A LAND TENURE PROFILE FOR EGYPT

by

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TENURE
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Enclosed is a brief description of land tenure patterns and issues in Egypt. The purpose of the profile is to provide a brief introduction to land tenure systems, land administrative systems and the land tenure issues in current development strategies in Egypt. The question which guided the literature review was, how do rules about access to land influence the outcomes of development projects? If development project designers and managers have even a rough set of answers to this question, they should be able to achieve more predictable and positive results from their efforts.

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LAND TENURE PROFILE : EGYPT

1. Land Tenure Systems

A. History and Direction of Land Tenure Legislation

a. Pre-1952 Situation

At mid-century, Egypt bore a dual legacy: one agro-demographic, the other institutional. The first involved an exploding population attempting to accommodate itself on a highly restricted land base, and a situation in which agriculture could not be practiced without irrigation. Dependence on irrigation has meant that in Egypt's case, rights to land and rights to water have been and continue to be inseparable issues. The institutional legacy featured the results of private property's emergence in the mid-nineteenth century as legally defined according to French and Ottoman legal precepts. In areas where tribal organization prevailed, sheikhs registered land in their own names and emerged as large landowners; communal landownership by village communities was dissolved; large religious endowments (awqaf) were established, in part as a way to prevant property fragmentation through inheritance sub-division.

The domination of agricultural land by a tiny faction of the population resulted in most of the land being operated under sharecrop/tenancy arrangements in which bargaining power was enormously weighted in favor of the land owners. Escalating land values* and a mass of land-hungry peasants produced highly inequitable tenancy and labor arrangements: oral contracts, short-term leases abrogated at the whim of the landowner and high land rents were all part of the picture. By 1952, an estimated 1.5 million farm families were subject either to the above sorts of tenancy arrangements or were agricultural laborers earning below-subsistence wages; the area cultivated by tenants constituted about 60 percent of all cultivated land (Oweis, 1971: 54). Alongside a small number of very large holdings, the mass of remaining holdings were small and fragmented into many dispersed parcels. Intergenerational subdivision of land according to Islamic inheritance rules exacerbated this minisculization of holdings.

Polarization of the landholding structure by 1952 assumed the following statistical dimensions: holding of less than 1 feddan accounted for 71 percent

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* Between 1939-50, land values and rents rose by approximately 500 percent (Oweis, 1971: 50).

of the total and those of 5 feddans or less, 94 percent. This 94 percent accounted for only 34 percent of total cultivated area,* while the .5 percent of holdings larger than 50 feddans covered 36 percent of total area and averaged 179 feddans each (Ezzat, 1963: 101). Landless agricultural laborers constituted the largest group in the countryside (ibid).

The Revolutionary Council which overthrew the monarchy in 1952 saw the above situation as a serious constraint on national productivity; they also realized that the material, social and political base for the ancient regime lay in the agrarian structure. They took quick and determined action to reform it.

b. The Agrarian Reforms: 1952-75

One of the chief components of the agrarian reform was expropriation of lands above certain holding size limits and their distribution to landless tenants or small farmers. Other sources of land for distribution included State Domains, royal family estates, public charitable trusts (public waqf) and land obtained from the expropriation of foreign concessions.

Upper landholding size limits began in 1952 at 200 feddans (plus 100 allowable for a child); this ceiling was lowered to 100 (per nuclear family) in 1961 and to 50 (50 per individual and 100 per nuclear family) in 1969. Exempted from this ceiling over the years have been private and public corporations and societies (Spanogle, 1983: 35); limits were raised most dramatically for reclaimed lands since 1981 (ibid, pp. 38-39), as explained more fully below.

Land reform beneficiaries were to receive 2-5 feddan plots** and were obliged to join agrarian reform cooperatives (see below). In all, about 800,000 feddans were distributed to about 400,000 peasant households (about 13 percent of the total) during the 1950s and 1960s (Nyrop, 1983: 72). The net effect was to eliminate the very top of the agrarian landholding pyramid and to leave in its place a structure of medium and small landholders and a substantial body of landless laborers and tenants.

B. Institutional Innovations

a. Cooperatives. As noted, all land reform beneficiaries had to join cooperatives which formed the institutional hub of the agrarian reform. Indeed, so wide-ranging were the duties of cooperatives that some thought their responsibilities to be excessive. Cooperatives were to deliver production inputs, including credit, conduct marketing and enforce leases. Above all, cooperatives were seen as a way to overcome the obstacles of introducing new technologies and conducting efficient irrigation practices and

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* According to another estimate by Oweis (1971), holdings of 5 feddans or less accounted for 84 percent of the total and only 19 percent of the land.

** Orchard lands were distributed in parcels of up to 20 feddans to agricultural school graduates (Spanogle, 1983: 35).

marketing posed by a structure of small fragmented and independently run farms. The structure created was one in which private ownership of land existed but in which agricultural production and marketing were organized through semi-state controlled cooperatives. Each cooperative was to cover an area of approximately 1,400 feddans and involve about 500 farmers.

"After 1961 the coperative system was extended rapidly to cover the entire cultivated area; virtually all of Egypt's tenants and owners became cooperative members" (Waterbury, 1983: 286). By 1972 there were over 5,000 cooperatives with 3.1 million members (ibid).

