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Expropriation between a legal figure and an approach for urban development: global trends and Egyptian reflections

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Abstract

Expropriation of land is considered a crucial instrument of any development practice. The legitimacy of expropriation is essentially reinforced as it is employed for the public interest, often implied as infrastructure and public services. While in the private property on one side and the public interest on the other, urban development acts to be the art of getting the right balance. Despite urban development paradigms significantly affecting expropriation practices, most reviewed literature focused on legal aspects of expropriation. However, few were attentive to addressing the relation between expropriation and the urban universe. What are the current trends of the expropriation function and how extensively is it used for urban development? It can be elaborated as the study's core question, while the research aims at mapping the development of the expropriation function and how extensively expropriation is used across time and space. Therefore, the study adopts a qualitative comparative approach to explore the global trends of expropriation for urban development and map convergence and deviations. The proposed criteria for comparison aim to discover how extensively expropriation is used, the legal changes and the institutional contexts. In addition, the applied part of the study uses a case study analysis method. A chronological timeline analysis of the Egyptian case was conducted to explore the nature of expropriation practices of Nasser's time (1956–1970) to Mubarak's time (1981–2011) in Egypt.

Globally, expropriation practices have a heterogeneous nature. Certain features, however, are common enough to justify classifying practices for this study. The research comes up with a schematic mapping intending not to be comprehensive but flexible enough to be applied as a framework to analyse and compare other cases in different contexts. Finally, the research concludes by comparing and positioning the Egyptian case in the light of the global trends and provides principal lessons to planners, governmental parties, and policy-makers.

Keywords: Expropriation, Eminent domain, Public interest, Property rights, Urban development, Comparative analysis, Chronological analysis, Egypt

Introduction

Land intervenes into practically all traits of urban life. Availability of land is the critical engine for urban development, especially since land is scarce and a limited source. As a result, the tools adopted by governments to acquire land are critical and essential. No urban development practice worth being named does not require land. The need for land allotted for urban purposes is striking. Accurate statistics are not on the table, but one reference determined that land devoted to urban development boosted to triple times between 1950 and 2000 [1]. Globally, every country worldwide has laws and procedures for the public acquisition of privately owned land. Those laws and land acquisition procedures generally have a wide variety of compulsory and non-compulsory delegations. Some may rely heavily on compulsory powers, like India, and others, like Singapore, on voluntary purchases [2]. No one tool is enough to guarantee a successful public land acquisition programme. Furthermore, no voluntary land-acquisition programme will be effective in developing countries unless coupled with compulsory land acquisition. Expropriation is considered one of the most potent land acquisition tools governments adopt to acquire land for urban development.

Supremacy of the eminent domain power is the origin of the expropriation concept; this power is generally accepted worldwide and allows the state to take private land for public interest purposes. Most expropriation-related laws in developing countries are attained from preceding colonial rules. According to the World Bank, most laws need severe reconsideration to be effective during periods of rapid urban expansion [1].

Even though most urban development strategies necessitate expropriation, it imposes high social costs above all those costs are the displacement of people. During the twentieth century, estimates of displaced people instigated by infrastructure projects raised between 90 and 100 million. It is serious that in some cases infrastructure projects were behind the displacement of nearly 1% of an entire country population. Yet, expropriation triggers urban development and instigated acute delays. Some disputed cases go back 30 or more years. Currently, expropriation is laid open to strong condemnations and social conflict. Property rights movements, land laws reforms, among other factors are making over settings for governments while employing their power of expropriation [3].

Academic literature reviewed primarily feeds convenient qualitative analysis and explanations of expropriation impacts on social life, but dimensions of expropriation within the universe of urban policies are still inattentive. Scholars have primarily misinterpreted and oversimplified the complexities of expropriation for urban development. Studies resolved basically on legal concerns, putting away urban dimensions of the practice. Consequently, build-up knowledge on that focus has a clear disciplinary bias [4].

The research paper revolves around two main focuses: expropriation and the public interest concept. The research adopts an urban development lens to reframe the expropriation practices and the different articulations of the public interest concept. The research structure can be streamlined into two parts. First, the theoretical part addresses the main variables involved in expropriation and highlights literature gaps. Second, the applied part evolves around two scales of analysis (the global and the local scales). The global scale of analysis aims to build a schematic mapping for the global trends of expropriation regarding the intensity of use and the institutional context involved. On the other hand, the local scale of analysis elaborates a conceptual framework by addressing

Table 1 Terms used interchangeably with expropriation in different countries

Terms used interchangeably with expropriation	Countries
Eminent domain	USA, Philippines
Land acquisition	India, Malaysia, Singapore
Compulsory purchase	UK, New Zealand, Ireland
Resumption	Hong Kong, Uganda
Resumption/compulsory acquisition	Australia
Expropriation	France, Italy, Mexico, South Africa, Canada, Brazil, Portugal, Spain, Chile, Denmark, Norway, Sweden, Finland, Germany, Panama

how expropriation has been applied across time and space in the Egyptian experience from 1950 to 2010. Finally, the research concludes with highlighting reflections of the global trends on the Egyptian case and allocating Egypt expropriation practices in the global context, which help to anticipate the futures of the expropriation tool in the Egyptian context and find where relevant patterns of adopting expropriation.

Overview of the expropriation concept

Expropriation appeared in constitutions all over the world under various names. All names refer to the same legal action allowing private property acquisition for public use [5]; see Table 1. Eminent domain is the power of taking, while expropriation is the legal procedure to apply the power. Restructuring benefits and costs for the public interest is the ultimate goal of legitimizing expropriation [6].

Expropriation rules differ as often as governments' perspectives on the significance of property rights and land needs. However, the consensus is that expropriation is only legitimate and justified when employed for public purposes [7]. At the same time, the public interest of any expropriation process can be valid only if its proposed benefits for the public are too high compared to the assault on individual private ownership, financial cost, and possible social disadvantages [8].

