a major part of the nation's capital from agriculture to industry, as big landowners are given compensation for their estates in the form of bonds which can be invested in industrial projects.”¹³⁴

However, throughout the 1950s and 60s, Nasser established a centralized economic system and implemented aspects of the socialist economy,¹³⁵ including the nationalization policy that brought the private sector into the public domain.¹³⁶ Thus, eradicating the last traces of the

¹²⁹ In 1956 the committee came to be replaced by the ministry for agrarian reform. See, Marei 43-61.

¹³⁰ Ibid 52.

¹³¹ Marei 43-61. Both Marei’s books were published to address agricultural development in the United Arab Republic (U.A.R.), pointing to the political union between Egypt and Syria that was established in 1958 and ended in 1961. See, "United Arab Republic (U.A.R.)." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., 20 July 1998. Web. 21 Mar. 2017.

¹³² Ibid 7.

¹³³ Nasser, Abdel. "The Egyptian Revolution." *Foreign Affairs*, 1955, p. 204.

¹³⁴ Nasser 207.

¹³⁵ Harik 17-19.

¹³⁶ "Egypt - Nasser and Arab Socialism." *Egypt - Nasser and Arab Socialism*. U.S. Library of Congress. Web. 24 Mar. 2017

pre-existing hegemony of landed elites, and directing investments from agriculture and industry to real estate.¹³⁷ According to Fragany, nationalizing the Suez Canal company, in 1956, marked the beginning of a new phase of economic reforms, including nationalizing foreigners' shares in Egyptian companies and the expansion of the public sector.¹³⁸ In this context, desert reclamation came to represent a new venue for state-led agricultural and industrial development strategy, it provided the lands needed for the new distributive policies.¹³⁹

Mudiriyat Al-Tahrir or Tahrir Province, one amongst the first reclamation projects established after 1952, started up as a military exploration project administered by Magdy Hassanein, a military engineer, who suggested that the project would be considered for the establishment of a large-scale reclamation project.¹⁴⁰ He assigned a group of military engineers to study the possibility of reclaiming an area that stretches along the west of the Delta to the outskirts of Alexandria,¹⁴¹ the project was approved by the Government of Egypt in 1954,¹⁴² and in 1958 a central water station, power station, and electrical substations were established to facilitate the cultivation of 4000 feddans in Tahrir.¹⁴³

¹³⁷ Fragany, Khairy A., (Features of Economic and Political Evolution in Egypt) ملامح تطور الإقتصاد المصرى فى ظل التحولات السياسية والإقتصادية. 1981. Print.

¹³⁸ Ibid.

¹³⁹ Adriansen 2009.

¹⁴⁰ Hopkins 1988.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ "(The Opening of the Biggest Irrigation Station, a Power Station, and Transmitter Station to Facilitate Irrigating 4000 Feddān in Tahrir) " افتتاح اكبر محطة رى فى مديرية التحرير ومحطة كهرباء ومحطة محولات لتسهيل رى 4000 فدان *Al Ahram* [Cairo] 3 Aug. 1958. Print.

Moreover, according to S. Voll, the plan was to reclaim 1.2 million feddans financed by sold royal property and the early agricultural production of the reclaimed land.¹⁴⁴ The official proposal suggested that Tahrir Province's lands be distributed among small and landless peasants after six months of training, however, the lands remained under state's control.¹⁴⁵ R. Springborg, who wrote extensively on Sayed Marei as a member of a landowning family who managed to be one of the military revolution's notability,¹⁴⁶ illustrates the conflicting ideologies of Magdi Hassanein and Sayed Marei on systems of land tenure that influenced the process of policymaking.¹⁴⁷ For while Marei advocated for a system of private ownership, Hassanein attempted to keep Tahrir Province outside the administration of the Higher Committee for Agrarian Reform, and under the administration of the Tahrir Province Organization, that was established in 1957, as a communal land. Springborg notes:

When it became apparent that Hassanein did not intend to distribute titles of ownership to peasants, Marei attempted to force his hand by calling him to testify before the committee for Ownership and Exploitation of Reformed Land, which was itself under Marei's Higher Committee for Agrarian Reform.¹⁴⁸

Figure 2.2. A headline from Al-Ahram on the 2nd of July 1958 that reads, "New Legal Interpretation of the Land Reform, Owners of Five Feddans are Entitled to Deal with their Property." (See Works Cited).

¹⁴⁴Voll, Sarah P. "Egyptian Land Reclamation Since the Revolution." *Middle East Journal* 34.2, 1980, p.148.

¹⁴⁵ Ibid.

¹⁴⁶ Springborg 1982 1-2.

¹⁴⁷ "Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands" 54.

¹⁴⁸ "Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands" 53.

The conflict between Marei and Hassanein resulted in the outset of Hassanein in 1957 and Tahrir Province came to be managed under the Agrarian Reform Law.¹⁴⁹ During In the same year Hassanein took his seat in the National Assembly, N. Ibrahim states that one of his most popular slogans for the election was “vote for Magdy Hassanein who established Tahrir Province.”¹⁵⁰ Ibrahim notes that one day before the first parliamentary session was held ten members submitted a form to the head of the parliament requesting dropping Hassanein membership due

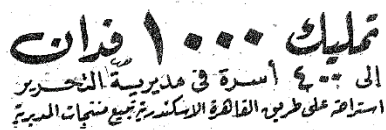


Figure 2.3. The picture shows a headline from Al-Ahram daily newspaper on the 11th of July 1958, that announces “Granting full ownership of 1000 Feddans in Tahrir Province to 400 Families. The Establishment of a Rest House on Cairo Alexandria Highway to Sell the Tahrir’s Products.” (See Works Cited).

to rumors of irregularities in the accounts of the Province, their request denied and instead Hassanein was forced out of Tahrir Province.¹⁵¹

On the 13th of July 1958, Marei declared in an article in Al-Ahram newspaper that the reform policy is premised on a respect for private ownership and that there are no communal farms in Egypt.¹⁵² Along similar lines, the National Charter of

1962 states that “in the agricultural sector, Arab socialism does not believe in the nationalization of land but in individual ownership within limits that prevent feudalism. It believes also in agricultural cooperation in terms of credit, use of modern machinery, and marketing.”¹⁵³

However, in 1961, the Tahrir Province Organization was established and once again Tahrir Province was under the administration of Abdel Mohsen Abu el-Noor, one of the Free Officers.¹⁵⁴ Also, land holdings were confiscated under a new Agrarian Reform Law that

¹⁴⁹ Hopkins 1988.

¹⁵⁰ Ibrahim, Nagwa. "انقلاب "الضباط الاحرار" تحت قبة البرلمان" (Parliamentary Stories: The Free Officer's Coup under the Parliamentary Dome) *Al-Tahrir Newspaper* 21 Feb. 2015. *Tahrir News*.

¹⁵¹ Ibid.

¹⁵² “Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands” 53.

¹⁵³ Alan W. Horton *The Charter for National Action of the UAR: A Résumé of the Complete Document*. American Universities Field Staff, 1962, p.15.

¹⁵⁴ Hopkins 7.

reduced the ceiling of land ownership to 100 feddans.¹⁵⁵ Few scholars note that the early reform strategy entitled peasants to usufruct *Intifa'* contracts,¹⁵⁶ the underlying evidence suggests that the terms of usufruct rights were contextualized in the Egyptian civil law to entitle peasants to sell their usufruct rights and apply for loans.¹⁵⁷

Nasser's economic doctrine was crystallized in the First Five Years Plan (1960/61- 1965/66) which set the national development goals, including plans for agricultural and industrial development,¹⁵⁸ also the 1962 Charter listed horizontal expansion into the desert, along with vertical expansion and the mechanization of agriculture as the basis for the "battle of production," and rural development.¹⁵⁹ In this context desert reclamation and the development of new communities emerged as a key pillar for national development and the redistribution of national income, directing public investments towards large irrigation projects and the mechanization of agriculture.¹⁶⁰

By the end of the First Five Years Plan, the Government of Egypt reported a 3.3 percent growth in agriculture,¹⁶¹ a 12.5 percent increase of agricultural labor wages from agricultural

Arab Socialism to Be Basis of Revised Government

Figure 2.4. Sub headline from *The New York Times*, 13 March 1962. Headline "Cairo Congress to Weigh New Nasser Charter." (See Works Cited).

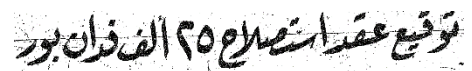


Figure 2.5. "Reclaiming 25,000 Feddan of Waste lands in South Tahrir." Source: *Al-Ahram*, 22 May 1961. (See Works Cited).

¹⁵⁵ Empire Eshag and M. A. Kamal. "A Note on the Reform of the Rural Credit System in UAR (EGYPT)." *Oxford Bulletin of Economics and Statistics* 29.2 (1967): 95-107.

¹⁵⁶ Saad 1989; Joseph Viscomi. *The Farthest Place: Social Boundaries in an Egyptian Desert Community*. American University in Cairo Press, 2010.

¹⁵⁷ In this context, the land remains under the ownership of the state whereas those who hold usufruct rights only entitle others for the right to use state lands over a specific price; see, Redda, Mohamed M., Radwan Kafafy, Nihal Abdel-Sherif, and Hebatullah O. Abdel Raoof. "من نجيب للسيسي.... مصر بعد 63 سنة إصلاح زراعي." *Masr Al-Arabiya*. N.p., 11 Sept. 2011. Web. 3 Feb. 2017.

¹⁵⁸ Voll 148.

¹⁵⁹ Horton 1962.

¹⁶⁰ Marei 1960.

¹⁶¹ Harik 61.

production to 32 percent, and a significant increase in the rates of savings and investments.¹⁶² In 1966, Nasser announced in a speech that he delivered on Labor Day in El-Mahala El-Kobra, the outcomes of the first plan and a Second Five Years Plan (1965/66- 1970/71) underway where more than 598 million Egyptian pounds is to be allocated to agriculture, including forty-one million to complete the construction of the High Dam.¹⁶³ D. E. Wahdan states “in spite of its socialist-welfare underpinnings under the slogan of "subsistence and fairness" "*kefaya wa 'adl*", national planning - as well as its physical avatar- failed to correct, let alone ameliorate, uneven spatial development.”¹⁶⁴ International investments in new desert spaces throughout the 1950s and 60s and manifested in a few projects by the USSR including a project of reclaiming 10,000 feddans in North Tahrir (1964-1970), and the community-building and reclamation activities carried out by the Egyptian American Rural Improvement Service Project, EARIS, including their projects in South Tahrir since 1952,¹⁶⁵ both deployed different systems of land distribution.

The spatial division of communal farms in North Tahrir and individually owned tracts in the south mimicked the cold war spatial representations that were taking place in various countries in that time. In the context of desert development and land ownership rights, it represented two systems of distribution on which socialist and capitalist economies are premised. The USAID evaluation report that was published in 1983 under the title “Egypt: The Egyptian American Rural Improvement Service, A Point Four Project, 1952-63,” states that:

¹⁶² Amin, Galal. "قصة الإقتصاد المصرى: من عهد محمد على الى عهد مبارك." ديون عبد الناصر [The Story of Egypt's Economy: From Mohamed Ali to Mubarak]. Cairo: Dar El Shorouk, 2012, pp. 48-57.

¹⁶³ Abdel Nasser, Gamal. خطاب الرئيس جمال عبد الناصر بمناسبة عيد العمال من المحلة الكبرى. El Mahalla El Kubra. 1 May 1966. *Bibliotheca Alexandrina*.

¹⁶⁴ Dalia E. Wahdan "Planning Imploded: Case of Nasser's Physical Planning." *Economic and Political Weekly*, 2007, pp. 2099-2107.