C. Block Farming and Rotation

Of all the agrarian reform innovations, the block farming/rotation system has become perhaps the most deeply rooted and most universally praised. Like cooperatives, this system was an effort to overcome the drawbacks of small-holder agriculture. It groups parcels of different owners into three blocks, each devoted to one crop per year in a three-year cycle (cereals, clover, cotton). To accommodate that framework, reform beneficiaries were given their land in three separate parcels. Production incentives were retained by making each farmer responsible for his or her plot and paid on the basis of how much was produced. Advantages of this sytem have included the ability to efficiently perform herbicide and pesticide operations, deliver and manage irrigation and preserve soil quality. Groups of about 60 neighbors would decide on which crop rotations to follow.

Although favorable from a macro-production efficiency standpoint, enforced rotations imposed certain disadvantages on small farmers who were not recipients of three-parcel holdings through the land distribution and who came under the rotation system after the spread of cooperatives to all parts of the country after 1961. These often found themselves having in any given year to plant all their land either in cotton, clover or cereals. Annual income would fluctuate widely depending on the level of payoff generated by the crop they were restricted to. In years when small holders had all their land in cotton, they confronted problems in supplying feed for their animals and food for their families. This scenario was less likely for large farmers who were more likely to have parcels in different sectors of the village (Richards, 1980: 307-308; Waterbury, 1983: 287).

By 1982, this rotation system covered most of the agricultural land, but according to Nyrop (1983: 135) it "appeared to have been relaxed somewhat."

D. Tenancy and Labor Reform and Regulation

With tenancy so widespread in the Egyptian countryside (about two-thirds of total cultivated areas was rented in 1955) (Ezzat, 1963), tenancy regulation has usually been singled out as the major accomplishment of the agrarian reform. While 1.3 million benefitted from land distribution, three times as many farmers benefitted from tenancy reform provisions. The thrust of these regulations was to increase tenant security and leave more money in tenants' pockets. Rents were fixed at seven times the tax levy on land; in sharecrop arrangements, landowners could draw no more than 50 percent (80 percent was common before 1952) of agricultural income; agreements had to be

documented rather than oral, with the lease document deposited with coops which had a role in enforcement; the minimum term for a lease set at three years replacing the formerly typical year-to-year leases; leases could not be arbitrarily abrogated by landlords; a dispute resolution mechanism was set up; decrees issued in 1958 provided for automatic three-year lease renewals.

What emerged was a class of "almost owners"--tenants with 'permanent leases' extended automaticaly for the life of the tenant or even longer (to his heirs) by the Land Reform Act as amended (Spanogle, 1983?: 55). Leases still could be terminated for cause or if a landowner possessing five feddans or more wished to cultivate the land himself (ibid). Sub-letting to third parties has been illegal except to grow food crops or berseem for cattle (ibid, p. 51).

Evasion of tenancy regulations became increasingly common after the late sixties (Platt, 1970: 29). Enforcement of these regulations became more difficult after the 1976 abolition of village dispute resolution committees. Their duties were reassigned to less physically accessible courts.

Moreover, it is important to realize that tenancy reforms did not only benefit the landless or smallholder; the very largest landowners possessing 100 feddans or more utilized tenancy to greatly extend their holdings. In 1961, they leased in 400,000 feddans in addition to the 500,000 they already owned (Waterbury, 1983: 269).

A minimum wage law for the mass of agricultural laborers also was part of the reform. But again, conflicting views exist on the extent to which these laws were actually enforced.

E. Views on Success or Failure

The agrarian reforms are generally thought to have contributed to increased productivity, output and a more equitable distribution of land and income. As far as the overall tenure structure is concerned, the consensus is that while the uppermost level of the rural elite had been removed and land distribution had become less polarized, that essential features of the old structure remained intact; the great majority of farms remained small and tenants and laborers continued to be the numerically dominant elements in the countryside. Agricultural laborers benefitted little if at all from the reforms.

However, one undeniably substantial change had indeed occurred; namely, the state had assumed a much more direct role in production. Its main organizational vehicle for doing so had been the coop. This remained true until 1973 when a sharp about-face in orientation occurred. Sadat's "Open Door" (Infitah) to foreign investment coincided with a drive to diminish the state's direct role in agriculture and to promote administrative decentralization.

This new orientation and the interests behind it were reflected in several measures. Coops lost their formerly pivotal role in the countryside. In the key areas of providing loans and production inputs, coops were supplanted by the village agricutural banks (for more on this change and its

implications, see Section 2 below). Concerning mechanization, private individuals rather than coops were to become the main purveyors of tractor and irrigaton pump services. By the late 1970s, coops owned only about a fifth of all tractors (Waterbury, 1983: 292). The much heralded measures to protect tenants and enhance tenure security were steadily weakened. A reassessment of land values in 1975 led to a sharp rise in rents which were to be based on ten and not seven times the assessed tax (Waterbury, 1983: 285). Village dispute committees, the mechanism for settling tenancy disputes, was abolished and replaced by civil courts located outside most villages and, therefore, far less accessible (ibid, p. 286).