There is no development activity worth mentioning without a land. Land is a core resource to develop, invest, and make change. Governments all over the world employed different instruments for land acquisition. Nationalization of land, expropriation, and land readjustment are the primary instruments of land acquisition. Nationalization represents a monopoly over property rights, whereas expropriation allows the state to take private land for the good of the state. Much of the law-governing expropriation in developing countries was passed down from former colonial powers [9].

Expropriation appears in legal manuals as a "legal figure" and the universe of public policies as "an instrument." Back to the research focus, which aims to reframe expropriation in the context of urban development, it is crucial to place it as one of land management tools adopted by governments. However, land expropriation is one of the legislative and fiscal tools adopted by governments in the urban land market [10].

Principles of the public interest concept

The legitimacy of eminent domain power comes originally from its justification. The most solid notion is that expropriation is accepted as it prioritizes the public interest,

Table 2 Forms of the public interest

	(Provisions)	Terms used interchangeably
Planning dimension	Public utilities	Infrastructure works, water networks, solid waste
	Public institutions	Hospitals, schools, government offices, markets, public enterprises, cemeteries
	Transportation	Streets, bridges, tunnels, airports
	Public space	Parks, gardens
	Housing	Titling, relocation, social housing
	Environment	Natural resources protection and exploitation
	Historical preservation	Natural landscape, buildings, monuments, archaeological sites
	Growth management	Expansion or betterment of urban centres

while the private interests of citizens give way to the community's public interest. In essence, constitutions related to expropriation worldwide determine that talking should be implemented under two conditions: paying just compensation is not the focus of the research, while the second condition is satisfying the public interest. The public interest is expressed through different terms used interchangeably, such as 'public good', 'public use', 'public purpose', and 'public utility.' In the research, the term 'public interest' refers to this kind of justification [4]. In each country, the concept mediates conflict between a private citizen's right to control land and the public need of the land. The form of a country's public interest principle depends on a balance between these two interests according to the country's cultural and legal norms. In legislation, public interest is expressed in two ways [11]:

1. Criteria of delineation of the public interest which give legitimacy for the expropriation. The terms itself can be changed. For example, the public phrase may be substituted with social, general, common, or collective. Likewise, 'interest' may be replaced by need, necessity, purpose, function, utility, or use. These criteria set by legislatures leave considerable space in the hands of the executive and judiciary branches of government to determine forms of the public interest.
2. A list of services determining the public interest such as roads opening or widening, hospitals, schools, and public governmental buildings. Goods that are not listed would not facilitate the talking of land under expropriation practices which accordingly facilitate determination of what constitutes the public interest and what is not.

Several states define criteria that justify exercising eminent domain based on public interests, as shown in Table 2 below. This list is considered as a baseline not to be comprehensive, such that countries can add to the categories.

Methods

Expropriation practices are as diverse as countries' notions of the quality of property rights and land needs. The research aims at mapping development of the expropriation function and how extensively expropriation is used across time and space. Hence, the research adopts a qualitative comparative analysis method to explore the current trends of expropriation worldwide within an urban lens. It aims at highlighting convergence, deviations, and classifications when exist. The research proposes that different issues

are put at stake in different contexts and affect expropriation practices. Certain features, however, are common enough to justify grouping them for this study. Proposed criteria for comparing expropriation trends are as follows: intense expropriation use, legal changes, and the institutional setting with different perspectives. Broad scanning of cases worldwide facilitates building a schematic mapping which shows similarities and differences intending not to be comprehensive but to be flexible enough to be applicable as a framework to analyse and compare other cases in different contexts.

Additionally, the applied part of the study uses a case study analysis method to link Egypt case and the global trends extracted from the first part. But first, this approach necessitates analysing articulations of the expropriation practices in Egypt to be able to compare the case in light of the global trends. Through a deductive approach based on timeline chronological analysis, the research elaborates the relationship between expropriation practices, public interest, and urban development paradigms from Nasser's time (1956–1970), passing through Sadat's time (1970–1981) until Mubarak's time (1981–2011) in Egypt. This study concludes with an analytical framework for the Egyptian case addressing factors of expropriation analysis: urban development paradigms, political and social regime, ownership structure system, and legal framework. Finally, the research concludes with positioning the Egyptian case into the global trends and comparing the Egyptian case using the same criteria proposed to analyse the global trends.

Analysis of the global trends of expropriation

Analysis of this part aims at comparing trends of expropriation practices worldwide. The research adopts interpretive approach to build a schematic mapping of expropriation trends by focusing on three main criteria of comparison: exploration regarding the intense of expropriation, the legal approaches, and different perspectives on expropriation and the institutional situation. Furthermore, exploring different contexts worldwide ensures that each expropriation has changeable nature [12].

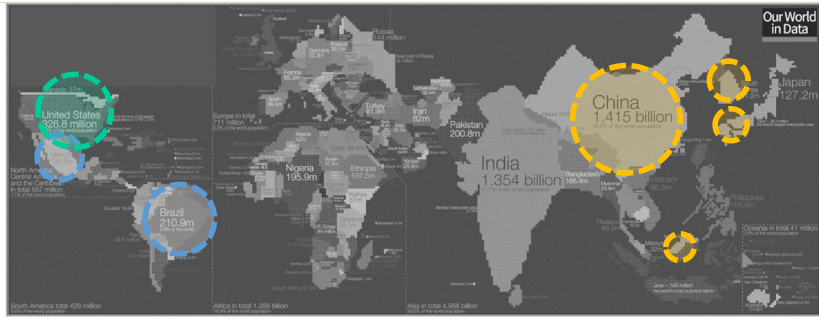
Exploration regarding the intense of expropriation use and contextual aspects

Intending to classify practices worldwide according to the intense of expropriation use, the research suggests that countries can be organized into three groups: the first set includes countries use the rule of expropriation extensively, the second group where the expropriation practices reduced, and the last group devoted to countries which still use expropriation regularly [10] as shown in Table 3 below.