¹⁶⁵ Johnson, Pamela R., et al. *Egypt: The Egyptian American Rural Improvement Service, A Point Four Project, 1952-63*. Rep. N.p.: U.S. Agency for International Development, 1983.

The clash of ideologies and modalities became most apparent in the US conception of EARIS, in sharp contrast with the Egyptian-planned Tahrir Province. In developmental terminology, Tahrir vs EARIS represented two distinct and divergent approaches-- 'modernization from the top ' vs 'modernization from below. In the American perception, the Tahrir province represented a clear example of 'modernization from the top', where the Egyptian government followed statist principles by providing financing, organizational directions, and technical cadres, and permitted only limited peasant participation.¹⁶⁶

Nasser's era advocacy for socialist-inspired development policies and his growing dependency on Soviet loans, especially in the industrial sector which subsequently increased the Soviet Union's influence in the development and the modernization of agriculture, influenced the general development strategy.¹⁶⁷ On the other hand, while Nasser has blocked various aspects of American-Egyptian assistance, agriculture was the only field open for cooperation under the EARIS and the wheat to Egyptian pound program under Public Law 480.¹⁶⁸

The administrative set-up of agricultural development and land reclamation under Nasser has been subjected to several changes throughout the 1950s and 60s were in some cases different bodies were established to perform the same function.¹⁶⁹ Most importantly in 1961 the Ministry of Agrarian Reform and Land Reclamation was established to carry out agricultural development and reclamation projects and in 1967 Marei was assigned to the Ministry.¹⁷⁰ Also, in 1967 the

¹⁶⁶ Johnson, Pamela R., et al. 31.

¹⁶⁷ Adriansen, Hanne Kirstine. "Land Reclamation in Egypt: A Study of Life in the New Lands." *Geoforum* 40.4, 2009, p. 658.

¹⁶⁸ Blue, Richard N., David W. Dunlop, Michael Goldman, and Lioyd S. Harbert. *PL 480 Title I: The Egyptian Case*. Rep. N.p.: U.S. Agency for International Development, 1983

¹⁶⁹ For a complete analysis of Egypt's rural management administrative setup in Nasser's era see, Berdichevsky, Bernardo, ed. *Anthropology and Social Change in Rural Areas*. Walter de Gruyter, 1979.

¹⁷⁰ Hopkins, Nicholas S., ed. 1988; " (Sayed Marei-An Autobiography) السيرة الذاتية - المهندس سيد مرعى - محمد انور " .المهندس سيد مرعى- السيرة الذاتية (Sayed Marei-An Autobiography) السيرة الذاتية. Bibliotheca Alexandrina. Web. 01 Mar. 2017.

Egyptian Authority for the Utilization and Development of Reclaimed Lands, EAUDRL, came to replace the EARIS, the Tahrir Province Organization, and the Egyptian Organization for Rehabilitation.¹⁷¹

In his speech to the nation in 1970, Nasser highlighted what Egypt has accomplished in the mission of “conquering the desert,” proclaiming that 850,000 feddans have been reclaimed, the rate of growth in agricultural production increased by 15 percent and 40 percent agricultural exports.¹⁷²

Re-Defining the Rule of Law and Social Justice

On December 29, 1970, The New York Times reports “(...) Mr. Sadat's first moves upon taking office as President was reported to order a review of the practice of seizures known as sequestration,”¹⁷³ this was followed by several

EGYPT CUTS PLAN FOR RECLAMATION

Special to The New York Times

Figure 2.6. New York Times 2 Jan 1972. (See Works Cited).

decisions that reversed Nasser’s economic reforms, agrarian reform. By 1975 the government has returned most of the confiscated lands to their original owners or offered compensation equal to their lands’ value.¹⁷⁴ As for desert reclamation, Sadat’s policy was twofold, while some large state-planned reclamation projects were established with the aim of utilizing water from the High Dam, full ownership over desert land tracts were now provided by the Ministry of Agriculture and the Ministry of Housing to private investors and individual farmers.¹⁷⁵ Throughout the 1970s

¹⁷¹ “Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands” 54; Voll 140.

¹⁷² Abdel Nasser 1970.

¹⁷³ Raymond H. Anderson "Egypt Returning Seized Property." *The New York Times* 29 Dec. 1970: 1. Print.

¹⁷⁴ Goldschmidt, Arthur. *Historical dictionary of Egypt*. 2013, p. 386.

¹⁷⁵ Springborg 62-66.

there has been a gradual shift from centralized compulsory policies of cropping patterns, the pricing, and marketing of agricultural products.¹⁷⁶

In an interview with the Egyptian T.V. on the twenty-fifth anniversary of the 23rd of July Sadat declares “capitalism has failed, and so did socialism which used the peasants and workers either to sow dissension between them and the intellectuals, or to exploit them in the interest of the one-man rule,” he adds “democratic socialism has clear-cut landmarks.”¹⁷⁷ On May 1971 Sadat declared the imprisonment and the exclusion of ministers and key public figures in Nasser’s era as a response to their mass resignation from the government, Sadat referred to this as the Rectification Revolution, also known as the Corrective Revolution.¹⁷⁸ In a speech addressed to the nation he portrayed the main points of departure between his regime and that of Nasser, the key point of difference is how both define the role of the state in managing social, economic and political life. He accused Nasser’s Political Office and the “centers of power” of spreading fear and hatred, *Ġabal el ħekd*, among different social classes and factions, and set a mission of eradicating “centers of power,” and promote social and political justice.¹⁷⁹ Sadat, however, was keen to represent himself as a part of an “ongoing revolution” and as a legitimate heir of Nasser’s legacy.¹⁸⁰ Under Sadat’s administration, Sayed Marei has occupied high state

¹⁷⁶Farah 3.

¹⁷⁷ El Sadat, Mohamed Anwar. Interview of President Anwar El Sadat with the Egyptian T.V. Cairo. 25 July 1977. *Speeches and Interviews of President Mohamed Anwar El Sadat*. N.p.: Arab Republic of Egypt State Information Service, 1977, pp. 127-73. Print.

¹⁷⁸ See, El Sadat, Mohamed Anwar. Interview of President Anwar El Sadat with the Egyptian T.V. Cairo. 25 July 1977. *Speeches and Interviews of President Mohamed Anwar El Sadat*. N.p.: Arab Republic of Egypt State Information Service, 1977. 127-73. Print.

¹⁷⁹ El Sadat, Mohamed Anwar. " 7 ".1971 مايو 15 الأمة في July 2016. *بأذكرة ماسبيرو*. *YouTube*. 2 Mar. 2017; see, El Sadat, Mohamed Anwar. Interview of President Anwar El Sadat with the Egyptian T.V. Cairo. 25 July 1977. *Speeches and Interviews of President Mohamed Anwar El Sadat*. N.p.: Arab Republic of Egypt State Information Service, 1977. 127-73. Print.

¹⁸⁰ Laurie Brand "The Politics of National Narratives." CIRS Monthly Dialogue on “The Politics of National Narratives: The Evolution of ‘Revolution’ in Egypt.”23 Mar. 2015. *Center for International and Regional Studies*. Web. 23 Mar. 2017.

positions, he was the Deputy Prime Minister for Agriculture and Irrigation, Head of the Egyptian Parliament (1974-1977), the President's Assistant in 1978, and Head of the President's Advisory Council in 1980.¹⁸¹

Open Door Policy

Prior to the Revolution-aspirations for social justice, true democracy, liberation of the land usurped by a foreign power through the force of arms, and protected by international feudalism, liberation of the landowner from an Egyptian usurper who robbed its rightful owner who tilled it, and deprived him of the basic rights of life, indeed every right through domination by local feudalism which controlled government, man, and destiny.

—Anwar el- Sādāt, 1977¹⁸²

The 1973 war, was followed by a wave of economic liberation reforms that came to be known as Open Door reforms taking place after the enactment of Law No. 43 of 1974 which

¹⁸¹ " (Sayed Marei-An Autobiography) السيرة الذاتية - المهندس سيد مرعى. محمد انور السادات. Bibliotheca Alexandrina. Web. 01 Mar. 2017.

¹⁸² El Sadat, Mohamed Anwar. Address by President Anwar El Sadat on Land Reform Day. Cairo. *Speeches and Interviews of President Mohamed Anwar El Sadat*. Cairo: Arab Republic of Egypt State Information Service, 1977, pp. 317-21.



Figure 2.7. Two caricature drawings by Salah Jahin, an Egyptian poet and cartoonist. The drawings show a shift in the representation of 'the people'. The first shows a peasant as a symbol for the Egyptian the people, the second shows a public officer. Source: Al-Ahram dated 1969 and 1972. (See Works Cited).

allowed for foreign and Arab investments.¹⁸³ S. Hibbard and A. Layton illustrate that “the *infitah* helped to create the conditions for a real estate and credit boom, ultimately adding to Egypt's foreign debt as the country became increasingly dependent upon foreign financing and investment.”¹⁸⁴ Along similar lines, A. Richards notes “in 1974 Egypt became a net importer of agricultural commodities for the first time in its history.”¹⁸⁵ Thus, by 1975 Egypt’s short-term debts reached 1168 million dollars, eight times more than Egypt’s debt in 1970.¹⁸⁶

To reduce Egypt’s debt, the International Monetary Fund urged Egypt to undertake some austerity measures, and on December 1977 Abdullah Al Kaysouny, Deputy Prime Minister for Finance and Economic Affairs, announced cutting public subsidies on food products.¹⁸⁷ As a result, protests in opposition to raising food prices erupted across Egypt and the state was forced to cancel the subsidy cuts.¹⁸⁸ In an interview with CBS later the same year, El Sadat accused the protesters of being communist agents who aim at overthrowing the regime and spread “communist propaganda.”¹⁸⁹

¹⁸³ El Wassal, Kamal. *الإقتصاد المصرى بين المطرقة والسندان: أزمتا الدين العام والعجز فى الموازنة*. Ibn Rushd, 2016. Print.

¹⁸⁴ Hibbard, Scott, and Azza Salama Layton. "The Origins and Future of Egypt's Revolt." *Journal of Islamic Law and Culture*, 2010, pp. 197-214.

¹⁸⁵ Richards, Alan. "Egypt's agriculture in trouble." *Merip Reports* 84, 1980, p. 3.

¹⁸⁶ Amin, Galal. "قصة الإقتصاد المصرى: من عهد محمد على إلى عهد مبارك", ديون عبد الناصر. [The Story of Egypt's Economy: From Mohamed Ali to Mubarak]. Cairo: Dar El Shorouk, 2012, pp. 48-57.

¹⁸⁷ "Egyptian Riots Explode IMF Austerity Program." *EIR News Service*. Executive Intelligence Review, 25 Jan. 1977. Web. 3 Mar. 2017.

¹⁸⁸ Ibid.

¹⁸⁹ "Sadat's Troubled Egypt." *60 Minutes*. CBS News. 7 Aug. 1977. *CBS News*. Web. 3 Mar. 2017.

Following the Camp David Accords in 1978 the United States offered Egypt a yearly aid of 2.1 billion dollars,¹⁹⁰ as a result by the end of the 1970s, land reclamation projects and agricultural development became sites for Israeli-Egyptian cooperation, as a part of normalizing the relationship with Israel instigated by the Camp David Accords.¹⁹¹ H. Redda notes that while Camp David Agreement did not point to agricultural cooperation between the two countries, since the Camp David Accords, Israel has successfully penetrated Egypt's agricultural market and provided technical support in reclamation projects, especially Nubariya.¹⁹² In 2012, Y. Azulai reported that "exports of goods from Israel to Egypt grew by 60% last year, to \$236 million. The Export Institute attributes the steep rise to a dramatic rise in Egyptian demand for Israeli chemicals, mainly agricultural fertilizers."¹⁹³

Sharon, in Egypt, Visits Desert Reclamation Site

Figure 2.8. The New York Times, October 18, 1979. (See Works Cited).