In terms of the size distribution of holdings, the trend between 1970-80 has been toward smaller holdings and an increase in landlessness and rural poverty. Between 33 and 45 percent of rural people were landless in the early 1970s (Waterbury, 1983: 296; Richards, 1980: 306).

2. Reclamation and Settlement

Efforts to extend cultivated land through irrigation, reclamation and resettlement have constituted a major focus of successive post-revolutionary regimes. Only by pushing the cultivation frontiers outward from the narrow strips along the Nile, could the tremendous pressures of population be accommodated. As much as 70 percent of public agricultural expenditure went to such "horizontal expansion" (Waterbury, 1983: 65); the projected level between 1982-87 continues to be high, about 50 percent.

Although projects differed in the specifics of their organization and in their problems of implementation, there was one constant, at least until quite recently: a particularly strong measure of state control. In the words of John Waterbury, what was established in the new lands was "a new agricultural order under public aegis" (1983: 65). Several key features of the agrarian reforms--the cooperatives (termed 'Land Reclamation Cooperatives'), crop rotations, and block farming--found their way into these projects. Several of the new communities were organized as state farms. Other areas served as proving grounds for experimentation with various settlement structures.

A. Regional Distribution and Scope

Almost a million feddans had been reclaimed between 1952-1979. Of this amount, the bulk came into cultivation after completion of the Aswan Dam in 1964. With the dam came another major change--the spread of perennial agriculture, hitherto largely restricted to the Delta. In Nubia, 880,000 feddans were brought under perennial cultivation. To date, virtually all of the Nile basin has undergone the same transition.

Reclamation efforts prior to completion of the dam had centered on the Western Desert, just west of the Delta in what is called Tahrir (Liberation) Province. Within the Delta, reclamation involved the draining of swamps and the elaboration of irrigation and drainage canal networks. Below and running 200-400 miles west of the Nile, a string of natural depressions with oases (Kharga, Dakhla, Bahairiya, Farfara) were the focal points for irrigation, reclamation and resettlement. Other areas targetted for reclamation were the northwest coast and northern Sinai.

After a brief hiatus between the late 1960s to about 1973 when a reassessment of reclamation efforts and their shortcomings took place, reclamation efforts resumed with new vigor but with a different orientation. The old state farm approach was dropped and greater scope was to be given to the private sector, both foreign and domestic. A composite structure was envisaged consisting of small farmers associated with large state farms and agro-industries. The geographic focus of reclamation efforts also changed. Most of the 636,700 feddans designated for reclamation between 1982-1987 lie in areas east of the Delta extending to the Suez Canal and beyond the canal into northern Sinai (Quicke, 1984). Table 1 summarizes how reclamation efforts through 1979 were distributed regionally.

Table 1

Regional Distribution of Reclamation Efforts
1952-1979

Region	Feddans Reclaimed	Regional Total	% of Grand Total
Delta		648,965	69.6
East of	108,220		
Middle	147,450		
West of	393,295		
Middle Egypt	78,100	78,100	8.4
Upper Egypt	205,200	205,200	22.0
TOTAL	932,965		100.0

Source: E. Quicke et al, Arab Republic of Egypt: Five-Year Investment Plan Review; Land Reclamation, IBRD, 1984.

B. Social and Institutional Aspects

Distinctive sets of issues are identifiable based on the social origins of those resettled onto reclaimed lands.

a. Tenants and Farmers Transferred from Old Communities

The bulk of resettlement efforts involved the transfer of landless agricultural laborers and tenants from over-populated Middle Egyptian and Delta villages. Key considerations included criteria for selecting settler candidates and designing settlement structures. Large clustered villages eased service delivery but placed many residents at considerable distances from their fields; a central/satellite village arrangement, ultimately the most widely adopted one, reduced the latter problem but compromised service access for those living in outylying satellite communities. To alleviate that problem, the number of satellite communities was kept relatively low (see Tadros, 1975).

How to enhance community viability was another issue. Communities homogenously composed of farmers often lacked the occupational diversity necessary for viability and to provide non-agricultural job opportunities for the next generation. Without such opportunities either land subdivision or migration to already over-congested cities were virtually inevitable. An evaluation of resettlement and reclamation under the Egyptian American Rural Improvement Service (EARIS) in the 1950s contrasts the success of a large, socially and occupationally diverse community (Abis) with the dismal results in other settlements too small, remote and occupationally homogenous to evolve into viable self-sustaining communities (USAID, 1983).

b. Bedouin

Another target for reclamation and settlement efforts have been semi-nomadic bedouin. The largest concentration (80,000) resided in the northwestern coastal area; others affected were in Wadi Natroun and in the Sinai. Assuming communal tribal tenure to be a source of insecurity that weakened ties and incentives of bedouin toward their land, policymakers made the provision of individual private title a primary priority. Laws passed in 1958 and 1964 (Law numbers 124 and 100, respectively) gave newly settled bedouin the ownership rights over land occupied by orchards or buildings prior to August 1957 (Gabaly, 1965: 217). In the northwest coast, 75 percent of all tribal holdings were converted to individual ownership between 1965-70 (ibid). Even after being settled, animal husbandry has remained a key preoccupation of these people; hence, the importance of access to grazing land. At least through the beginning of the 1970s, the decision had been to leave grazing lands under communal control with their ultimate disposition still left to be finally determined. As in other parts of the country, agricultural producers were organized into coops.