In the first group, rapid urbanization and urban growth generated a serious need to use eminent domain powers for land compulsory acquisition [8]. The massive acquisition of rural land goes on foot with economic and urban growth [1]. The second is a highly mixed group that includes countries where many dynamics contribute to reduce the use of expropriation. A variety of factors causes that decrease as follows:

1. The judiciary's role in limiting government exploitation of eminent domain powers
2. Adjustment programmes aimed at reducing public investments due to compensation payments and other factors
3. Social opposition, which results in raising political pressure to limit projects

Table 3 Classification regarding intense use of expropriation worldwide (Azuela, 2007)



	The first Group	The second Group	The third Group
Context	<ul style="list-style-type: none"> • High rates of economic growth. • weak statute of law. 	<ul style="list-style-type: none"> • Weakened states. • Structural adjustment programs, which have reduced public investment. • Social resistance. • legal acts are restraints the use of expropriation 	<ul style="list-style-type: none"> • Highly industrialized countries. • in spite of strong movements of opinion that question the expropriation power, expropriation continues to be used routinely.
Intense of the use of Expropriation	Expropriation is used extensively to make way for infrastructure projects and urban expansion	The use of expropriation decreased	Expropriation continues to be used regularly
Example for Countries involved in each group	China, Korea, Singapore and Taiwan	Mexico São Paulo ... Brazil Ghana	U.S.A.

Thus, in Ghana, judiciary decisions against the state in expropriation cases slowed the compulsory acquisition rate noticeably [13]. The third group includes highly developed countries where severe controversies over eminent domain emerged in law and politics. However, these controversies did not lead to radical changes in how that power is utilised. In the USA, for instance, two cases pioneered the field of eminent domain practices. First, the Lucas case reopened the eminent domain debate in 1992, raising concerns that the planning system would be severely weakened. Recently, the Kelo case prompted efforts to limit the use of eminent domain for projects involving land transfer to private developers [14].

Exploration regarding the legal changes

Most literature about expropriation evolves around legal issues involved in the process. Frequently, reading legal development of expropriation is considered the first approach to understand how eminent domain powers are used in practice. However, this approach to discovering global trends does not assure that cases worldwide follow the same pattern. The prevalent path around the world is that most governments adopt the tendency to reduce the power of eminent domain. Reviewing legislative changes globally in the last two decades ensures this tendency, reflecting on private owners’ rights and

citizen-state relationships. There is a strong strive to reduce the use of eminent domain. The structure of South Africa in 1996 is worth mentioning. That case maintains a broad frame of the concept of public interest. According to Southwood, it gives the government the authority to pay fair compensation and shifts the pattern of the previous institutional procedure of quick instalment of financial framework in which the judicial role defines the timing and manner of payment [15].

Exploration regarding the institutional setting with different perspectives on expropriation

Global screening of the eminent domain and generally takings as a field show that it is not a homogenous domain. It is a diverse discipline that comprises a wide range of interrelated issues. The research considers different contexts in which issues are debated to interpret this diversity. However, investigating the context reveals two aspects. First, consider the institutional context in which eminent domain is exercised, which includes, but is not limited to, lawmaking organisations or national governments, nongovernmental institutions, the World Bank, and the United Nations system. Second, different perspectives on expropriation are the issues encompassing eminent domain (human rights, economic development, social justice, and so on) [16]:

Preliminary exploration of the context of practicing expropriation shows how different actors and stakeholders are acting which accordingly change proceedings behind developments in policy and law. The research focus is to highlight convergence or deviations at the global level. Hence, the research debates the eminent domain in three approaches — defining contexts [17]:

- The norm pattern while the eminent domain dealt as a constitutional issue, where the equilibrium of public and private interests discussed on the national level
- The economic-oriented pattern while dealing with the eminent domain as an economic development tool, this usually happens within entities such as the World Bank, the IMF, and USAID.
- The social-oriented pattern is a human rights issue while dealing with the eminent domain. The social impacts of expropriation projects are discussed intensively in this regard; this usually happens within organizations such as the UN system and NGOs.

The first context, of a local nature, is about achieving the balance between public and private interests and adopting expropriation as a tool to redistributing benefits and costs. The second context, also of an international nature, is about developing emerging legal thinking in international financial organizations. In the prevailing treatise of the World Bank, expropriation is part of a doctrine in which property rights are a condition for economic development. The third context in which expropriation can be discussed is the horizon of human rights, particularly social rights, which predominates in the UN system and many NGOs [18]. Nevertheless, it is hard to find any reference to human rights in the discourse of international financial organizations; on the other hand, there is no acceptance in the world of NGOs and the UN to credit economic efficiency challenges. The three institutional contexts with different issues raised on expropriation are listed in Table 4 below.

Table 4 Institutional contexts with different issues raised on expropriation

		Constitutional issues	Economic development issue	Housing as a human right issue
Institutional contexts	The national state	China USA EEUU		India ^a
	International financial organizations The World Bank (WB, IMF)		Africa Asia	
	The NGO system/UN system			India South Africa

^a We use the case of India to illustrate that initiatives often are processed in more than one context

Analysis of Egyptian practices of expropriation

Expropriation becomes a reference point for the relationship between governments and the urban planning process. Thus, the research intends to analyse the Egyptian case within the broader context of state transformations. Furthermore, exploring a proper and deep understanding of what the so-called the public interest impeded in each development paradigm reveals the concept’s changing nature. This part of the analysis addresses aspects and variables of the Egyptian context relevant to urban development and expropriation, through building a chronological timeline analysis to understand the Egyptian experience of expropriation practices focusing on the period from Nasser’s time (1956–1970) to Mubarak’s time (1981–2011). Throughout this period, the shape of Egyptian cities is powerfully reworked by the state interventions. Egypt incident in different political, economic, and social regimes accordingly interoperates diverse approaches for urban development and affected nature of expropriation practices. The research is headed for elaborating the Egyptian experience to assess the intense use of expropriation, the legal changes of expropriation, and the institutional setting with different perspectives on expropriation through the chosen period. Furthermore, the analysis finds the connection between the interrelated variables involved in the expropriation process, starting from an analysis of the socio-political paradigm, ownership structure system, type of compensation, legal changes, the public interest perception, and urban development paradigms with special mention to the most remarkable urban development projects encompassing expropriation.