Under the umbrella of the *Infitāh*, in 1976 agricultural cooperatives' activities has been limited and later the same year Law 117 dictated that cooperatives' responsibilities be transferred to The Principal Bank for Development and Agricultural Credit.¹⁹⁴ Moreover, the EAUDRL was abolished and transformed into companies, however, while some scholars analyze this transformation as attempts to "free the state farms from the bureaucratic restrictions,"¹⁹⁵ a year earlier the General Authority for Reclamation Projects and Agricultural Development,

¹⁹⁰ Satloff, Robert, and Patrick Clawson. "U.S. Economic Aid to Egypt: Designing a New, Pro-Growth Package." *The Washington Institute: Improving the Quality of U.S. Middle East Policy*. N.p., 7 July 1998. Web. 5 Mar. 2017.

¹⁹¹ See, Adriansen, Hanne Kirstine. "Land reclamation in Egypt: a study of life in the new lands." *Geoforum* 40.4 (2009): 664-674; Said, Rushdi. *Science and politics in Egypt: a life's journey*. American University in Cairo Press, 2004.

¹⁹² Redda, Hassan. *إسرائيل في الزراعة المصرية*. Vol. 1. N.p.: Al Mahrosa For Publishing & Press Services & Information, n.d. Print. Ser. 1.

¹⁹³ Azulai, Yuval. "Israelis see business ties with Egypt continuing - Globes English." *Globes Israeli Business Arena*. Globes Israeli Business Arena, 25 June 2012. Web. 07 Mar. 2017.

¹⁹⁴ "History." *Agricultural Bank of Egypt*. Agricultural Bank of Egypt, 2013. Web. 6 Feb. 2017.

¹⁹⁵ Hopkins 9.

GARPAD, according to Presidential Decree No. 269 of 1975,¹⁹⁶ was established to draw up the general policy for desert land reclamation, utilization, and cultivation also to cooperate with other institutions and organizations responsible for establishing infrastructure for desert projects.¹⁹⁷ D. Sims names four governmental bodies that currently control desert reclamation; the GARPAD, Ministry of Defense and Military Production, Ministry of Interior, and holding companies that operate under the Ministry of Agriculture and the Ministry of Investment.¹⁹⁸ The New Urban Communities Authority, that works under the Ministry of Housing, also plays an important role in desert reclamation and cultivation.¹⁹⁹

In 1973 the General Organization for Physical Planning (GOPP) was established in accordance with Presidential Decree No. 1093, carry out a number of responsibilities including urban development plans and

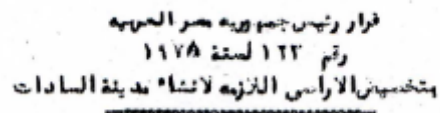


Figure 2.9. Presidential Decree No. 123 of 1978 for the allocation of the needed lands to establish Sadat City. (See Works Cited).

follow-up assessments.²⁰⁰ W. J. Dorman notes that “in April 1974, Sadat inaugurated what was to become Egypt’s main urban development policy: the construction of new desert cities,”²⁰¹ During the 1970s five satellite cities were established including; the Tenth of Ramadan (1977), 6th of October (1979), and Sadat City (1978), 15th of May (1978), and Borg El-Arab (1979), all were designed to include agricultural, industrial, and residential areas.²⁰² According to Mona Abaza, “clearly, the neoliberal newly rich have opted to get out of Cairo . . . The late President Sadat was behind the idea of creating new satellite cities, such as the Tenth of Ramadan, Sixth of

¹⁹⁶ "GARPAD." *GARPAD*. N.p., n.d. Web. 07 Mar. 2017.

¹⁹⁷ Ibid.

¹⁹⁸ Sims 78-91.

¹⁹⁹ "Home Page." *New Urban Communities*. N.p., n.d. Web. 07 Mar. 2017.

²⁰⁰ "عن الهيئة." *The General Organization for Physical Planning*. N.p., 5 Apr. 2017. Web. 9 Apr. 2017.

²⁰¹ Dorman, W. Judson. "Exclusion and informality: the praetorian politics of land management in Cairo, Egypt." *International Journal of Urban and Regional Research*, 2013, pp. 1584-1610; Sims 2014.

²⁰² "New Cities." *New Urban Communities*.

October and Sadat Cities. Expansion in the direction of desert cities continued under President Mubarak when al-Shuruk, Quattameyya Heights and Rehab were created,”²⁰³ such new constructions and forms of urbanization were imitated in informal settlements, quasi- gated communities, workers’ residential areas surrounded and expanded from these developments. In 1979 the New Urban Communities Authority was established, to carry out different operations, including planning new urban centers and preventing urban encroachment on agricultural lands.²⁰⁴ Also, subsidized low-priced residential units.²⁰⁵

Sadat has managed to create his own reform analog and a governance system that has survived long after he was assassinated in October 1981. The reconstruction of Nasser’s legacy and emptying out notions such as social justice of the meanings attributed to them in Nasser’s era took place in a variety of forms, however, Sadat still promoted himself as the legitimate heir of Nasser, most importantly of the July ‘revolution’. In this context, I argue that beneath what appeared to be a linear progression toward liberalizing the economy, the institutional and legislative set up in Sadat’s era laid their heavy presence on patterns of desert development and land ownership until today. In this context, not only did state’s control over desert lands’ ownership prevailed under Sadat, but was entrenched into the desert land management Law No. 143 of 1981.²⁰⁶ The law also granted the ministry under which desert lands are allocated, the right to dispose of land without an auction.²⁰⁷

²⁰³ Abaza, Mona. "Critical Commentary. Cairo’s Downtown Imagined: Dubaisation or Nostalgia?" *Urban studies* 48., 2011, p. 1076.

²⁰⁴ "New Cities." *New Urban Communities*.

²⁰⁵ Ibid.

²⁰⁶ Farouk 8.

²⁰⁷ Ibid.

‘Land to the Tiller’: A Growing ‘Informal Sector’

In Egypt (,) the people have been used to electric shocks, but that time has passed. I could give the people very good speeches, but I am not that type of man. I like to work quietly. The people want to eat, they want housing and water. I could easily provide anesthesia for the people, but I’m a man for long-term policies, not for electric shocks.

— *Muḥammad Ḥosnī Mubārak*, 1983.²⁰⁸

For three decades, during Mubarak’s presidency, his speeches mimicked the now eroded revolutionary narrative of his predecessors, at least for the first decade of his presidency there were no significant changes in land reclamation and agricultural policies.²⁰⁹ During the 1980s and 90s, the Egyptian government established a number of new urban communities to “(...) channel informal urbanization towards the state-owned desert periphery;”²¹⁰ including; New Salhyia (1982), Obour (1982), Badr City (1982), New Beni Suef (1986), New Nubariya (1986), New Minya (1986), Sheikh Zayed (1995), New Aswan (1999), and Shorouk City.²¹¹ Except for Nubariya, no lands were allocated to agricultural investments or crop production.²¹²

The legal ambiguity of the land registration system, the contracts granted to farmers and graduates by the government, in addition the growing trend of grabbing desert lands, *wad ‘yadd*, or “squatter reclamation” as translated by Sims,²¹³ all accumulated creating a complex informal sector that encompassed different actors including Bedouins, small farmers, local land investors,

²⁰⁸ "An Interview with Mubarak." *Time*, vol. 121, no. 5, 31 Jan. 1983, p. 44. *EBSCOhost*, search.

²⁰⁹ See, Redda, Mohamed M., Radwan Kafafy, Nihal Abdel-Sherif, and Hebatullah O. Abdel Raoof. "من نجيب الى سيسي... مصر بعد 63 سنة إصلاح زراعي (From Naguib to Sisi: Egypt after 63 Years of Agrarian Reform)" *Masr Al-Arabiya*. N.p., 11 Sept. 2011. Web. 3 Feb. 2017.

²¹⁰ Dorman, W. Judson. "Exclusion and informality: the praetorian politics of land management in Cairo, Egypt." *International Journal of Urban and Regional Research*, 2013, p. 1585.

²¹¹ See, "New Cities." *New Urban Communities*.

²¹² *Ibid.*

²¹³ Sims 101-102.

agribusinesses, and real estate development companies. Thus, throughout the 1980s and 90s, as informal urbanization boomed, a shadow land market replica took place in the Egyptian desert.²¹⁴

To control the growing informal occupation of desert lands, Law No. 30 of 1984 was issued giving hand claimers a six months' time limit to register the lands which they claim, and in 1986 the Parliament issued Law No. 3 regarding the liquidation of some of the conditions arising from the laws of agrarian reform to encourage occupants to register their lands, the first article of the amendment states,

Lands that has been seized for more than fifteen years in accordance with the provisions of Decree Law No. 178 of 1952 [the first Agrarian Reform Law], Law No. 127 of 1961 and Law No. 15 of 1963 on the Prohibition of foreigners' ownership of Agricultural Lands and the like, and Law No. 50 of 1969 which establishes a maximum limit for family and individual ownership. And have not been objected or appealed should be declared as seized.²¹⁵

The GARPAD, as well as other ministries to which desert lands are allocated, were assigned to study the cases of land grabs and the duration of their occupation. The law entitled occupants to contracts in case they have claimed the land and used it for more than fifteen years, given that they do not change the pattern of land use.²¹⁶ Under the Structural Adjustment Policies that the Egyptian government undertaken during the 1990s the agricultural market was completely liberated from states control. S. Al-Nour asserts that the government cut subsidies on agricultural

²¹⁴ Sims 101-102.

²¹⁵ El Nour, Saker. "Small Farmers and the Revolution in Egypt: The Forgotten Actors." *Contemporary Arab Affairs*, 2015.

²¹⁶ Ibid.

inputs, fertilizers, and pesticides, and privatized land resources.²¹⁷ In 1992 the Parliament approved a tenancy law proposal submitted by the National Democratic Party to “regulate the relationship between landowners and tenants,” the law was fully implemented in 1997.²¹⁸ In accordance with the law within five years, the agricultural land rent from seven times tax value to twenty-two times the land tax and by 1997 landowners was free to determine the rent value according to market prices.²¹⁹ The law has led to a series of protests known as Peasants’ Uprising, or *Intifādāt el felāḥeen*, from 1997 to 2000.²²⁰

According to Al-Nour, law 96 has led to the eviction of an estimated number of 904 thousand tenants.²²¹ In this context, for at least the first six years after the implementation of the law, Mubarak’s reclamation project, established in 1986 for new graduates, accepted applications from farmers who have lost their lands.²²² Settlers were chosen by the administrative officials of the project according to their; age, sex, origin, date of graduation, and their background in farming. In this context those who were young, males with rural origins, recent School of Agriculture graduates represented the perfect candidates for the project.²²³ The project was financed by international organizations and investors including; the USAID, and the International Center for Agricultural Research in

Figure 2.11. Title from Al-Ahram leftist newspaper, on 23 January 1997. In an interview with, Mustafa Kamel Murad, president of Al-Ahram leftist party, he states “Law 96 is Consistent with Sharia, and the Protection of Private Property is a Must.” (See Works Cited).

²¹⁷ El Nour 211; also, Saad, Reem. "Egyptian politics and the Tenancy Law." Edited by Ray Bush *Counter Revolution in Egypt's Countryside: Land and Farmers in the Age of Economic Reform*. London, 2002.

²¹⁸ El Nour 215.

²¹⁹ El Nour 215.

²²⁰ Ibid 198.

²²¹ El Nour 2015.

²²² Adriansen 664–674.