Traditional authority structures embodied in the sheikh and council of elders were weakened due to the strains of having to answer to the sometimes conflicting demands of tribal members and government authorities (Tadros, 1975: 20-23). An unanswered question is what impact this weakening of land authority structures may be having on the efficacy of tenure regulations and on the organization of agricultural production.

c. Nubian Resettlement

Issues confronted by the approximately 50,000 Nubians displaced by the flood waters of the Aswan Dam and resettled in Kom Obo (New Nubia) combined elements of the two previously described situations. New communities brought together people from various tribes. However, although the former unity between village and tribe was disrupted, tribal affinities remained strong. This has apparently placed strains on the administration-settler relationship (Tadros, 1975: 18).

Male outmigration rates to Aswan City and to urban centers in the Delta are extremely high. This phenomenon typically leaves women as the de facto farm managers. More inquiry is needed into the implications of this on land use and production. Possibly tenancy would be common under these circumstances. This and other issues possibly related to the unique conditions of new Nubian communities deserve to be more fully explored.

d. Future Plans and Prospects for Reclamation

After some hesitation in the early 1970s over whether to proceed with reclamation on the grand scale of the past, the question today is no longer whether to do so but how. Land targetted for reclamation between 1982-1987 equals the amount brought into cultivation over the preceding 30 years; the government hopes to add 2.8 million new feddans between 1980 and the turn of the century (Waterbury, 1983: 299).

Opponents of such emphasis on reclamation have presented a number of objections. One set of arguments stresses reclamation's high and escalating costs; $750 per feddan in the late 1960s compared to about $2,000 in 1980. The high proportion of total agricultural investment devoted to reclamation--between 50 and 70 percent--is also objected to. Another set of arguments relate to the purported inefficiencies and futility of reclamation; about 40 percent of reclaimed land is uncultivable. Not much has been gained in net terms, since about as much land has been lost through urban expansion as has been gained through reclamation. The need and expense for tile drainage is another concern.

Since most of the land left for reclamation consists of sandy soil (Quicke, 1984), future reclamation will demand higher capital outlays and greater technical sophistication (e.g., the use of drip irrigation) than was true in the past. Some question whether the state can mobilize such capital and technical resources. Following this logic, a greater role is proposed for foreign and domestic private corporations with highly skilled personnel and strong marketing capacities. The rather recent preference for settling agricultural college and high school graduates evidently derives from similar considerations. Interestingly, their production performance has tended to be inferior to small farmers with little, or no, formal education (Quicke, 1984: 19).

What are some of the lessons learned from the reclamation record so far? One is that the administration and management of irrigation, not the supply of water itself, is a major detriment of reclamation success. Community structures enhacing or detracting from reclamation success have been identified. It has also been learned that what may appear to planners in the capital city as vacant land usually has pre-existing claims, in particular as occasional but vital grazing areas, that must be dealt with. Private buyers of reclaimed land often must pay two prices, one to the government and "a second to a bedouin who claims ownershp through his tribe" (Spanogle, 1983: 42).

One last observation concerns farm management and administration systems deemed optimal in the new lands. One senses a great deal of ambiguity here, especially as regards the role coops are to play. It does seem that the tendency is to widen the scope for private commercial interests. The current balance is for 60 percent of reclaimed lands to be disposed of through commercial sales and 40 percent through sales on easy terms to small farmers and recent high school and agricultural college graduates (Quicke, 1984: 8). Changes introduced with the issuance of Law 141 in 1981 include a dramatic increase in the maximum size of privately owned parcels or reclaimed lands. Individuals are entitled to as much as 300 feddans of "desert land" for

reclamation purposes, coops are allowed 5,000 feddans with 30 per member, and joint stock companies can get up to 50,000 feddans (Spanogle, 1983: 38-39). The same law also opens up reclaimed land to ownership by foreign companies, something forbidden since 1963 (ibid, p. 45).

3. Land Tenure Administration Systems

A. Broad Trends

Two basic debates running more or less in tandem can be identified in the post-revolutionary years. They involved (1) the degree of administrative centralization, and (2) the balance in the allocation of responsibilities either to line-ministries or extra-ministerial agencies and authorities. Centralization and reliance on extra-ministerial bodies linked to the administrative branch and the ruling party apparatus took hold with the 1952 revolution, peaked in the mid-sixties and underwent a reversal in the mid-seventies. Accompanying that reversal was an emphasis on providing the private sector with greater latitude in agriculture. One manifestation of this shift was the reduction in the number of crops subject to compulsory delivery quotas and administered prices.