Expropriation and state transformations

Since the second half of the twentieth century, from Nasser’s time (1956–1970), Sadat’s time (1970–1981), until Mubarak time (1981–2011), Egypt experienced the emergence of three paradigms of urban development. The first paradigm includes Nasser’s time after the 1952 Revolution to the 1970s, described as the state-based urban development phase. Next, the 1980s to the mid-1990s was named the market-centred urban development period. Last, the period of Mubarak time that continued since 2011 was named the governance period [19]. An overview of how the development paradigms have evolved is followed by the analysis of actual urban development projects, which encompasses expropriation from 1950 onward, focusing on the era of socialism, the life and death of the neoliberal, and the global emerge. Furthermore, analysis of ownership structure

to address transition in Egypt from feudalism to socialist ownership structure system brought substantial variability in the application of expropriation practices across the country and the development and planning universe. Especially after moving from colonial domination times (before the 1952 Revolution) and the attached monopoly ownership system, democracy has generated a national argument about property rights and reshaped the state-citizen relationship.

Nasser's time

Eliminating feudalism and stopping foreign domination were two central goals of the 1952 Revolution [20]. Before the revolution, through 1940s and early 1950s, 80% of landholders owned 20% of the land, while 1.5 % of landholders acquired the rest. In terms of agricultural land ownership, less than 0.5% of Egyptians owned more than one-third of all fertile land [21]. Imposing restraints on land ownership was part of Nasser's rule seeking its policy of Arab socialism. Following the 1952 Revolution, Egypt attempted to change its land ownership practises through post-Revolutionary land reform.

The First Agrarian Reform Law endorsement is considered as a heroic initiative. The reform deliberately reformed the law governing land ownership in Egypt. It can be said that the reform shaped one of the extensive expropriation practices that Egypt has ever witnessed. The law controlled amount of land a citizen could own of 200 feddans, while the state has the right to expropriate land surplus of that limit, compensated with long-term bonds and distributed (in lots of two to five feddans) to landless farmers [21]. It deserves mentioning that in 1953, the land owned by the royal family and monarchy officials was expropriated with no compensation.

Throughout 1960s, arbitrary and unjustified executive actions taken for political intentions became common. In 1961, the state modified the land reform programme through dropping the maximum land ownership to 100 feddans. And as a result for the land ownership ceiling reduction, compensation for expropriated land pared is well. In 1963, the land owned by foreigners was expropriated. In 1964, the state withdrawn interest payments receivable on bonds in place of expropriated lands and professed the bonds themselves were not repayable [22]. Lastly, in 1969, the maximum ceiling of land ownership was over again cutdown to 50 feddans [23]. At the same time, Nasser validated the expropriation of political opponents' lands and sequestration practices. Sequestration is legalized at that time, and it is considered as one of the forms of eminent domain powers. Under sequestration, the state acquires usufruct rights of the property and the right to income derived from it, while a blank title of the property remains with the owner. Thus, takings did not require compensation [24]. In all, roughly 15,000 citizens had property sequestered after the dissolution of the confederation with Syria and during the disastrous 7-Day War with Israel in 1967 [22].

All over the 1950s and 1960s, Nasser instituted a socialism paradigm with a centralized economic system. State-based urban development was the major direction in that period together with the nationalization strategy which brought the private sector into the public domain [25]. Nasser's era advocates for socialist-inspired development policies and his growing dependency on Soviet loans. The development policies were manifested in the First 5-Year Plan (1960/61–1965/66) which set the national development goals. A remarkable example to present that era is the high dam's national project, one

of the greatest urban projects of the twentieth century (construction began in 1960 and officially opened in 1971). Part of the controversies surrounding the high dam was because the dam's site involves huge expropriation; some historical sites flooded and triggered the relocation of about 100,000 citizens¹. The dam's reservoir construction necessitated the costly relocation of the ancient Egyptian temple complex of Abu Simbel, which would then have been submerged. Relocated people raised to 90 thousand Egyptian peasants and Sudanese Nubian nomads. Even as 50,000, Egyptians were moved to a valley north of Aswan, the Kawm Umbu valley, located 50 km north of Aswan, to form a new agricultural zone called Nubaria, and most of the Sudanese were resettled around Khashm al-Qirbah, Sudan [26].

Transition in expropriation policies from Nasser to Al-Sadat's time

A review of the taking practices known as expropriation and confiscation was reported since Al-Sadat's first moves upon taking office as president [27]. Al-Sadat took different paths that upturned Nasser's economic and agrarian reforms. Clear decisions regarding land were taken; above all, the state returned back most of the expropriated land to their owners or offered compensation equal to the land value [28]. During Nasser's time, land reform laws eliminated the political power of landowners. Despite the very audacious land reform practices, it merely caused redistribution of about 15% of Egypt's agrarian land. By the early 1980s, effects of land reform in Egypt paused due to the population move away from agriculture.

Al-Sadat took serious actions towards fostering economic development. He encouraged foreign and local investors and protected their properties from expropriation. He seriously tried to attract back domestic capital invested abroad during Nasser's time despite it was a hard task. Al-Sadat restored the properties confiscated from many former officials of the monarchy. Otherwise, he has also given US \$10 million in compensation with Americans whose holdings were confiscated by Nasser in 1961 [22]. Hence, not only expropriation practices were controlled and limited through Al-Sadat's time but also compensation systems.

Sadat's time (1970–1981)

After the war of 1973, there was a surge of reforms but that time on the economic dimension not the social one. This was a paradigm shift from socialism to new-liberal political paradigm. Al-Sadat adopted reforms known as Open Door reforms or *infitah* taking place after the legislation of Law No. 43 of 1974, which endorsed foreign and Arab investments. The *infitah* reforms eased environments for a real estate and credit boom as S. Hibbard and A. Layton illustrated. Consequently, the state came to be even more dependent on foreign financing sources, and Egypt's debt had rapidly increased [29].