²²³ Ibid.

the Dry Areas, ICARDA, and Israeli assistance.²²⁴ In an interview on 22 February 1989 with the Israeli Television Moshe Arens, Israeli Foreign Minister, proclaims “with Israeli technological assistance, with the assistance of Israeli specialists, one can see ‘beautiful Eretz Yisrael’ in Egypt, along Cairo-Alexandria highway.”²²⁵ In 2002, however, under a new investment law approved by the Parliament, graduates were “entitled to sell their lands.”²²⁶

الأرض لمن يزرعها بشرط الزراعة المستقرة

Figure 2.12. From Al-Akhbar, 4 June 1997. “Land to the Tiller Given that the Conditions of Agriculture are Stable.” (See Works Cited).

Conclusion: Post-2011/ Informal Encroachments

During the 1950s and 60s, collective ownership was promoted by Nasser’s political elite as a tool for empowering peasants, the adoption of the set of economic liberation policies during the 1970s, known as the Open-Door policies, entailed a different form of landed resource management, especially in the case of New Lands’ development. *El ‘ard lemān yazr’hā* or “land to the tiller,” was the government’s slogan throughout the 1970s, 80s, and 90s, to encourage farmers and graduates to reclaim desert lands. The unintelligibility of land registration system, among other factors, have led to a boom in *wad ‘yadd* or hand claims.

Following the 2011 revolution, the involvement of businessmen and Mubarak’s family in land deals was an issue which occupied much of the post-revolution debates on the corruption of the old system, Mitchel highlights that:

The fall of the Mubarak regime allowed a fuller exposure of the regime’s mode of operation: The vast areas of public land allocated to private interests at low prices, the

²²⁴ Adriansen 664–674.

²²⁵ Ibid.

²²⁶ Ibid.

unauthorized taking of tens of thousands of acres of desert land, the waste of extraordinary quantities of public funds in building infrastructure for ill-conceived mega-projects that had failed to produce effective results, and the revenues lost in the disorganized and unregulated privatization of public assets.²²⁷

As a result, in 2016 President Sisi ordered the establishment of the ‘People’s Right’ campaign in the name of retrieving looted state lands, the establishment of the committee was celebrated in the mainstream official media as a step towards fighting a long heritage of corruption, however, the execution of demolition orders against low-income squatter settlements and the recent presidential orders to once again transfer the cases of legalizing informal desert settlement to the local city councils *mahalyiat* which have a long legacy of corruption, puts the efficiency of the newly enacted policy of retrieving state lands into question.



Figure 2.12. ‘Wad ‘yadd Violations Settles on Egyptian Lands as ‘Schistosoma.’” Source: Nahdet Misr Newspaper, 21 May 2011. (See Works Cited).

²²⁷ This was extracted from Timothy Mitchells’s foreword to David Sims’s book *Egypt’s Desert Dreams: Development or Disaster?* That was published by The American University in Cairo Press in 2014.

CHAPTER THREE

The Case of *Ard Baza*

“. . . The new lands in the western desert along the Alexandria-Cairo desert highway have become the demonstration site for the ‘greening of the desert’ with Nubariya as the epicenter”

—*Hanne Adriansen*²²⁸

The desert road leads out of Cairo from behind the pyramids, cutting through the desert west of the Delta up towards the city of Alexandria on the Mediterranean coast. The villas and Mango orchards give way to rocky hills as the road wind steadily up towards the desert escarpment over the crest of the hill, past the Pyramid Heights resort, the road starts to descend down to a sandy plain. Billboards alongside nascent housing developments highlight the promise of the future; a space of luxury and clean air.

—*Jessica Barnes, 2004.*²²⁹

The rapid development of Cairo-Alexandria desert road,²³⁰ coupled with the flourishing of the North Coast as a destination for domestic leisure visitors, have led to an influx of road travelers. On the west of Cairo-Alexandria desert highway, km 91 from Cairo, *Ard Baza* is barely a blur to road travelers; even when approaching the broken gate of *Ard Baza*, one does not assume that there is any form of life inside. The small population of *Ard Baza* is constituted of only ten families who permanently reside on the land and more than one hundred plot-holder

²²⁸ Adriansen 672.

²²⁹ Kuppinger 529.

²³⁰ In 2007 the Egyptian government developed the toll road, built new facilities and bridges along the road in the aim of transferring the road into an economic corridor that connects Egypt’s most important urban centers Cairo and Alexandria. First the project was managed by the Ministry of Transportation and a number of private companies; however, in 2011 the Engineering Authority of the Egyptian Military took over and was entitled to own the road for fifty-years under beneficial interest.

who resides elsewhere, agricultural labor, and guards; the rest of the land has either been abandoned due to lack of resources (namely, electricity and water) or is managed by labor or family members to an absentee owner. The 215 feddans of *Ard Baza* are held under primary, ‘*urfi*, contracts between the current plot-holders and the alleged landowner, Baza, who have occupied the land in 1989 under a three-year lease contract that should have led to ownership. Plot-holders use three main landmarks to locate *Ard Baza*, namely Sadat City; Prison No. 430 and 440²³¹ on the other side of the road; and The Monastery of Saint Macarius, one kilometer away from the gate of *Ard Baza*. Since the settlement was not a part of any formal development plans, no official records exist on *Ard Baza* except for land contracts and individual initiatives to map the land from the Egyptian Survey Authority, ESA.

Contextualizing the History of *Ard Baza*



Figure 3 Part of Sadat City and *Ard Baza* on both sides of Cairo-Alexandria desert road. (Imagery dated 2016, ©2016 GOOGLE.)

²³¹ Which are a part of Wadi el-Natrun prison complex.

A Chain of Titles: Land Transaction(s) and Development

In 1978, the President of Egypt issued Decree No. 123 to allocate 119 thousand feddān of state lands on Cairo-Alexandria desert road under the administration of Beheira governorate,²³² extending from kilometre eighty-four from Cairo to kilometre 110, to the Ministry of Housing to establish a City that was named after the President of Egypt Anwar el-Sadat, Sadat City. Commenced as an agro-industrial city, the Ministry of Housing allocated the desert lands surrounding Sadat to individuals and companies who were assigned to use the land for agricultural purposes, adding up to what was then a growing green belt surrounding Egypt's cities; "when the new towns of 6th [of] October 10th [of] Ramadan, and Sadat were designed in the late 1970s, there was a vision to surround these emerging cities with a green belt [to preserve environmental balance]"²³³.

In July 1989, Sadat City Authority allocated 106 feddans to Baza, a retired officer at Sadat City Authority, who bought the land at a public auction under the condition that he uses it only for agriculture or food security projects; however, Baza started selling small plots of land to individuals and rent other plots to companies from as early as the year 1990, using the record, *māhdār*, as a proof of ownership. Baza, who is originally from Monufia Governorate, and moved to Sadat City in the 1970s to work as a public servant in the City Authority. Baza bought the land after his retirement under his title, his wife's, two sons, and daughter, in a phone interview with his son, a 35 years old lawyer who manages the family business including the land and electrical supplies shops in Sadat, he states:

²³² A coastal governorate, one of twenty-two administrative subdivisions following the central governorate.

²³³ Ezzat, Samar Ali. "Green Belt or Cement Explosion in Egypt." *The Egyptian Gazette* 25 June 2011.

We bought the land in the 80s when we first came, the land was not leveled, and had no water or electrical supply, we worked hard to provide the needed facilities to sell the land. First, we dug a well, and we bought an electrical transmitter that cost us about 90,000 Egyptian pounds. . . I was still young when my father bought the land, but I remember it was a wasteland full of snakes, we have worked a lot to make the land suitable for living. . . we first sold lands per feddāns, but a lot of people were not capable to buy a whole feddān, so we started selling smaller tracts of lands.

In 2002, the land originally allocated to Sadat City east of the Cairo-Alexandria desert road, including *Ard Baza*, was demarked as a part of the Wadi el-Natrun, Beheira governorate.

According to which, land management was transferred from Sadat City Authority to the GARPAD, established in 1975, which operates under The Ministry of Agriculture and Land Reclamation. Among the many predicaments that resulted from the new administrative division, was the invalidation of the contract between Baza and Sadat City Authority. As a result, Baza was obliged to sign a new contract with the GARPAD for only ninety-four feddāns as a hand claimer *wad' yadd*.



Figure 3. 2. Above: A part of *Ard Baza* (Imagery dated 2004, ©2016 GOOGLE.) Below: *Ard Baza* (Imagery dated 2016, ©2016 GOOGLE.)

The primary, *'urfi* or *ibtida'y*, contract²³⁴ included the following terms and conditions:(1) the signer agrees to the terms and conditions of the contract; (2) the first party (the state) sold an area of ninety-four feddāns to the second party (Baza); (3) the price of the land is 200 Egyptian

²³⁴ A primary contract is also known as *'urfi* contract, is an unregistered agreement between two parties; see, Asger Toft Johannsen et. al. "Landownership Disputes in Egypt— A Case Study on the Tensions Around the Monastery of Aby Fana in May 2008." The Center for Arab West Understanding, 2008, p. 7.

Pounds per-feddān; (4) the second party vows to use the land for agricultural purposes; (5) the second party is obliged to use drip irrigation and sprinklers; (6) the second party agrees to provide water for irrigation; (7) the second party is committed to hand over the property and the contract will be cancelled if the land is required by any governmental authority within five years from signing the contract, however, the second party can negotiate with the governmental authorities to get a compensation for their property; (8) the second party is obliged to preserve state mines, quarries, mineral, and oil wealth; (9) the second party is obliged to plan roads, irrigation and sanitation networks within the boundaries of the land ; (10) the second party is committed to handing over the land, including the property and the facilities to the first party [GARPAD] in case the contract is cancelled; (11) the second party is obliged not to exceed the limits of land ownership stipulated by law No. 143 of 1981; (12) it is prohibited to sell or rent the land before seven years from the date of paying full land price; (13) the first party is to notify the Real Estate Taxes Commission upon signing the contract; (14) the provisions of Law No. 143 of 1982 (Desert Land Ownership Law) and the executive regulations under decree 198 of year 1982 (State's Private Property Law), apply to this contract.

As noted before, according to Law 143 of 1981, desert land transactions between the state and individuals, as well as among individuals, is regulated by the Egyptian Civil Law, unlike the case of other forms of public property (for example military lands), desert lands' contractual rights does not fall under the concept of contracts of submission, *Id 'an*.²³⁵ In the above-mentioned case, the primary agreement between the state institution (GARPAD) and Baza is only a temporary agreement that should have eventually led to ownership, however, according to

²³⁵ Abdel Razik Ahmed ElSanhoury, *الوسيط في شرح القانون المدنى: اسباب كسب الملكية مع الحقوق العينية الاصلية المتفرعة عن الملكية*, (Al-Waseet for the Explanation of the Civil Law). Beirut, 1992.

a research that The Egyptian Centre for Policy Studies conducted in 2015, the transaction of desert state lands to individuals is rarely completed which leaves settlers in a precarious situation since the termination of the contract can be directly executed by the administrative body to which the land is allocated (GARPAD) in this case, without further juridical review.²³⁶

The Termination of Baza's Contract

Throughout the 90s Baza sold plots of lands that do not exceed one feddān each to individuals, after the land was transferred to GARPAD and resold to Baza in 2003, Baza started further fragmenting the land and selling tracts to individuals per-meter, who mostly used the land for residential purposes, Baza have also informally occupied 121 feddans between 2003 and 2014; consequently, on 8 September 2014 the Property and Disposition Department of GARPAD sent a letter to the Commissioner of Wadi El-Natrun police station urging him to carry out the Minister of Agriculture and Land Reclamation's order concerning the demolition of illegal buildings on *Ard* Baza upon the termination of the contract between him and the GARPAD due to changing the land use that was agreed upon from agricultural to residential purposes. The demolition order was first of three orders that were reprieved for 'impossibility of implementation since some families permanently reside on *Ard* Baza.