How have the various aspects of land tenure administration been affected by these trends? The fate of one institution, the coop, provides some of the answers. Most of its former responsibilities were reassigned to other agencies and ministries, most notably the village banks. According to Ilya Harik, this and other changes amounted to "a shift from a participatory institution . . . to a bureaucratic one" (Harik, 1979: 137). The relatively autonomous regional and national administrative network for coops was abolished in 1976 having been replaced by a department in the Ministry of Agriculture to supervise coops (Waterbury, 1982: 295). By the late 1970s, the coops had largely been reduced to an extension type role. As of 1981, supervision by the Ministry of Agriculture remained, but a new coop law in 1980 had reestablished a distinct hierarchy of coop organization, with the Central Agricultural Cooperative Union at the top (Spanogle, 1983). Central Multi-purpose Cooperative Societies were made mandatory at the governate level (ibid, p. 80). The 1980 Law also sought to consolidate different types of coops and merge small ones so that they covered at least 750 feddans each (ibid, p. 75).

Another key institution introduced in 1971 was the Organization for the Reconstruction and Development of the Egyptian Villages (ORDEV) (see Harik, 1984: 55; DAI). It has served as a coordinating body linked upward to the Ministry of Local Government and downward at the governate, district and village levels to two types of local bodies, one elected and one apponted: the Local Peoples's Councils and the Local Executive Councils. These were to determine local needs and priorities and formulate projects to meet them.

Overall there has been a shift in the administrative center of gravity from the national to the governate level. Governors have since 1979 held the rank of minister and are authorized to appoint local executive council officials (Nyrop, 1983: 189) and issue a wide range of regulations relevant to agriculture in the governate. The intervening role of the Ministry of Local

Government has been eliminated with the Ministry's abolition in 1982 (ibid), thus further strengthening the position of governors. Among other things, governors now have a direct role in reclamation, as is described more fully below. In conflicts between regulations issued by the Ministry of Agriculture and governors, the latter prevail (Spanogle, 1983: 16).

Regionalism entered the picture in 1979; eight regional authorities were established under the authority of the governor in the governate designated as the capital of the region. The workings of this system are spelled out in the Law of Local Government No. 50 of 1981.

In more specific operational terms, how have the various aspects of land tenure administration been affected by these trends? What have been and what are likely to be some of the implications? Below these questions are explored in terms of various functional areas: tenancy and especially tenancy dispute resolution, credit, land record-keeping, crop rotations and land use decisions and irrigation management.

B. Tenancy Regulation and Dispute Resolution

Coops used to be the repositories of documented tenancy agreements. Whether this remains the case is unclear from the available literature. Another body associated with the coops, village dispute committees, are credited with having upheld tenant rights. These committees were abolished in 1976 and their duties assumed by regular courts. Being less physically accessible than their predecessors, it has become much more difficult for peasants to pursue and resolve disputes.

C. Land Records

In addition to being repositories for tenancy agreements, coops also used to keep land records. As of 1966 (under the Unified Agricultural Act), these records took the form of agricultural holding cards issued to all landowners and tenants paying money rents. These cards included all information about the holding. This was an especially useful arrangement as long as coops were also the main channel for loans. This responsibility now belongs to agricultural banks. Beyond the card system, we could find no information on the current system, except a few indications of the status of record keeping. About half of all landholders lack official ownership documents in their own names, having failed to document land acquired either via inheritance or purchase. Few inheritors, especially inheritors of small parcels, register property. One estimate puts at 40 percent the proportion of holdings 3 feddans or less (i.e., about 32 percent of all holdings) without proper documentation (Waterbury, 1983: 271-272). The extent to which documentation has become degraded among recipients of land either through the agrarian reforms or through reclamation and settlement is a topic meriting closer attention.

D. Credit

In their role as credit and production input suppliers and marketing agents, coops were largely supplanted in 1976 (Law No. 117) by village agricultural banks. An approximately 750 village banks serve the credit needs

of larger villages (Spanogle, 1983: 116); the more numerous and widely dispersed "agencies" service smaller communities, sometimes operating through coops. For larger than normal loans (e.g., to purchase a herd of livestock), farmers must deal with the more physically remote district level banks. Credit eligibility requirements have evidently been tightened and interest rates raised closer to market rates (Spanogle, 1983: 121). Banks were to be run "on a strictly businesslike basis, with close attention paid to the credit-worthiness of the borrower, and with the seizure of land used for collateral in the event of default on repayments" (Waterbury, 1983: 295).

E. Land Taxation

This is an increasingly important area, given the emphasis in recent years on devolving project initiative and implementation authority to the local levels. Villages are primarily responsible for collecting taxes on agricultural land. According to article 69 of the Law of Local Government (No. 50, 1981), 75 percent of taxes collected are to remain at the disposal of the village; 25 percent is to go to the governate (same law, Article No. 35).

Land value assessments, however, have been few and far between. The last major one was evidently conducted in 1975. Sensitivity over such reassessments derive less from what they imply for taxation per se, than their impact on legal rents. Until 1975 rents were to be set at seven times the land tax; in 1975 this ratio was increased to ten. Taxation as a percentage of agricultural income per feddan has been and remains low. Average land tax as a percentage of average income from one feddan was about 4.4 percent in 1952 and had declined to 2.3 percent by 1964 (Waterbury, 1983: 293).

F. Inheritance

Since the agrarian reforms prohibited the subdivison of distributed lands, it had to be decided who among a person's offspring would obtain the land. Matters of inheritance are now settled either voluntarily or through the courts. Most observers doubt that the non-subdivision rule has been widely enforced. Now one or two generations after lands were initially distributed, more information is needed about the integrity of those lands. Have they been subject to fragmentation and if so, what effect has this been having on the capacity to implement rational production techniques?