Al-Sadat established legal and institutional framework to serve the economic liberation dream. After 1973, he directed to establish new towns which was strong initiative enough to form a semi-parallel and independent system. The first decree initiated in 1977 to establish new town project. The expropriation of property is further regulated by

¹ <https://www.water-technology.net/projects/aswan-high-dam-nile-sudan-egypt/>

the promulgation of the New Communities Law (Law 59 of 1979) and the Building Law (Law 119/2008). Taking closer look on the New Communities Law particularly article 5 helps to read the relation between establishing new towns and the expropriation practices then. Article 5 of the law states that if the construction of new towns or the building of connecting roads overlaps land owned privately by individuals or entities, the acquisition of such land shall take place through voluntary purchase with price and terms as agreed upon between the New Urban Communities Authority and the landowners. If no agreement can be settled, the land shall be taken away according to the law governing the expropriation of ownership for public interest or improvement. In such a case, the compensation shall be in cash and may also be in kind with the landowner's approval [30].

W. J. Dorman states that "in April 1974, Sadat inaugurated what was to become Egypt's main urban development policy: the construction of new desert cities" [31]. The new cities strategy accordingly affected the expropriation practices as it directed most of the urban development projects into connectivity networks between Cairo and the new cities. On other hand, the expropriation typology changed to longitudinal interventions, and the public interest prioritises new roads widening and opening.

Throughout 1970s, five satellite new urban communities were established, including the 10th of Ramadan (1977), 6th of October (1979), and Sadat City (1978), 15th of May (1978), and Borg El-Arab (1979), all were planned to include agricultural, industrial, and residential areas. Those new towns were perceived as integral components of the capital city region. They were well connected by rapid mass transit to the city centre. The ring road construction is considered as one of the noteworthy interventions during Al-Sadat's time. It first come out at the 2nd master urban development plan of Cairo in 1970. It was designed as a beltway surrounding three of the four sides of the Greater Cairo Region. Then, it was second developed in the third master plan in 1984 at Mubarak's times a 73-km-long beltway connecting the new 16 administrative regions of the city and separate them from the rural areas [32].

Al-Sadat was able to retain his own reform movement and system of governance that last after his assassination in 1981. Sadat's institutional and legislative framework left an enduring influence on patterns of desert development and land ownership in Egypt [33]. The reconstruction of Nasser's legacy and the reformulation of concepts such as social justice from attributes connected to them during Nasser's era come in many forms. Sadat kept going to place himself as Nasser's legitimate successor.

Mubarak's time (1981–2011)

For three decades, there were no significant changes in land policies, at least during Mubarak's first decade in office. Even so, by 1980, a new master plan was required because demographic growth which once again had been underestimated and the satellite cities were not qualified to absorb the excess population. The new master plan aims at redefining urban strategy to take critical decisions regarding investment in urban projects [34]. Between 1982 and 1999, Egypt's government established a number of new urban communities, like Obour, Badr City, Sheikh Zayed, New Aswan, and Shorouk City [31], while the governments of Al-Sadat and Mubarak continued to promote land reclamation. Land reclamation initiatives took off as a result of a desire to

expand the area under cultivation. The government proposed a number of bold ambitious 5-year plans. Otherwise, construction of the high dam in the 1960s increased the amount of water available for irrigation, generating the potential for even more expansion [35].

Expropriation was subject to areas included in the reclamation plan and areas to establish new urban societies. Among the other consequences of Mubarak's land system were the legal ambiguity of the land registration system, government contracts granted to farmers and graduates, and the growing trend of grabbing desert lands, wad 'yadd [36]. As a result, wad 'yadd and Bedouins were frequently involved in land acquisition conflicts through expropriation interventions. As a result, Egypt's lack of systematic land registration has become a growing issue. According to the Arab-West Report from 2009, land conflicts kill approximately 100 people in Egypt each year [37]. The problem has been exacerbated by Egypt's rapidly growing population.

The prior response to the steady and projected population surges was the conception and initiation of plans to develop new cities. This concept evolved with the first, second, and third generations of urban areas. The logic behind developing these new cities was to absorb millions of low-income households that would otherwise contribute to the growth of Cairo's informal areas inside and along the city's ring road. As ambitious and imaginative public transportation networks, a metro rail system, regional roads and railways, tram lines and flyovers, road bridges, and the ring road around Cairo that serves as the urban centre's outer boundary were all planned. Expropriation had been widely used for planned road connections. Expropriation was widely used for road connections built between Cairo and the new cities. The actual development that occurred between 1970 and 2000 only partially fulfilled the earlier master plans, but what was built has come to characterise modern Cairo [38].

Neoliberal reforms introduced structural adjustment programmes, particularly in desert-gated communities, between the early 1990s and 2005 [39]; T. Mitchell notes that the sprawling development scattered across the deserts surrounding Greater Cairo is fuelling Egypt's most rapid real estate boom. Nobody has really documented what is going on, but a conservative estimate is that its capital city's area has more than doubled in less than 5 years [40]. All of this increased the need for roads to connect new areas to the old core while also increasing the expropriation complexities of road opening or widening projects because the majority of them would be implemented in existing urban mass rather than empty desert lands. The implications of expropriation practises grew during that time period as a result of increased mobility challenges and a sharp population increase. For example, the total length of the ring road in 2001 was approximately 72 km, with more than half of it on desert land, 15% in urbanised areas, and 35% on arable land. Furthermore, despite the highway's eight lanes, the project's total budget was 3 billion Egyptian pounds. The first ring road was insufficient to deal with Cairo's massive urban expansion. As a result, a proposal for Cairo's second and third ring roads was initiated as appeared in Fig. 1 which shows the GC urban structure including the new urban communities and Fig. 2 which indicates the current and proposed road networks. Furthermore, numerous new flyovers and bridges, such as the Sixth of October bridge, were built to provide direct and efficient transportation from one side of the city to the other.