There are conflicting interpretations over the reasons behind the termination of the contract between Baza and the GARPAD, one settler explained to me that the termination of the contract came after a dispute between the St. Macarius Monastery and Baza over a piece of land, Mourad, a resident of *Ard* Baza explains:

²³⁶ Faarouk 8.

Baza should have owned the land, but a dispute between him and the Monastery drew a lot of attention to him as a corrupt man, and officials inside the GARPAD wanted to punish him by terminating his contract. The whole thing started after the revolution, in 2011, when the monastery built a wall between them and *Ard* Baza, and according to Baza the wall was built on his land and to him, this is a lot of lands, especially since he was selling it per meter.

Along similar lines, Baza's son affirms that:

We have paid the full land price to Sadat's City Authority, but in 2002, the new administrative division allocated our land to The Ministry of Agriculture, which assigned a committee to re-evaluate my land and divided it into two pieces, a fully-owned sixty-four feddans, and a 113 feddans under a usufruct contract, that would have eventually led to ownership. . . the first demolition order was issued on the 28th of February 2011, a time when all state institutions were suspended . . . we believe it has something to do with the Monastery.

While this narrative can easily be refuted especially after the issuance of several confiscation and demolition orders against constructions and settlements outside of the official boundaries of cities and governorates, it casts a light on the dimensions of contestation over lands between individuals and the state, and among individuals. The authors of "Landownership Disputes in Egypt— A Case Study on the Tensions Around the Monastery of Aby Fana in May 2008," highlight that "most of the land being reclaimed is involved in serious conflicts," they add "these

are taking place between all sort(s) of parties ranging from major families, small families or big landowners to big companies, whether they have official rights or not.”²³⁷

On 8 September 2014, the GARPAD sent the Commissioner of Wadi El-Natrun Police Station a letter pointing out to the issuance of a several demolition orders by the Minister of Agriculture against *Ard Baza*, the order was not executed, however, in 2016 the ‘People’s Right’ campaign executed the order on two buildings in *Ard Baza* (chapter four).

The following are the comments of two settlers on the history of *Ard Baza* and the process of land registration:

- (1) Landowner Baza received a parcel of land, 106 feddān on the green belt west of Cairo-Alexandria desert road, that was the under the administration of the New Urban Communities (Sadat City Authority);
- (2) We signed a sales contract with Baza 1999, in accordance with his contract with Sadat City Authority;
- (3) A Ministerial Decree was issued regarding the administrative borders of Sadat, and *Ard Baza* was transferred to the GARPAD under the Ministry of Agriculture;
- (4) Baza signed a new primary contract with the GARPAD on only a total area of 94.6 feddans in 2003;
- (4) We filed a lawsuit against Baza, the GARPAD, and The Ministry of Defense to prove our ownership of the land;
- (5) Baza disagree in the area that we’ve claimed;
- (6) when we went to the GARPAD to recheck Baza’s contract, they ensure that Baza has paid the full

① استم بالملك القديم "سعد علي يوسف باما" ...
 تاريخ الحيازة الحقيقية (تاريخ سداد سندات) ...
 هذه قطعة أرض رقم ١٨٠ مساحتها ١٠٦ فدان ...
 المدينة السادات عند الكيلو ٩١ غرب الطريق الصحراوي
 (حيث أنه هذه الأرض كانت مسجلة باسم محمد جواد مدينة السادات
 المقتناء بموجب قرار رئيس الوزراء رقم ١٤٢ لسنة ١٩٧٥)
 تم توقيع هذه الأرض بالملك بموجب قرار تاريخ ١٩٨٩/٧/٢٤
 رقم تسليم هذه الأرض بموجب قرار تسليم تاريخ ١٩٨٩/٧/٢٥
 وهذا بعد سداد مبلغ مائة الف جنيه
 ١٩٨٩/٧/٢٥ ٧٩٧٢٠٢
 ١٩٨٩/٧/٢٥ ٢٧٢٦٥١

بالعدد الموثق
 احمد البورس / طول ٣٠١٤٦ رقم ١٨١
 ابي القاسم / طول ٣٠١٢١ رقم ١٧٩
 ابي الشرق / طول ٣٠٠٨٨ رقم ١٧٩
 ابي الشرق / طول ٣٠٠٨٦ رقم ١٧٩

④ تم اجراء هذه البيع المصطنع بتاريخ ١٩٩٩/٥/١٦
 باسم لي بزان ، وقد تم دفع مائة الف جنيه للملك القديم
 ثم آلت الى الملك بعد ان تم اجراء الترخيص سابقا
 وقد تم استصدار حقه فوري لهذا العقد في المدونة
 رقم ٢٢٤ لسنة ٢٠٠٣

⑤ انتهت ولديهم جهاز مدينة السادات على هذه الأرض ، هذا
 بعد صدور قرار رئيس مجلس الوزراء رقم ٢٠٥ لسنة ٢٠٠٣
 بجدد المدينة لتحتل ولديهم هذه الأرض بعد ذلك
 "لا نريد التخلي" الى الرئيس العام للشركات المقرة والقسم الرابع

Fig.3.3. An original hand-written copy of the settlers’ comments.

²³⁷ Johannsen et. al. 13; the study was conducted upon an armed conflict between Bedouins and the Monastery of Abu Fana in the governorate of Minya.

land price, but refuse to give us any documents; (7) we obtain the chain of ownership from Damanhour Real Estate Registration Office; (8) the GARPAD refuses our request to prove ownership, and notify us in court that Baza's contract has been terminated.

The distance between the gate of *Ard Baza* and the road that leads to the Monastery of St. Macarius is a walking distance; according to the Monastery's website, St. Macarius Monastery was first built in 360 A.D., in 1969 the monastery was restored, and in 1978 "President Sadat donated a thousand feddans of desert lands, two tractors and a new well"²³⁸ to the desert fathers who have been reclaiming desert lands within the boundaries of the monastery since 1975:

(. . .) the monastery is participating in solving the country's food supply problems.

Particularly noteworthy is a new type of fodder crop (fodder beet), which the monks have cultivated for the first time in Egypt. This experiment holds (the) promise of relieving problems of (stock farming) once it is established throughout the country. In gratitude for this (pioneering) work, President Sadat donated to the monastery in 1978 a thousand feddans of desert land.²³⁹

Settlers and plot-owners at *Ard Baza*, have developed relationships with the desert fathers; specifically, through the outlets of the monastery, where many settlers go to buy monastery's products, settlers have been introduced to the Monastery. "I have developed good relations with the fathers at St. Macarius, and I go to them for advice, they helped me plant olive trees and now I sell olive oil," stated Yehia, a permanent resident at *Ard Baza*; Olivia, another participant explains, these are people who really succeeded in agriculture, their prices are reasonable and the

²³⁸ "History of the Monastery." The Monastery of St. Macarius the Great: At Scetis (Wadi Natrun-Egypt).

²³⁹ "Agriculture and Stock Farming." The Monastery of St. Macarius the Great: At Scetis (Wadi Natrun-Egypt).

quality of their products is high-quality.” To resolve the dispute with Baza, the monastery sent an official from the GARPAD and Father Gabriel, a resident of *Ard Baza*, to negotiate with Baza over the price of the land on which the monastery has built the wall, however, the issue was not resolved.

Bedouins, Security, Exclusivity, and the Absence of Common Spaces

There are several ways through which settlers exclude others from accessing their property; fences, walls, doors, and locks are few of these ways; segregation and fortification have been issues of a growing urban debate, in this context, the booming gated communities and thrive in securitizing space has been portrayed by several scholars as a manifestation of the modern urban life. The first thing that struck one upon arrival to *Ard Baza*, is the absence of common spaces, an area of 215 feddans is divided into several plots that are either fenced or guarded, one settler explains “with the very precarious situation we’re in, anyone can claim ownership by simply occupying the land.” Such fear accentuated after Baza employed a group of Bedouins to guard the land around 2004.

Larissa Katz describes two approaches to understanding property, property as a bundle-of rights and property as the exclusion of others ‘to distinguish owners from non-owners,’ the ‘boundary approach’ “an exclusivity-based approach better explains the nature of ownership and also the institutional structure which it depends,”²⁴⁰ empirical evidence from *Ard Baza*, brings the binary between the customary and the legal construction of property into fold; it is a case of voluntarily imitating and implementing exclusivity in formal property to extra-legal property, this is not the case in property that has been occupied by Bedouins. There are various

²⁴⁰ Larissa Katz. "Exclusion and exclusivity in property law" (Toronto, 2008) 278; Davis, Mike. "Planet of slums." *New Perspectives Quarterly* 23.2, 2006, pp. 6-11.

Interpretations on the history of the Bedouins in *Ard Baza*, some claim that the Bedouins have moved from Wadi El-Natrun to *Ard Baza* shortly after Baza bought the land, others claim that they have only been present for the last couple of years, however, in the examined individual cases, settlers report paying the Bedouin family a monthly security fee, those who do not pay have at least encountered upon the leader of the Bedouin family.

Resource Management and Networks: Macro/ Micro Management

Water

On the 23rd of July 1970, Nasser gave a speech in the fourth round of the Arab National Socialist Cooperation, beginning his speech with a message from the Minister of the High Dam,

In the Name of the High Dam builders who vowed to complete the establishment of the first High Dam power station on the eighteenth anniversary of the revolution and in recognition of their sacrificed against imperial conspiracy to frustrate their determination, I am pleased to announce the completion of establishing the first power station.²⁴¹

The construction of the High Dam marked the beginning of mega desert reclamation projects, in desert areas water supply is either taken from the nearest surface water or from underground wells, the problem that most of the settlers face is the high salinity of underground water, which ranges between 1500- 3000 Particle Per Meter or PPM, the quality have degraded throughout the last ten years due to the “establishment of agribusinesses and industries in Wadi El Natrun,” Murad, a settler who works in the field of underground water management, explained to me, he adds, “factories and lands that are used under usufruct rights do not care if

²⁴¹ Abdel Nasser, Gamal. President Abdel Nasser's Speech on the 18th Anniversary of the Revolution. Egypt, Cairo. 23 July 1970.

the quality of water degrades over the years, they take a piece of land for ten or so years and when the water salinity increases, they end the contracts.”²⁴²

Jessica Barnes examines the role of pumps in the formation of new communities and the death of old ones, “The Ministry of Water Resources and Irrigation controls the flow of water through the network of main and branch canals,”²⁴³ she adds, the water moves out of the ministry’s control at the point at which it is taken from the branch canal.”²⁴⁴

A network of social interactions forms mainly around water, and electricity, at *Ard Baza*. Since there is no water supply for *Ard Baza*, settlers dig wells either collectively or individually, mostly without digging permits, another option is to connect a pipe to Baza’s pipe network and pay-per-hour for water supply. The few underground water wells provide for the whole settlement, and Baza’s well is the one with the lowest salinity level, thus most of the settlers have agreements with Baza to provide them with water. Baza employed a former desert father who is also a settler at *Ard Baza* to manage collecting bills, distributing water, and looking into disputes related to water with settlers.

Olivia, a plot-owner explains:

I pay 1500 a year to Baza just to water very few trees that I have planted. . . I tried to dig my own well and I paid a huge amount of money to find out that the water in my area is not suitable for agriculture, so I decided to stop all cultivating and livestock activities and I regret to say that my land is now abandoned.

²⁴² For more about Egypt’s strategy for using water, see, Barbra, Ibrahim and Fouad Ibrahim. *Egypt: An Economic Geography*. I. B. Tauris, 2003.

²⁴³ Barnes 525.

²⁴⁴ *Ibid*.

