



بسم الله الرحمن الرحيم

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Ain Shams University
Faculty of Engineering
Architecture

The enforcement mechanisms of regulatory frameworks on building contraventions in the urban environment in Egypt

A Thesis submitted in partial fulfilment of the requirements for the degree of
Master of Science in Architectural Engineering

By

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Statement

This thesis is submitted as a partial fulfilment of Master of Science in Architectural Engineering Engineering, Faculty of Engineering, Ain shams University.

The author carried out the work included in this thesis, and no part of it has been submitted for a degree or a qualification at any other scientific entity.

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Abstract

Egypt has been facing the challenges of illegal construction since decades, and most of intervention policies practiced have failed to effectively solve its problems.

The issuance of the Building Reconciliation law no.17/2019 has imposed a new reality as a temporary exceptional solution to the long-existing phenomenon, allowing legalization and reconciliation with the previously stigmatized illegal constructions which Egypt has long been facing its challenges. The law's issuance opened a legal, political, environmental and social debate because of its ambiguous results and impacts in the Egyptian environment, which is why this policy requires an in-depth research especially with the scarce available data concerning this topic. Therefore, this research is an attempt to study the legalization mechanisms in general and the law's framework in specific, together with its implementation and impacts on the urban environment, aiming at assessing the law's framework and finding possible adequate methods to optimize the experience's results and impacts, from analyzing similar international experiences. However, that would not be possible without seeking answers to the following questions both nationally and internationally;

How is building construction ruled and regulated? How are building contraventions dealt with? What is building legalization?

What is the current situation in Egypt? How was it dealt with? What is the Reconciliation law? And does it differ from former-ruling building laws?

What are the carried out legalization examples? Is there any similar examples to the Egyptian case?

If yes, what were the outcomes of those similar international examples? And what are the possibilities for similar outcomes?

What are the law's implementation so far yielded outcomes and impacts? In addition, do they validate the concluded possibilities?

So far, has the law achieved its goals? If yes, how can we sustain the desirable results? If not, how can we achieve optimum results from the current situation?

This research consists of six chapters followed by general conclusions and recommendations. The first chapter provided an understanding of building regulatory regimes, their components and different types, building contraventions and the different approaches to dealing with them, with their different tools and means of intervention. It then focused on studying and analysing the Legalization tool, being the subject of the Reconciliation Law. Then, chapter two is mainly concerned with the whole Egyptian experience and its background, therefore it defined the current situation in Egypt, the illegal building problem, how it is dealt with, and analyzed the former-ruling building laws. It also provided an in-depth study and analysis of the Reconciliation law's framework and mechanisms. Data was gathered theoretically and practically through formal and informal face-to-face interviews. Chapter three aims at defining and analysing multiple legalization examples similar to the Egyptian experience, so it goes from selecting and demonstrating different international legalization examples whereas the focus was mainly on developing countries experiences and each was analyzed taking into

account both the temporal and spatial dimensions for a comprehensive comparison, then determining the similar examples through undergoing a double-step filtration process using comparative analysis whereas Jaccard similarity coefficient method is used to measure the similarity of the analyzed data sets. Those international examples were then they were categorized according to their similarity results into four categories based on how that similarity can be benefitted from. Chapter four deals with gathering data about the outcomes and impacts from the similar examples' implementation, then studying and comparatively analyzing them, according to the aspects defined in the concluded analysis framework, using an inductive approach in order to define their possibility of occurrence in the Egyptian experience, as well as the lessons to be learnt from those experiences. Chapter five then focuses on exploring the law's so far yielded outcomes through data collection theoretically through data collection and practically through carrying out multiple qualitative formal interviews with in charge officials and informal interviews with other stakeholders, and then analyzing this data, according to the aspects defined in the concluded analysis framework, using an inductive approach. Those results will then be subjected for testing the concluded possibilities, from the previous chapter, for validation, through comparative analysis, on the macro-scale level of the whole of Egypt, as well as the case of New Cairo city as a micro-scale example using deductive approach, with no aim of generalization, but only to help figure the existing evidences of the concluded possibilities and the possible resultant impacts. In chapter six, an assessment of the current law's framework performance and the so far resultant outcomes and impacts is carried out in terms of its reported goals and objectives, using deductive approach. Conclusions were then drawn on possible future impacts, and recommendations were proposed, based on the studied legalization examples and the concluded lessons to be learnt, in order to the optimize the yielded results to achieve the law's desired goals and objectives.

Finally, the research concluded that; Legalization as an approach to dealing with illegal building is not a brand new mechanism, nationally or internationally. Nationally, former building laws in Egypt had all set the mechanism for legalization within their frameworks but with varying proportions and they all failed to contain or deter the increasing building violations, however, the Reconciliation Law differs from other former legalization mechanisms in its nature, being issued to face unprecedented rates of illegal building, besides its very wide scale of application and its expansion of the possibility to legalize most of the building violations in a rather flexible manner. Internationally, many international cases passed through similar legalization experiences, especially in developing countries, and some of them showed relative high similarity with the Egyptian case, the matter which made it possible to deduce possibilities of expected outcomes and impacts in Egypt, since the Reconciliation Law is still incomplete for most of the submitted applications. Almost all of the concluded possibilities proved valid upon their testing on both the macro scale of Egypt, and the micro scale one of New Cairo city.

Generally speaking, the law has not achieve its reported goals yet. It is clear that it was not sufficiently studied before its issuance on all related levels; urban,

architectural, human, social, economic, political, administrative, etc. which is the main reason why the results came generally unfavourable or weak. Another point is that all of the law's desirable goals are dependent on the complete legalization of all building contraventions on their self-declaration, without adopting effective incentivizing and/or deterrent mechanisms to stimulate and achieve such desired state, and as a result the people's demand for legalization came weak, the matter which undermined the law's effectiveness. The ineffectiveness of the law besides the inability to enforce the building law's sanctions against the 'un-legalized' can lead to undermining the rule of law and increasing the illegal building acts. Therefore, recommendations were proposed in all studied aspects; urban, architectural, human, social, economic, political, administrative, regulatory, etc. based on analysis of the law's implementation results with the conclusions and lessons to be learnt from similar international examples, to help take relevant decisions in order to optimize the achieved results, avoid possible challenges or mitigate their unfavourable impacts.

Keywords: *Reconciliation law; Legalization; Building violations; Building laws; Built environment*