G. Land Use Decisions, Crop Rotations and Irrigation Management

Land use decisions, crop rotations and irrigation all used to be administered wthin the cooperative framework. The key element was a block farming arrangement covering units of between 1,000 and 1,500 feddans. Crop rotations were decided upon by groups of about 60 farmers. Block farming still figures in recent proposals for stimulating the cultivation of certain crops, notably rice (USAID, 1984). The role of coops in these new schemes is unclear, however. Evidently some authority is still exercised through Cooperative Enforcement Committees (Spanogle, 1983: 98). But reduction in the number of crops subject to mandatory delivery quotas and the shift of land use into "uncontrolled" crops (especially fruits and vegetables) raises the

question of whether block farming is less widespread than before.* Even for controlled crops, an only 60 percent compliance rate with quotas is reported (ibid, p. 101).

H. Irrigation Management

The Ministry of Irrigation exercises overall control over the system. "Major irrigation systems are operated and maintained by the government, while the minor systems leading from the public canal to the individual cultivated field, are privately owned and maintained" (Spanogle, 1983: 128-129). Private canals serving as many as 250-300 feddans can be taken over by the Ministry of Irrigation and made public (ibid, p. 133). The Ministry also has eminent domain powers over land required for irrigation or drainage canals. Those wishing to install animal-operated or mechanical pumps must request authorization and pay a fee. Compliance with water allocation schedules is monitored by Irrigation Inspectors. According to Spanogle (1983: 128-129) the indirect measurement technique of checking water levels in irrigation canals allows for widespread violations. He cites the system of farmer self-regulation in Fayoum as a more successful approach than the prevalent system of tight government regulation.

Private canals and drains serve approximately 75 farms and between 20-150 feddans. Farmers without access to water have the right to dig a canal across neighbors' land, with compensation set by the Irrigation Inspector (ibid, pp. 135-136). Disputes over this and other matters are resolved according to a three-stage process: (1) conciliation and mediation between the parties, using local committees established for that purpose; (2) referral to the Irrigation Inspector; and (3) submission of an appeal to an administrative or civil court (ibid, p. 138).

I. Administration in Reclaimed Areas

Instability and change has been the hallmark of administration in reclaimed areas. One of the main shifts has been away from special organizations such as the General Organization for Desert Rehabilitation (or regional project-specific organizations such as the General Organization for Development and Rehabilitation in Beheira and Fayoum) toward the allocation of responsibilities to line ministries, such as the Ministry of Housing and the Ministry of Irrigation. In connection with this change, the conclusions of a thirty-years later retrospective on the experience of the Egyptian-American Rural Improvement Service (EARIS) is worth noting. Initial successes are attributed to the status of EARIS as a semi-autonomous, independently funded organization; its later decline is claimed to be due to the transfer of project administration to line ministries (ibid, p. vi).

A major feature of the current administrative structure is the split between planning and implementation functions. Overall authority resides with the Ministry of Irrigation and Land Reclamation; under it is the General

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* This question applies mainly to older cultivated areas, not to newly reclaimed lands where state controls continue to be strong.

Authority for Rehabilitation Projects and Development (GARPAD). Its responsibilities consist of developing social infrastructure and planning individual projects. Associated construction work is assigned to one of six public sector companies linked to the Ministry of Irrigation whose major responsibility is to construct irrigation canals and prepare land for cultivation. A recent World Bank evaluation of the current arrangement cites frequent changes in GARPAD's managerial staff and public sector companies as problems compounding those resulting from frequent changes in organizational structure.

Two recent administrative developments are consistent with the overall devolution of authority to sub-national units. One concerns the role of governors spelled out in articles 28 and 36 of the 1981 Law of Local Government (No. 50):

> "The Governor . . . may devise regulations for the disposition of cultivable land reclaimed by the governate within the boundaries and adjacent land extending up to two kilometres, after consulting with the Ministry of Reclamation" (Article 28).

A special budgetory account was also created for land reclamation purposes at the governate level.

Another development relevant to reclamation has been the regionalization of planning spelled out in Articles 7-9 of the same 1981 Law. The involvement of Regional Planning Authorities in reclamation is not explicitly delineated, however.

Given the multiple layers of authority described above, coordination of land related activities in Egypt is a complex affair indeed.

4. Land Tenure Issues in Current Agricultural Development Strategies

Egypt's increasing dependence on food imports (1970: $300 million; 1981: $3.3 billion; Source: IADS, 1984, p. 2) has refocussed attention on factors impinging on productivity and land use. Tenure issues that impinge upon productivity fall into two not always mutually exclusive categories: (1) those that affect producers' incentives and land use decisions, i.e., tax and price policies, marketing and tenure security; and (2) those that facilitate or hinder improvements in production technologies (organizatonal as well as mechanical). Figuring most prominently in the latter category is the high degree of land fragmentation and the dominance of small farms. The next section considers those issues.