Another settler explains that he used to take water from Baza and installed a water meter, he explains that:

first, we had a meter and we paid regularly for water but someone destroyed it. . . I think that Baza has something to do with it because soon after the meter was destroyed he started to ask for more money and claim he opens the water for more hours than he actually does. I have not paid for a year now, and the water supply is not regular now. And we have to go to Sadat City to fill a small water tank every week.

Electricity

The settlement has a very limited number of electric power transformers, as well, each distributes power among two to five consumers or houses. In most cases, the agreement among which the electricity is distributed is not based on a legal right. People agree amongst themselves in terms of paying the bills collectively without having separate electric meters. Thus, whenever one does not pay, the others suffer as well from the consequences of electricity cuts. Electricity cutoffs are very frequent and take place for several reasons, including maintenance problems and delay in paying the electricity bills. There are categories for electric transformers among which the pricing of electricity is determined; an agricultural transformer *moḥūl zera 'ee* is cheaper than a trade transformer *moḥūl togāri*. To request an agricultural transformer, one must have documents that prove their ownership over the land or a building license in a land which is assigned for agricultural reclamation. Another way to get electricity, which is common among low-income houses, is illegally connecting a cable between the house and a nearby electricity column and requesting a “practice system” *nezam momarsa*, which allows settlers to legalize “electricity theft.” The settlers on a “practice system” pay a fixed amount of money depending on their patterns of electric power consumption, which is determined by an official who must

evaluate it beforehand. The arrangements that settlers make to get an access to electric power and the way in which they pay the bills are carried out collectively.

The valuation of the lands, was to be set according to land use, thus settlers started to rent their lands to local cultivators, the attempts to cultivate the land, have led to various disputes over water supply that was now diverted from old lands to the new cultivators. “Everyone is trying to cultivate their lands now to legalize their land acquisition, and Baza is doubling the water prices,”

Conclusion

This chapter examines the history of *Ard Baza* through explore physical constructions and contractual agreements as two representations of ownership, also as tools that shape *Ard Baza* as a social space. In this context, I delve into the limitations of social interactions through segregation and exclusivity; I argue that such segregation is deeply rooted in the modern conceptualization of private property as an exclusive right to the owner, such exclusivity of spaces is analysed in both legal and sociological scholarship from different viewpoints, while a debate on the nature of private property still occupies much of the legal debates,²⁴⁵ a growing body of literature on public spaces and urban segregation analyses such exclusivity as a product of neoliberal practices that commodifies securitization and segregation of spaces e.g. gated communities.²⁴⁶ In the following chapter, I situate myself within a web of social and power relations that take various forms in *Ard Baza*, following a methodological track that combines

²⁴⁵See, Dunken Kennedy "From Homo Economicus to the Commoner: Beyond the Neoliberal Subject." *This Land is Your Land: Remaking Property after Neoliberalism.* Harvard Law School, 2014; Larissa Katz. "Exclusion and exclusivity in property law." Toronto, 2008.

²⁴⁶ See Kuppinger, Petra. "Exclusive Greenery: New gated Communities in Cairo." (City & Society, 2004) 35-61; Mitchell, Timothy. "Dreamland: The Neoliberalism of your Desires." Middle East Report, 1999, pp. 28-29;

discourse analysis, self-reflexivity to analyze the dynamics of the spatial configurations of social relations.

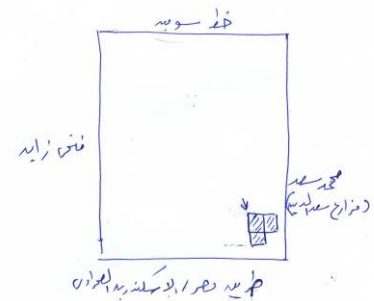


Fig. 3.4

The first picture shows the name of a landowner on a forged gate "owned by Mohamed Hasssan."

The second picture shows the boundaries of a settler's property, drawn by the settler on the margin of his contract.

Finally, an abandoned building occupied by Bedouins.

CHAPTER FOUR

Dispossession and Narratives of Ownership

On the 22nd of May 2016, we- my family, I, and other settlers- who were concerned about the rumors of a possible execution of a demolition order against *Ard Baza* decided to visit the Presidential Office for Receiving Disposability and Legalization Requests, located at the Presidential Building for Citizens` Services. It was the first time for us to meet with our neighbors, about thirty pupils and two lawyers including our lawyer. We arrived at the Presidential building and at the officers at the gate asked for our national IDs and a few minutes later they sent a car to take only women to the location where we were going to meet an authoritative figure in the committee. Men were supposed to follow, however, they were not allowed in. We, about ten women, occupants and owners` agents, *wukala*, were led into a small air-conditioned waiting room. All of them were anxious, and discussed issues of ownership, “we`ve been deceived, by the dishonest alleged landowner” said a woman, and others agreed.

About half an hour later, the committee`s consultant secretary, A. G., entered the room and announced that we- women in the room- are required to write a draft for each of our cases including; the price we paid for the piece of land we claim, the area we occupy, the nature of land-use, then, “you`ll be allowed to briefly introduce your case to Emad *Beih*” he stated, “aren`t you going to let our men in?” said a woman, “it`s already crowded in here and all you need to do is fill up a paper with your cases, they needn`t come” he replied. One of the women was a lawyer so she volunteered to write a collective request drafting the cases of all the pupils in the room, however, they started to disagree on whether they should identify themselves as occupants or landholders, especially since there was a group who had already gone through the process of legalizing the land and refused to be considered as occupants. Finally, they divided into two

groups and wrote two collective requests for each group. Then started to rehearse how they are going to present the cases to Emad *Beih*.

“Only two at a time” A. G. said and started to call two by two to meet with Emad *Beih*. As we approached him, he greeted us from across the room, he said politely but impatiently “please state your case briefly, because I still need to meet with the rest of the settlers,” my mother started to explain that we`ve bought the land from the alleged landowner S. B. and that the GARPAD terminated his contract after he sold the land to us; “that still doesn`t entitle you for land ownership” he said. He added, “I really want to help you, and we will try our best to settle this peacefully if you cooperated because for the state you`re unauthorized land occupants.” We all left knowing that another representative will visit us at the settlement the following Sunday, to just brief us with the reconciliation, *musalha*, procedures according to our cases. The settlers all exchanged numbers and agreed to meet the representative at a small shop owned by one of the settlers, they also decided to meet earlier that Sunday to prepare and organize their legal documents.

On the 29th we were expecting a representative from Mehleb`s committee. Around 12 noon, we received a call from our neighbor stating that the representative had arrived at his shop, and around fifty of the settlers gathered in a small unoccupied land just next to his shop. When we arrived, the representative was there and settlers have gathered around him, he pointed out that our contracts are fraudulent and landholding is not authorized by the government. He also pointed out that the state will take over the lands and demolish unauthorized buildings of those who do not reconcile. The settlers were advised to (1) pay an amount of money to the ‘People’s Right’ account number; (2) file a police report against Baza; (3) send the files to the ‘People’s Right’ Committee at the Presidential headquarter.

Personal Networks and Encounters

Following the 2011 revolution, my parents moved to *Ard Baza*. Like many other settlers and plot-holders in *Ard Baza*, my parents originally bought the land in 1998 to establish a post-retirement farming project, they started to build and cultivate the land in 2002 and resettled ten years later. Throughout my five years in *Ard Baza* I have established only a few relationships with other settlers and plot-holders, as illustrated earlier, one must imagine *Ard Baza* as a cluster of gated individual households, where minimal social interactions take place only in managing common resources, such as water and electricity, social networks are also established around the recruitment of agricultural labour, where settlers establish relations with guards who help settlers and plot-owners recruit daily wage labour, also, a small mosque that my father built near our house where people gather on Friday prayers. Few individuals have established a network of relations, namely Baza and his two sons, a settler who owns a shop near the gate of *Ard Baza*, and a geologist who help other settlers maintain the efficiency of the existing underground wells. Thus, my first encounter upon other settlers and plot-owners in *Ard Baza* followed the demolition event. One of my main participants is my family's driver who lives few meters away from us. In the following part, I sketch my encounters with fifteen research participants and map eleven individual cases (some interviewed participants are in the same household). It is important to note that I have changed some of my participants' names upon their request to keep their identities secret. Before getting into my qualitative analysis, I will illustrate the individual cases of eleven of my participants.²⁴⁷

²⁴⁷ It is important to note that some of these participants belong to the same house hold, however, each have their own narrative and contribution to the field data; The way in which I've designed this part is exerted from a study by Chadzimula Molebatsi in Bostwana, see, Chadzimula Molebatsi "Bostwana: 'Self-Allocation', 'Accommodation' and 'Zero Tolerance' in Mogoditshane and Old Naledi." *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*. Ed. Robert Home and Hilary Lim, London, 2004, pp. 73-97.

Individual Cases

Case One 'I've Put All My Life Savings in this Land'

Ahmed, a 59 years old man who has been living in *Ard Baza* since 2014 with his wife, son, and daughter after finding a job as a driver with one of the other settlers of *Ard Baza*. He bought 1000 square-meter plot from Baza in 2003 to establish a food security project, he built a family house on 120 square-meter and a livestock shelter on another 70 square-meter, however, due to financial difficulties he stopped building the family house and resided in the livestock shelter which he divided into four main rooms; three small rooms to his family members and another room for raising domestic birds, he used the remaining land around his house as a household garden where he cultivates crops for domestic use. His son also works as a cashier at an oil station across the road. Born in Sohag, he moved to the city upon his marriage then moved to Saudi Arabia where he worked as a bus driver for a pilgrim transportation company while his family lived in Maadi for more than thirty years. Upon his early retirement in 2009, he put his retirement pension into *Ard Baza* in the aim of creating his own project, in an interview with Ahmed, he explained “I know I should have checked the contracts before putting all my life savings in this piece of land, but I was too excited to start my own project and at that time the government encouraged people to move into the desert.” The following is a part of Ahmed’s life history:

I used to live in Basateen, Maadi before I moved here with my wife and children.

Without a doubt, this small desert land is my true home. I’ve always wanted to move out of the village, also I’ve never enjoyed living in the city. Here, I have a small villa, my garden, and space where I can enjoy my cup of tea in the fresh air. No pollution, no noise and no *waga` demag*, trouble. I was very proud when my daughter`s husband proposed,

he knows her father`s house is a decent and nice house . . . Without a doubt, this small desert land is my true home . . . I`ve always wanted to move out of the village, also I`ve never enjoyed living in the city, here, I have a small house, garden, and space where I can enjoy a cup of tea in the fresh air. . . No pollution, no noise and no *waga` demag*, trouble . . . I was very proud when my daughter`s husband proposed, he knows her father`s house is a decent and nice house.

Case Two 'I Own Two Houses in the City, But I Want to Resettle Here When I Retire'

I met Hussein, a 55 years-old man, at Ahmed`s house. Hussein works as a Financial Manager at a commercial bank in Cairo, he bought a 3000 square-meter piece of land Baza`s son in 2007 to build a house where he and his wife planned to resettle in after his retirement. Hussein built his house on 180 square-meter plot in five years, “to build this house, I used to save an amount of money every month to build a part, I did that every six months,” “I wanted to raise and sell guard dogs, but I couldn`t find anyone who would take care of them while I am not there.”

Case Three 'This Land used to be a Heaven, but now it Turned into Hell'

Zeinab, 63 years old woman, bought a 1500 square-meter land from Baza in 2007 upon a referral from Hussein, who worked with her at the same bank then, “Hussein knew I was interested in buying a piece of land for my two girls, so he introduced me and my late husband to Baza.” Zeinab bought the plot of land for 225,000 Egyptian pounds and built a 200 square-meter two-story house, and a small room for a farm worker. Zeinab started cultivating the land surrounding her house, however, after a disagreement with Baza over water prices he stopped supplying her with water resulting in the loss of 100 Mango trees that she has planted around her

house, “I tried to dig my own underground well and paid 30,000 pounds, but the water quality was very bad, and not proper for cultivation.” Zeinab explains that the lack of adequate water and electric supply forced her to abandon the land.