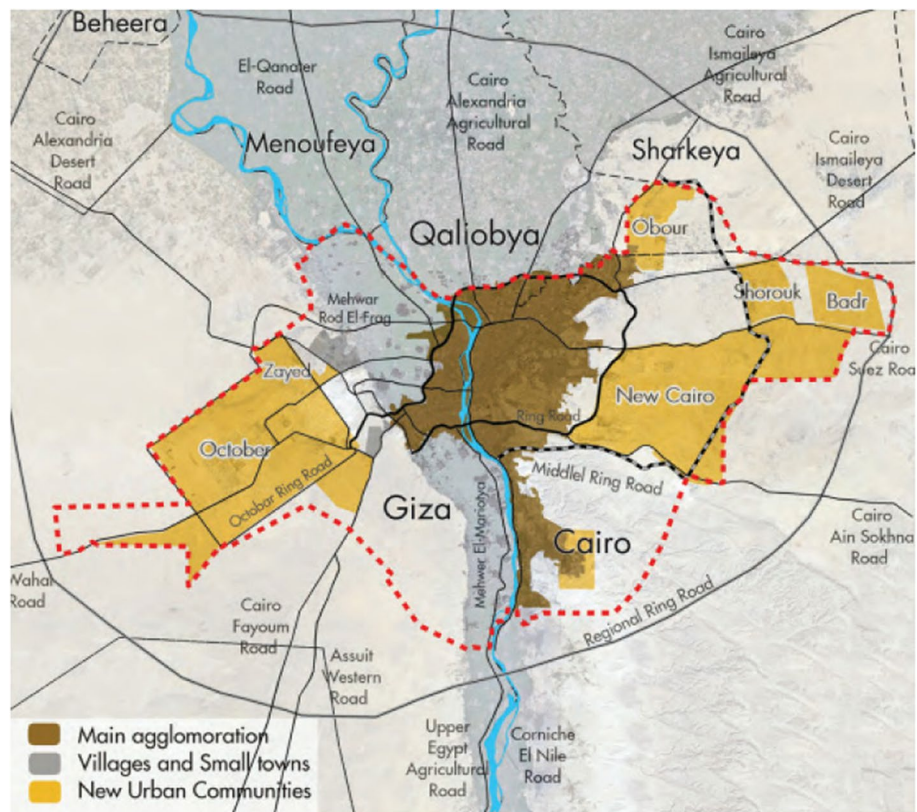


Fig. 1 New towns, new settlements, ring road, and eastwest axes of development as appeared in the master plans of Cairo in 1970 and 1983. Source: (Edeisy, 2020)

A report prepared by the Egyptian government and the World Bank in 2010 stated that the city was barely congested and identified many difficult spots, many of which were on the ring road [41].

Results and discussion

When it comes to the research limitations, governments do not produce a systematic record of use of expropriation, despite the fact that they identify expropriation as a land policy tool. Moreover, local governments commonly use expropriation for urban purposes, making it unlikely that national statistics include this kind of content, even in highly centralised countries like France. As a matter of fact, researchers attempted to explore trends of expropriation had to collect data from ad hoc sources. Policy analysis necessitates quantitative data on how a government practice is carried out. Insofar as expropriation is regarded as a tool of land policy, evaluating its effectiveness requires quantitative data [4]. We need to know how widely it is used, for what purposes, and how it evolves over time. There are some approaches that researchers could even take to overcome this situation, but for the time being, it

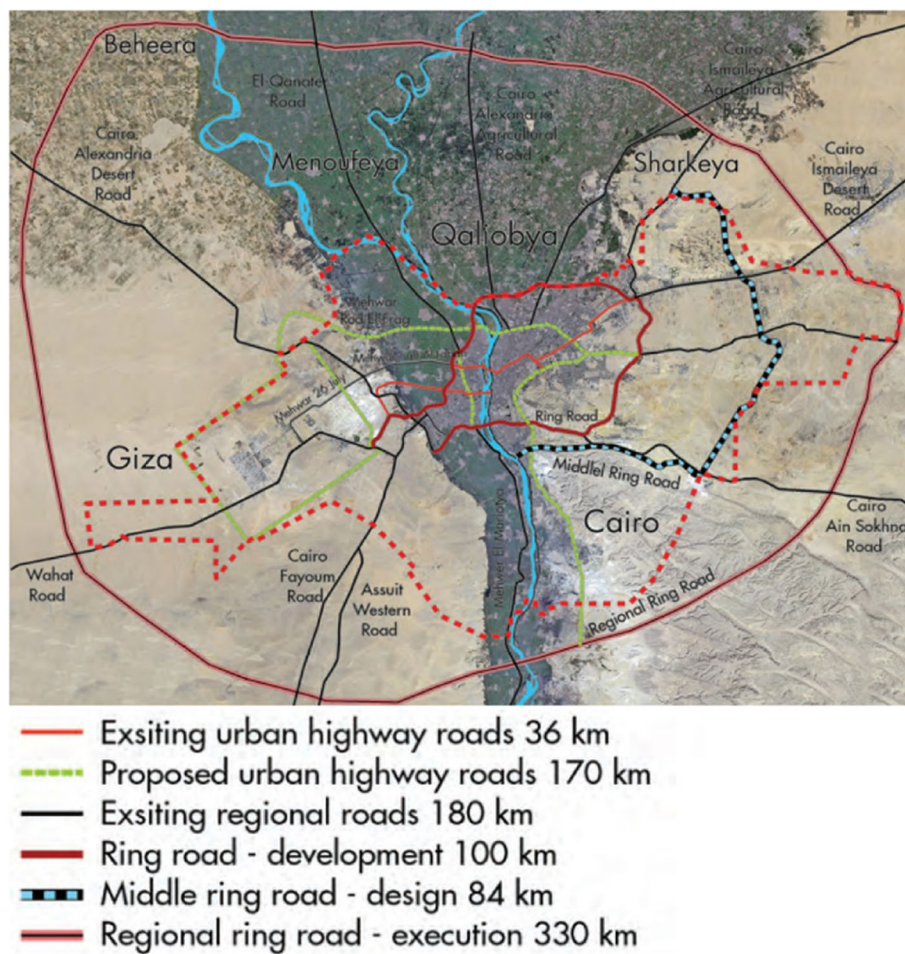


Fig. 2 Current and proposed 920-km-long road network

makes determining clear trends of expropriation as a government practise difficult. As a result, the research methods used are qualitative in nature.