A. Land Fragmentation and Small Farm Size: Implications for Upgrading Agricultural Technology

Fragmentation and the scattering of parcels under individual small-holder ownership is considered a major obstacle to mechanization which is valued less for its role in diminishing labor requirements than for its role in freeing up land now being devoted to fodder crops for draft animals. Proposals to

address this problem build upon ideas introduced by the agrarian reforms, most notably, the consolidation of parcels into blocks under single crops. It should be noted that the degree to which fragmentation poses an obstacle to mechanization depends on the sort of machinery being considered; small cultivators and tractors would be less incompatible with a fragmented/small farm structure than would 200 horsepower tractors and combines.

The case against fragmentation is less equivocal when it comes to efficient irrigation management. This is indicated by Mustafa Gabaly's observation in the mid-1970s, that although "most branch canals service 1,000 feddans, . . . these feddans are usually a patchwork of different crops with different water requirements" (Waterbury, 1983: 301).

Islamic inheritance rules entitling equal shares to all sons and half-shares to daughters, are usually regarded as the main culprit in promoting excessive subdivision and dimunation of farm size. In the past, the rich more successfully averted excessive fragmentation by establishing private charitable grants in perpetuity (waqf ahli) (Marbro, 1974: 60). The agrarian reforms outlawed this institution but, at the same time, prohibited subdivision of beneficiary lands (about 10 percent of the total) among heirs. Either a voluntary agreement or a court decision was to determine which heir would inherit all the land. Preference is given to those who work in agriculture; lots are drawn if more than one person qualifies. Co-inheritors must be compensated and if this is refused the land is auctioned off (Spanogle, 1983: 36).* The same rules evidently apply in reclaimed areas. According to Platt (1970: 46), this law "has had no apparent deterent effect and no serious attempt has been made to enforce it." One apparently common way it has been circumvented has been through a system of family tenure whereby "the land is owned by a group of people in shares, and therefore is not officially fragmented" (Spanogle, 1983: 36).

Obviously it is against the interests of the farmers themselves to see their lands reduced to unviably small size. This has led to informal mechanisms to reduce the extent of subdivision. One involves the usual denial of inheritance rights to females, on the grounds that they will be cared for by their husbands. Another is the renunciation of claims to those still in the village by those in non-agricultural employment. Government assistance in non-farm skill training and the granting of start-up capital for the establishment of alternate businesses seems the most promising approach for the government to take in containing fragmentation. Another element potentially counteracting small farm size and fragmentation is consolidation through tenancy (Platt, 1970: 46).

B. Tenure-Related Factors Impinging on Production Incentives

Policies impinging upon production incentives are some of the most controversial--land taxation, rents, crop pricing policies, tenancy regulation and tenant security.

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* Some Islamic countries (e.g., Tunisia) have devised schemes to assist individuals in buying off shares from co-inheritors. No evaluation of this approach is available, however.

As already noted, under the current decentralization drive, land taxation has gained importance as a financing source for local development initiatives. At the same time, levels of taxation have been on the decline and remain negligible (Waterbury, 1983: 293). Nevertheless, the issue still remains of establishing the levels at which such taxes encourage intensive land use or dampen production incentives. Higher taxes on vacant or non-optimally utilized lands can be used to spur greater productivity.

Until now, the really significant tax burden on agricultural producers has operated via crop (and production input) pricing policies. The "tax" amounts to the gap between market prices received by the government and those paid by the government to farmers under mandatory deliver quotas. The tendency has been to reduce the number of crops subject to that system. Whether to emphasize taxes on land or taxes on income from crops remains a basic policy issue. Some serious study should be made of the advantages and disadvantages of a tax on the land rather than on crops (indirectly or directly) in order to increase incentives to maximize the value of crops produced on the land and reduce the temptation to speculate in land.

Rent levels also have an important impact on producer incentives. High rents may force renters into land use which is contrary to government policies (sale of topsoil as bricks). Low rents may lead to land being withdrawn from production. This is a topic that also deserves closer study.

Tenure Security figures importantly in productivity, investment and land use. As noted above, a substantial number of farmers lack documented title to land. As for relatively recent recipients of title via either reclamation or agrarian reform distribution, costs and difficulties in updating documents to reflect inter-generational ownership changes will probably swell the ranks of non-titled farmers even further. With loans having been made contingent in the mid-1970s on titled land as collateral, the above situation augurs ill for investment and improved production input utilization among small farmers.

Another disturbing trend involves diminishing tenant security and the less favorable terms under which tenants, especially small/landless tenants, lease in the land they are operating. Since tenancy accounts for about 40 percent of all cultivated land (Waterbury, 1983: 283), any change affecting tenancy carries great significance.

The low and stable rents (actually declining in real terms because of inflation) that prevailed between 1952-1975 had both positive and negative consequences. On the positive side, some renters returned to direct cultivation because of higher returns than for absentee renting. On the other hand, illegally high rents occurred with unwritten contracts due to continued land hunger (Waterbury, 1983: 283).