Case Four ‘I Built a Small Community Out of Nothing’

Fatma, a 78 years old woman, bought three feddans for herself, son, and daughter for 50,000 Egyptian Pounds Each. She built a 120 square-meter house, 70 square-meter house for a farmer, several white-bricked livestock shelters, and dug an artificial fishing lake, “I built a house for me and one for my son who lives in America hoping that he would retire in Egypt and live next to his brother and sister. . . my oldest son, a geologist, bought four feddans from Baza and he suggested that I buy three feddans for me and my other two children so that we can all live together in the future.” Fatma built a 180 square-meter for her son, and was planning to create an organic farming project, she explains:

My father owned one-hundred feddans in Hawamdiya, near Giza, and owned several factories in Cairo. . . .in 1961 Abdel-Nasser nationalized most of our property and my father could not earn a living, so as the oldest daughter I started a small farming project and raised livestock on a small piece of land that was not nationalized, this was too humiliating then, but now times have changed . . . We trusted Abd- El Nasser, my father used to say it was just the right time for a new government. First, Nasser gave us the impression that he will support the industrial sector, my father, and his family-owned companies and factories, but one day we received a letter, ‘in the name of the people’ they say, calling upon us to give away our lands and companies. They offered my father a managerial position in his own company for a salary of 60 pounds per month, but of

course, he refused. We were impoverished, and now as we have abandoned the city, resorted to the desert, they still want to take away our lands .

Fatma currently resides with her daughter and son-in-law who have been managing and cultivating the three feddans since 2002.

Case Five 'We Spent Years Reclaiming this Land, and Now the State Wants it'

Fatma's daughter, Sara, 51 years old woman, built a house on 200 square-meter and a small white-bricked house for a farmer. She started an organic food project in 2015, she states:

Cultivating the desert takes a long time and tremendous effort. . . I've started cultivating the lands in the year 2000, two years after my mother bought the three feddans for me and my brother. . . we hired an agricultural engineer who used to work at the American University's Desert Development Centre, who leveled the land and help us install a drip irrigation system. . . I started cultivating more trees after I learned that cultivating my piece of land can help me accelerate the legalization process.

Throughout the last six years, Sara has built small rooms with primitive materials to raise livestock. Her husband, Youssef, a 56 years old man, on the other side, have been working on the legalization process since 2012, in an interview with him he states:

When my mother-in-law bought the land, we thought we would only use it as an agricultural project, however, after spending too much time building the house we decided to move there permanently. First, it was hard for me to travel every day to Cairo to get to work but I've gotten used to it and can't imagine living anywhere else now . . . could not work on the legalization process herself, so I held the responsibility for registering the three feddans.

Case Six 'We Thought we were Just Doing Business with the State'

Mourad, a 29-year-old man, inherited four feddans from his father at *Ard Baza*. His father, Fatma's oldest son, was a geologist who worked at Sadat City, Mourad established an office at *Ard Baza* for groundwater management. His father built a 280 square-meter villa, a 100 square-meter factory and warehouse for underground water drilling equipment on the first two feddans, four meters away from the service road, and a 280 square-meter mall on the other two, which is located directly on the service road. In an interview with Mourad he explains:

We lived in Sadat City for years, and we owned real estate there, but we had some problems with Sadat City Authority so we decided to buy a piece of land in *Ard Baza*. . . We knew Baza as an officer at Sadat City Authority, he had a very good reputation and people trusted him, so we bought the four feddans from him without double checking, however, I think he is a victim of bureaucratic corruption because he bought the lands, and who could know better than him, as a state officer, he's an insider to the entire process, or at least that's what we thought, we thought we were doing business with the state.

Mourad started a commercial vegetables production project in 2015 with the aim of legalizing the land.

Case Seven 'We Bought the Land to Start a Family Business'

Mona, a 55 years old woman, bought one feddān for 65,000 Egyptian Pounds in 1999 to establish a food security project. She and her husband bought the land after returning from the Gulf to establish their own family project, Baza rented the land to a man who built two shops 100 square-meter each and sold agricultural inputs (fertilizers, pesticides, etc.). "my son is an

agricultural engineer, so I thought he might as well use a part of the land to cultivate the land and sell our products,” states Mona. However, a few months after buying the land Mona could not secure an adequate water and electricity supply to start her project and rented the land and two shops to a car mechanic, “we tried to take water from Baza, but it was too expensive and we don’t have the money to dig our own underground well.

Case Eight ‘They Say People’s Right, we are the People’

Nabil, a 54 years old man, bought 3000 square-meters with his wife and sister (1000 square-meter each) to raise and sell livestock. Nabil works in Hurghada airport and lives between Hurghada and Cairo “my retirement income won’t exceed 1000 Egyptian Pounds a month, I had to establish my own project, and my wife and sister wanted to invest their inheritance money in small desert lands in their own names . . . but we built our houses together” explained Nabil. Nabil’s family bought the lands in 2001, for 35,000 each (a sum of 105,000), he started a poultry raising project with his wife and sister but lost a lot of money due to the difficulty of accessing local markets (in Wadi el Natrun and Sadat City). After two years of losses, Nabil suspended the project, “I still go every other weekend, I will keep trying because this is my only hope to earn a living after retirement . . . We planted diverse types of trees and bought the seedlings from the Ministry of Agriculture. 500 seedlings and my neighbor make sure the land is irrigated every other day.”

Case Nine ‘How Can We Reclaim the Land with no Adequate Water Resource’

I met Wafaa, a 53 years old woman, at Hadayek El-Kobba Tax Office where she works, Wafaa’s husband and two brothers bought an area of 3000 square meters in 2003 to establish a

food security project. They built two separate rest-houses 100 square-meter each, a room for a guard, and a shelter to raise poultry, Wafaa explains:

I remember in the 70s and 80s food security projects were the biggest trend, the government used to encourage people to establish such projects due to solve the food insecurity problem . . . It was not a wise decision to start this project, there are no clinics or veterinarians in the area, so much of our chicken died and we ended up dismissing the whole idea . . . we are now trying to cultivate the land, but Baza controls this too and keeps raising the water price every year.

Case Ten 'I am Cultivating my Brother's Land to Help Him Register it'

Bassem's brother, Kareem, lives in America and bought the land from Baza upon a referral from Fatma's oldest son. Kareem bought one feddān in the year 2000 for 35,000 Egyptian Pounds, however, he claims to have paid more, he started building a 200 square-meter house shortly after he bought the land, however, the building process took more than ten years. In a phone interview that I conducted with Kareem, he explains that:

I hired many contractors and they were all corrupt, the house costed me a fortune and I haven't finished it yet . . . my brother has been managing the land for the last year, but with the insufficiency of water supply the cultivation process is not going as well as I hoped would be . . . I tried to dig my own well but it takes a lot of bureaucratic procedures to get a license and since they treat us as squatters our land documents do not entitle us of license to dig a well, nor to apply for other services (electricity and water) . . . I think the government can easily bring this area to life if it provided such basic services or else they should just stop encouraging people to invest in desert reclamation.

The cultural significance of land in Egypt emerges from a history of feudalism where owning lands bestowed power and social supremacy,²⁴⁸ the above-mentioned representations of land shows that participants' representations of land ownership varies from one person to the other, some settlers portrayed land ownership as a source of social capital, others only focused on land as a commodity. It also reveals a socioeconomic dimension that is understated in scholarship, the problem of retirement.

Registering a Desert Land

In *Dead Capital and the Poor in Egypt*, Hernando de Soto asserts that "to formally acquire a parcel on state-owned desert land . . . it requires the individual to carry out 77 bureaucratic procedures in some 31-different public and private offices."²⁴⁹ In August 2016, People's Right Committee transferred the case of Baza to the Public Funds Investigation police for illegally seizing state lands, an area of 215 feddans west of the desert road, and selling these lands to the current settlers and plot-holders under fraudulent contracts.²⁵⁰ Upon their meeting with the Committee's Representative, they were advised to include the following in the reconciliation applications to the committee (1) a copy of their contracts; (2) a map from the Egyptian Survey Authority; (3) a police record *māhdār* against the landowner/broker; (4) a bank receipt with the amount of money that each individual puts in the account of the People's Right Committee. Instead of applying collectively, settlers insisted on applying their cases separately. Although the Committee promised settlers to start the registration process in a period of four months, a year later the settlers and plot-owners of *Ard Baza* were surprised to learn that their

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²⁴⁹ , Hernando de. *Dead Capital and the Poor in Egypt*. Cairo, Egypt: The Center for Economic Studies, 1997. Print. Distinguished Lecture Series 11.

²⁵⁰ Tarek Shaloot. "خطة محلب ورجاله لاصطياد حيتان طريق مصر الإسكندرية الصحراوى [Mehleb's Plan to Capture the Land Whales (land dealers) of Cairo-Alexandria Desert Road]" (*Al-Mogaz*, 2016).

cases were transferred to Wadi el Natrun City Council under Behira Governorate, and once again settlers were compelled to reapply their cases to the City Council.

Conclusion

On 30 June 2017, a resident of *Ard Baza* notified me that the cases of the settlers have been sent to Wadi El-Natrun City Council, among other *wad 'yadd* cases upon a Presidential Decree that assigned Governorates to carry out the registration process in cooperation with the 'People's Rights' Committee to retrieve 'stolen state lands'. Puzzled by the news, some of the settlers who have participated in my field study called me under the indication that I might have some expertise in the issue to ask what to do now? The reason for their puzzlement emerged from a deep fear of the switch to *mahaliyat* local administrative units which are known to be involved in several corruption and bribery lawsuits, another predicament was the reason behind transferring their cases again, especially after the Committee promised that they would start the registration process earlier in 2016.

After checking with the Committee's Secretary A. G., he explained that the Committee have sent the names and files of those who have applied for reconciliation with the state, stressing that the Committee is currently coordinating with governorates and the GARPAD. A group of settlers agreed to go to Wadi el Natrun City Council together, and there they those whose applications that have been accepted by the Committee and the GARPAD will be notified upon the arrival of a list with their names from the Committee's office, a week later a list with sixty-four names have arrived, most of which are settlers who have used the lands for commercial and residential purposes. However, after few talks with public officers at the City Council they declared that none of the files have arrived from the Committee and advised settlers to once again apply their applications to the Wadi el-Natrun City Council, a process which costs

from 2500 Egyptian Pounds and carrying out procedures such as the measurement of the land, and acquiring maps from the ESA. Following the acceptance of the applications, the City Council in cooperation with other *gehat welaya* are to form a valuation committee to set a price which the settlers have to pay in a period of three years. As the tension and anxiousness heighten in the settlement, few among the low-income settlers decided to demolish their own houses. When I asked one of my research participants, Ahmed, on the reason behind his decision he simply answered, “it’s better for me to demolish my own house, rather than watching them do it.” Instead triggering collective action against the transferral decision, this event triggered a great sense of bitterness and injustice, especially among those who have cultivated their lands and also those who have carried out more serious legal procedures than others, one told me in a casual conversation he says, “ it’s unfair that they treat us equally to those who have abandoned their lands, I don’t know why does our government fight those who actually reclaim the land instead of fighting those who exploit it for revenue.”