Egyptian national processes and global articulations

One of the research aims of analysing the Egyptian case is to allocate it globally and understand the national process of adopting expropriation in Egypt through time. Discovering deviations and conversions of the Egyptian case with the global trends is an interesting task although also complex as this kind of reflections typically require quantitative approaches. Most countries worldwide do not produce systematic information about use of expropriation. Beyond quantitatively assessing whether there is an increase of the expropriation practicing of the country, the important thing is to observe how this power is transformed. In Egypt, expropriation has been transformed in two ways:

The intense of expropriation use

The analysis recommended that in Egypt, there has been an increase in the use of the expropriation power. We also note that while this trend is observed in many other parts,

it cannot be said to be universal. Above all, the research found good reasons to examine the internal logic of these transformations and their complex articulation with global processes, as phenomena even more relevant than any predominant global trend. The research claims that typology of urban development projects has a great effect on the intensity of using expropriation.

From Nasser's time, most expropriation cases were positional/locational, while public interest articulated in the form of basic services like schools, sanitation station — and small-scale interventions except the national project of the high dam. From Sadat's time and continued through Mubarak's time, policies of creating new cities and growing growth pressures generated connectivity challenges. Then most of expropriation cases were longitudinal in type. Expropriation practices at those times are mainly connected old and new city centres (shifting city centres) and ease mobility. So, public interest articulated in the form of roads, highways, ring roads, etc.

Legal change: institutional setting with different perspectives on expropriation

Expropriation in Egypt appears as a heterogeneous field. The research suggests considering the various contexts in which issues are debated in order to explore its diversity. The pattern discovered from the chronological analysis of the Egyptian experience (1950–2011) reflects two main variables affecting significantly the different perspectives raised regarding expropriation, that is, the questions around which eminent domain is being discussed (human rights, economic development, social justice, and so on). The first variable refers to the political and social-economic paradigm on which eminent domain is being practiced. The second variable concerns about the legal changes. We can discover how different actors are progressing by considering the context in which eminent domain is deliberated. Within that, it is possible to reconstruct the process that led to policy and legal developments.

From Nasser's time, transition from monarchy to republic system after the 1952 revolution, expropriation was being debated as *a constitutional and a human rights issue*, where the balance of public and private interests is strongly emphasised. The act of the First Agrarian Reform Law in 1952 became associated with the free officers' dedication to eliminating feudalism and empowering workers and peasants. For the sake of poverty elimination, Nasser's socialist policy started imposing restrictions on land ownership. The first expropriation law, Law 557/54, legislated in 1954 and later amended by Law 252/60 and Law 13/62, establishes the provisions for the expropriation of real estate property for public benefit and improvement. Then came Law No. 27 of 1956, which described the procedures for expropriating districts for replanning, upgrading, and improvement [42].

From Sadat's time and continued through Mubarak's time

Expropriation was discussed in relation to economic development, economic liberation reforms known as Open Door reforms which dominated after the legislation of Law No. 43 of 1974, which permitted foreign and Arab investment. During Mubarak's presidency, there were no significant changes in land policies at least for the first decade of his presidency. Between the 1980s and 1990s, comprehensive Law No.10 of 1990 legalized on the expropriation of real estate for public interest. This law considers as