Since 1975, (1) rents rose sharply, (2) grounds for tenant eviction were eased, (3) dispute committees were abolished and replaced by regular courst, and (4) rental agreements could, with the consent of both parties be converted to sharecrop arrangements. Item (1) increased the incentives for absentee ownership. Item (4) did the same by providing a way to circumvent rent erosion in years between land reassessments during which sharecropping promised greater returns than rents for high value crops, notably fruits and

vegetables. Land use decisions remained the landowners' prerogative. Two other notable developments include the greater frequency of short-term single-season contracts as a way to circumvent laws sactioning automatic lease renewals and the establishment of virtually permenant leasehold rights. Another has been the return to the pre-land reform system of absentee ownership using agents or managers "to cultivate lands without the protection given to tenants" (Spanogle, 1983: 51).

C. Urban Expansion and the Preservation of Agricultural Land

Between 1958-1980, an estimated 1-1.5 million feddans of prime agricultural land was lost to urban expansion and other construction. This equals or surpasses the amount of land brought into cultivation at enormous cost through reclamation (Waterbury, 1983: 262). Estimates of the annual rate of agricultural land loss range between 15-30,000 feddans, a rate 10-20 times higher than it was in the fifties (Nyrop, 1983: 124).

Areas around the major cities have been most seriously affected. Fueling the conversion of land to urban uses has been the skyrocketing of land values around urban fringes and along major roads. In the environs of Cairo, "fields costing a few thousand dollars in the early 70s were selling for $40,000 a decade later" (Nyrop, 1983: 77). Few farmers could resist selling their lands under such circumstances.

The Unified Agricultural Act of 1966 "prohibits building on agricultural lands unless authorized by the Ministry of Agriculture, but then directs the Ministry to promilgate regulations to allow such authorization" (Spanogle, 1983: 89). Zoning restrictions have been attempted, but with little apparent success; building without permits remains widespread. Measures designed to address this problem are urgently needed.

5. Issues Identified Which Merit Further Exploration

A. Land Records

Documentation of rights to land may have become degraded among recipients of land either through the agrarian reforms or through reclamation and settlement. If such legislation has occurred its extent and cost of repair should be estimated.

B. Irrigation Management

According to Spanogle (1983: 128-129) the indirect measurement technique of checking water levels in irrigation canals allows for widespread violation. He cites the system of farmer self-regulation in Fayoum as a more successful approach than the prevalent system of tight government regulation. A more systematic comparative evaluation of different irrigation management systems in Egypt is needed.

C. Inheritance and Fragmentation

Since one or two generations have emerged since lands were initially distributed, more information is needed about the integrity of those lands.

Have they been subject to fragmentation and if so, what effect has this been having on the capacity to implement efficient and profitable production techniques? What alternatives to farming fragmented land are there? Could government assistance in non-farm skill training and the granting of start-up capital for the establishment of alternate businesses be effective as an approach to counteracting fragmentation?

D. Block Farming and Crop Rotations

Block farming still figures in recent proposals for stimulating the cultivation of certain crops, notably rice (USAID, 1984). The management of such a system is, however, unclear. What is the role of coops in these new schemes? Evidently some authority is still exercised through Cooperative Enforcement Committees (Spanogle, 1983: 98). Reduction in the number of crops subject to mandatory delivery quotas and the shift of land use into "uncontrolled" crops (especially fruits and vegetables) raise the question of whether cooperatively managed block farming is less widespread than before. If so, what management system will take its place?

E. Reclamation

Given the multiplicity of administrative authorities involved in reclamation, how well are they coordinately handled, and what are some of the ways that coordination might be improved? An area of specific interest is the involvement of Regional Planning Authorities in reclamation matters.

Reclamation projects involving semi-nomadic bedouin have strained traditional authority structures. What is the impact of this on the efficacy of tenure regulation and on the organization of agricultural production? The impact of individualizing ownership on access to vital grazing areas remains another outstanding issue.

In the newly established settlements of Nubia, male outmigration rates to Aswan City and to urban centers in the Delta are extremely high. This typically leaves women as the de facto farm managers. What are the implications of this on land use and production? One would expect tenancy to be common under these circumstances. If so, how are land and input use, mechanization and marketing decisions affected? These and other issues related to the unique conditions of new Nubian communities deserve to be more fully explored.

F. Production Incentives

a. Taxation

Although current tax levels are low, the issue still remains of establishing the levels at which such taxes stimulate and at what levels they begin dampening production incentives. Higher taxes on vacant or non-optimally utilized lands can be used to spur greater productivity. Too high tax levels can chase land out of farming. Whether to emphasize taxes on land or taxes on income from crops remains a basic policy issue. Serious study should be made of the advantages and disadvantages of a tax on land rather than on crops (indirectly or directly) in order to increase incentives to maximize the value of crops produced on the land and reduce the temptation to speculate in land.

Rent levels also have an important impact on producer incentives. High rents may force renters into land use which is contrary to government policies (e.g., sale of topsoil or bricks). Low rents may lead to land being withdrawn from production. This is a topic that also deserves closer study.

b. Tenure Security

Two recent tenure developments have been noted: (1) the greater frequency of short-term single-season contracts; and (2) the return to the pre-land reform system of absentee ownership using agents or managers to cultivate lands without the legal protections given to tenants. How widespread have these practices become and what has been their impact on the level and nature of production? The apparently widespread lack of documented title and the system of family land tenure adopted as a way to circumvent strictures against inheritance subdivision also merit further evaluation.

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