CHAPTER FIVE

Conclusion

On 18 May 2017, Sout El Omma Newspaper, publishes an article under the title of “Fourteen steps to Legalize *wad ‘yadd* Lands,” including (1) complying to the regulations that set the limit of desert land ownership to 100 feddans; (2) given that the land has been occupied and seized before the 31 December 2006; (3) map the land; (4) file an application to the GARPAD; (4) pay the land price that the GARPAD sets (in the case of inability to pay the full price, the applicant can pay 25% and divide the rest on four-year instalments); (5) after which the GARPAD issues a primary contract and starts another process to formally register the land and issue a final contract.²⁵¹ In the case of *Ard Baza*, as well as other desert settlements, residents and buyers have already acquired primary contracts, which means that they will be forced to go through an entire process to acquire an unregistered/ informal piece of document that will neither grant them tenure security or end their precarious situation. Meanwhile, more lands are being allocated to individuals under ambiguous and precarious contractual agreements.

A Policy Mess: Chaos or ‘Accumulation by Dispossession’?

While the Egyptian government has attempted to empower the peasants in the 1950s and 60s through the implementation of the two agrarian reform bills in 1952 and 1961, the reforms were both flawed and short-lived; only few of the landless peasants that have acquired lands under the first two reforms were granted final sales contracts, where the state still maintained its monopoly over the lands and right of disposition. The history of Egypt’s property system has

²⁵¹ Sout El Omma Newspaper “Fourteen steps to Legalize *Wad ‘al-Yadd Lands*,” 18 May 2017.

been occupied by inconsistent policies that reflect on broader economic and policy-making reality.

This study reflects on the legal dilemma of desert land acquisition, a dimension that adds up to the desert mess, the question here is whether this mess is a product of understudied policy reforms, or is an organized strategy for accumulation by dispossession? To answer this question, I have examined the case of *Ard Baza* to analyze the social reaction to the ‘People’s Right’ campaign and an emerging narrative on state ownership. The portrayal of the lands in both official narratives and local narratives, reflect on two distinct conceptions of ownership. The ‘People’s Right’ campaign, like many other land reforms that have served short-lived political and institutional interests, is portraying the retrieval of state lands to the public as panacea while mystifying the main root of the problem, which is much related to the incomprehensiveness of the rules that govern individuals’ access to desert / state lands. Another aspect of the problem is represented in the category of private state’s property. Debs posits that state property (public property) as excerpted from the French Civil Code refers to the state as a “trustees of public interest,”²⁵² another excerption that is employed in Egypt’s property law is extracted from the Islamic Hanafi doctrine, entitles the state of full ownership over specific types of lands, e.g. *mūwāt* lands.²⁵³ However, at the present time the state’s unlimited right to dispose of lands, namely desert lands, poses a multi-dimensional challenge, one that hinders both security of tenure and shrinks public space.

The Egyptian military’s monopoly over decision making concerning the dispossession of state lands, according to Law 143 of 1981, is another aspect of the problem. Robert Mason,

²⁵² Debs 73.

²⁵³ Horii, Satoe. "Pre-emption and Private Land Ownership in Modern Egypt: No Revival of Islamic Legal Tradition." *Islamic Law and Society*, 2011, pp. 177-218.

delves into the dynamics of the military economy given the very few resources available on military involvement in the formal economy, he posits that “the constitution [also] omits any reference to civilian oversight of the armed forces, in general, or regarding specific economic activities such as selling land and assets.”²⁵⁴ In the *Communist Manifesto*, Marx and F. Engels state that “the theory of the Communists may be summed up in the single sentence: Abolition of private property.”²⁵⁵ This study argues that both private property and state property are two sides of the same coin, thus if we followed Marx’s line of reasoning, one would also call for the abolition of private state property.

On the 25th of January 2011, the beginning of the 2011 Egyptian revolution, settlers of El-Warraq and Imbaba protested the demolition orders that were issued earlier in 2010 against informal constructions and buildings on state lands as a part of North Giza Development project, a process that would have caused the eviction of more than 800,000 ‘citizen’ according to a report by the Land Center for Human Rights.²⁵⁶ In January 2017, an official at Giza governorate announced that the governorate will precede project implementation,²⁵⁷ the months that followed have witnessed the eruption of several conflicts between residents of the two neighborhoods and police forces. While the cases of El-Warraq and Imbaba represent a different category of state lands, agricultural lands inside of governorates administrative borders, the cases drawn the local and international attention to current state practices regarding its’ lands, one can say that these practices have gained visibility through conflicts with settlers in El-Warraq and Imbaba.

²⁵⁴ Mason, Robert. "Egypt's Future: Status Quo, Incremental Growth or Regional Leadership?" *Middle East Policy*, 2016, p. 83.

²⁵⁵ qtd. in Hardt, Michael. "The common in communism." *Rethinking Marxism* 22.3 (2010) 347.

²⁵⁶ "في يوم الغضب المصري أهالي الوراق وإمبابة المتضررين من مشروع تطوير شمال الجيزة يطالبون بوقف تشريد أسرهم" (On Egypt’s Day of Anger El-Warraq and Imbaba Residents who are affected by the North Giza Development Project Call for Ending the Eviction of their Families). Land Center for Human Rights, 25 January 2011.

²⁵⁷ "Police Arrested 10 Warraq Island Residents, Demolished 30 Buildings on Sunday." Mada Masr, 17 July 2017.

Resistance and Law

Latour examines power as a cause of collective action, “what makes the notion of power both so useful and so empty is a philosophical argument about the nature of collective action”²⁵⁸ in this context, instead of examining power relations, Latour suggests examining collective action, e.g. the execution of a leader’s commands. On the other hand, Harvey examines the role of social movements and collective resistance in facilitating the access to the ‘urban process’ which in my understanding comes to represent the right to space and resources, in this framework, while Harvey portrays the right of inclusion and the reconstruction of space as a result of collective resistance, Latour explores the dynamics of the collective and how it organizes and forms its’ networks and actions. By applying methodological insights from Latour’s actor-network theory to the case of *Ard Baza* I have noticed that residents have developed minor networks around resources and contracts, the absence of common spaces as well, have jeopardized collective action, such hypothesis was reemphasized during and in the preceding of the demolition incident. In this framework, I ask, what are the alternatives to collective resistance? Another, more broader question would be what is the future of social movements? In times where social collective action is rapidly shrinking, and where elements of contestation between members of the same community is deeply rooted.

Harvey highlights the role of ‘insurgent movements’ in resisting accumulation by dispossession, he notes that movements, such as peasant movements, have grown and played a key role during the 1980s.²⁵⁹ One movement that Harvey did not point to is a movement that was organized by several legal scholars at Harvard Law School during the 80s and 90s and that

²⁵⁸ Latour, Bruno. "The Powers of Association." *The Sociological Review* 32. S1, 1984, pp. 264-265.

²⁵⁹ Harvey, David. *New Imperialism*, Oxford University Press, 2003, p. 139.

resulted in the production of a new body of knowledge under the umbrella of what came to be known as Critical Legal Studies.²⁶⁰ The movement started out as a pedagogical movement in the U.S.A, and North Europe that challenges dominant legal norms, and it was both criticized by right, as well as left scholars, however, the movement identifies itself as one that is premised on classical Marxism theory and a movement of the ‘legal left.’ One of the main critiques of critical legal theory is that it still is confined to law as a tool for governance, driven by a rationale that rejects the legal construct altogether.²⁶¹ In “The Critique of Rights in Critical Legal Studies” Duncan Kennedy states “the right to critique, like Critical Legal Studies in general, operates at the juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/ post-modernist projects,”²⁶² Kennedy’s theoretical insights on property law, works on the borders of the legal discourse. The study’s main thesis is that rights are both conceptualized in legal as well as in cultural terms, the movement criticizes the attempts of some scholars in the political left to deconstruct legal concepts, such as rights, to the point where the concepts loses their meanings and thus the power for inspiring collective resistance. According to Jarna Petman “what is needed, on the left, is awareness that rights alone can mean anything and that when embedded in a particular institutional context such as the European Court of Human Rights (and there are always some institutional context), they come to mean whatever the policy of the institution is.”²⁶³

Finally, I would like to highlight a point that I aim to develop in future studies, in incidents such as the demolition of buildings either at *Warraq, Ard Baza*, or even in the cases of

²⁶⁰ Kennedy, Duncan. "The Critique of Rights in Critical Legal Studies." *Left legalism/left critique*, 2002, p. 178.

²⁶¹ Hardt 346-356.

²⁶² Kennedy 178.

²⁶³ Petman, Jarna. "Special Supplement: Human Rights, Democracy and the Left." *Harv. Unbound J. of Legal L.* 2 (2006) p. 90.

the murder of revolutionist and political activist, most social movements turn to the legal documents as tools for resistance and fighting unjust situations, a growing body of left scholarship have been calling for the abandonment of legal reasoning altogether, however, new ideas in the legal left, namely Harvard's Unbound Journal, a platform for a growing legal left open venues to new legal reform and legal resistance, the journal, as well as the movement, integrate sociological and legal insights to study different aspects of laws and social conceptions of rights. On this note, I would like to conclude with a note from Daniel Hourigan's "Post-Modern Anarchy in the Modern Legal Psyche Law, Anarchy and Psychoanalytic Philosophy," "in the new commons, we do not escape law; rather, law once again becomes a fiction of the shared social world."²⁶⁴

²⁶⁴ Hourigan, Daniel. "Postmodern anarchy in the modern legal psyche: Law, anarchy and psychoanalytic philosophy." *Griffith Law Review* 21.2 (2012): 330-348.

GLOSSARY

<i>‘Adād</i> (عداد)	Counter
<i>Ard</i> (ارض)	Land
<i>‘Amlāk ‘amiriyyāh</i> (أملاك اميرية)	State domain
<i>Beih</i> (بيه)	A Turkish word and a title of honor
<i>El ‘ard lemān yazr ‘hā</i> (الأرض لمن يزرعها)	Land to the tiller
<i>Ḥokoum</i> (حكومة)	The government
<i>Feddān</i> (فدان)	A unit of land measurement (one feddan is equal to 1.038 acres)
<i>Ġehāt elwelāyāh</i> (جهات الولاية)	State institutions or authorities to which state lands are allocated
<i>Ḥaq elshā ‘b</i> (حق الشعب)	People’s right
<i>Infitāḥ</i> (انفتاح)	Open Door Policy
<i>Intifa ‘</i> (انتفاع)	Gaining usufruct rights over a land, it is also used to refer to beneficiaries of the Agrarian Reform
<i>Intifādāt el felā ḥeen</i> (انتفاضة الفلاحين)	Peasants’ uprising
<i>Iḍ ‘an</i> (إذعان)	Submission. <i>Iḍ ‘an</i> contracts are agreements between the state and individuals where the latter comply with the terms and conditions of the state
<i>‘Izba</i> (عزبة)	Estate
<i>Ġabal el ḥekd</i> (جبل الحقد)	A term that was used by Egypt’s President Anwar El-Sadat that refers to class envy
<i>Kbīr</i> (كبير)	An elder also used to refer to a leader

<i>Māhdār</i> (محضر)	A police record
<i>Moḥūl zera‘ee</i> (محول زراعی)	Electric transformer used in agricultural activities
<i>Moḥūl togāry</i> (محول تجاری)	Electric transformer used in commercial activities
<i>M ūwāt/ mubāh</i> (موات امباح)	Refers to unoccupied wastelands that either fall under the public domain, or is appropriated for individual occupancy through <i>Wad ‘yadd</i>
<i>Nezām momārsāh</i> (نظام ممارسه)	A method to register and legalize access to public electricity supplies
<i>Šari‘a</i> (شريعة)	Islamic law
<i>‘Urfi or ibtidā’y</i> (عرفی او ابتدائی)	An unregistered contract
<i>Wad ‘yadd</i> (وضع ید)	A customary process through which individuals occupy empty lands that are not owned by anybody, excerpted from the Islamic Sharia
<i>Waga ‘demāgh</i> (وجع دماغ)	A headache or inconvenience
<i>Waqf</i> (وقف)	Religious trust lands
<i>Wukalah</i> (وكلة)	Agents
<i>Zimām</i> (زام)	A registered area

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