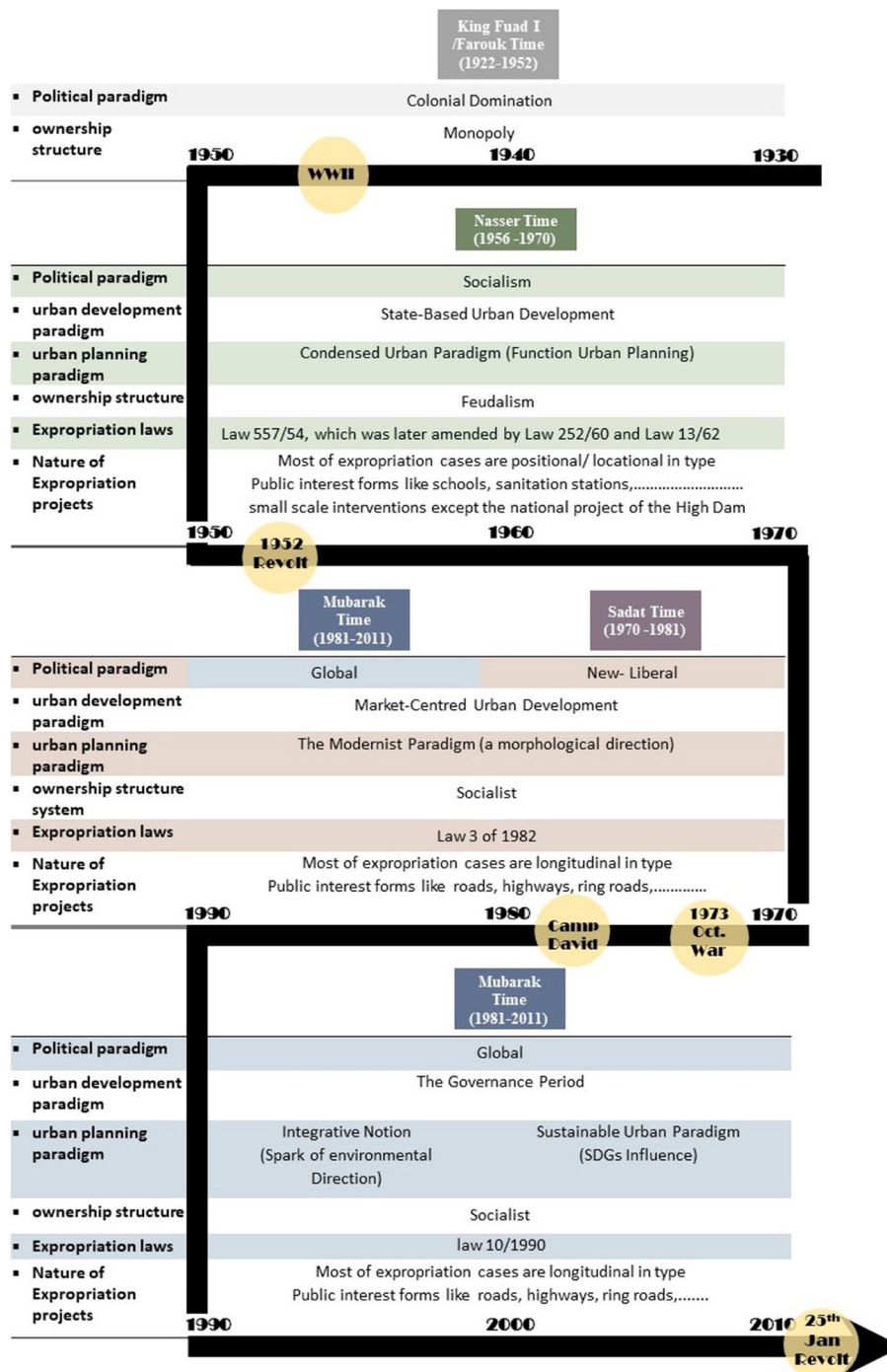


Fig. 3 Timeline of expropriation analytical framework of Egypt from Nasser’s to Mubarak Time (1956-2011)

the most comprehensive law for expropriation and still valid until nowadays with some amendments.

The verification of this diversity is enough to forsake referring to the Egyptian case as a homogeneous entity. In fact, when we ask ourselves about the way in which the

changes in the power to expropriate reveal transformations in the country and, in particular, in its relation with the global environment, what we find is not a process of adaptation of the country to a new context but different ways of articulating the local, the national, and the global as concluded in Fig. 3 below.

It is noteworthy that Egypt, in the current decade, witness great urban development transformations which strongly affect expropriation practices and ensure the extensive use of expropriation as a tool for land acquisition once more. The urban development agenda focuses mainly on two main axes: informal housing upgrading programmes that sometimes require land for allocation, like the life-threatened areas development program. The government has built thousands of affordable housing as one of the initiatives to solve these challenges. Most of the compensations are providing an alternative housing unit in other places. The second is connectivity and roads networking, which typically adopt expropriation for opening, widening streets, and ring roads. Urban growth, traffic, and mobility challenges are prioritized on the new urban development agenda of the government. What happens is so expeditious and extensive to the extent that a new bridge is opening now while writing the research paper. The development is racing against time in the current decade in Egypt. This period represents a new era of adopting expropriation extensively. But like any other urban development intervention, it needs time to understand what is going on and assess its urban, social, and economic consequences.

Conclusions

Worldwide, it is indicated that there is a consensus on the increasing complexities and difficulties of exercising land expropriation. In addition, there is a general trend toward limiting the use of this tool. However, it is difficult to imagine dynamics wherein governments are entirely stripped of their power to acquire land using expropriation, particularly as urban and infrastructure needs become more challenging while the land available for development become more limited. The ramifications of this trend emphasise the need to reframe expropriation as a land policy tool and explore why and where this trend is happening.

Principally, mapping trends of expropriation practices worldwide requires first investigating the intensity of expropriation use. Furthermore, the trends can be elaborated more by exploring the legal and institutional settings with different perspectives.

The research concludes that there is no universal trend that the use of expropriation decreased, but there are three groups. Each group represent a trend in its self, and each country at the globe can explore the pattern of expropriation practices and allocate itself accordingly at one of the three proposed trends. The study tries to apply the extracted framework in the case of Egypt which help to read the expropriation practices in the shed of the global trends.

The research showed various issues that should be considered to reframe land expropriation in urban development. Beyond such diversity, it is important to state that the research aim was to explore global trends of expropriation practices, not to be comprehensive rather explicit but to provide a ground reflecting diversity and convergence when relevant. A bundle of interrelated issues like the intensity of expropriation use, institutional context, legal changes, and other related issues should be addressed if the study is more evident.

Governments must redefine the eligibility requirements for expropriation to be successful, such as efficiency, equity, and social acceptance. Many countries have growing problems to exercise expropriation power according to their respective legal orders, which means, first of all, a difficulty in proclaiming an idea of the public interest which is fundamental in modern states. However, this is not a universal trend: even when it is observable, the processes that generate it can be of opposite sign.

Expropriation should be reframed as a part of property regimes and land policies, not only as a pragmatic tool to which governments resort. Nevertheless, it is not enough to observe what happens globally. Instead, expropriation is better understood if the diversity of political, economic, and social contexts it discusses is recognized. Thus, we have hypothesized that different issues are put at stake in different contexts regarding expropriation power. The marked contrast is observed when we analysed the Egyptian case study. Chronological analysis helps to discover patterns of adopting expropriation on the national scale, furthermore, finding reflections of the global trends on that case and how the Egyptian experience allocated in the global context.

Abbreviations

NGOs	Nongovernmental organizations
WB	World Bank
UN	The United Nations
IMF	The International Monetary Fund
USAID	The United States Agency for International Development
GOPP	The General Organization for Physical Planning
GCR	Greater Cairo Region

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Authors' contributions

AE performed analysis of the Egyptian case and interpreted data using chronological timeline and was a major contributor in writing the manuscript. AS provided essential literature, participated in research design, and contributed in reviewing related studies. SG reviewed paper structure, results, and data representation. The authors read and approved the final manuscript.

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Consent for publication

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