

## 2. Law 96 of 1992: The Government's 'Serious Commitment to Implementation'

### 2.1 Introduction

There have been moments in Egypt's history of agrarian change, when outbreaks of violence resulted from a direct confrontation between farmers and the state due to unpopular reforms, not least the recent implementation of Law 96 of 1992. And yet discussions of rural politics and violence in the Egyptian countryside have often been one-sided, with a tendency to focus on actions taken by local actors against the state, while the ways in which such actions were punished or avenged have been seldom analysed. Moreover, if one examines official accounts of rural violence in Egypt, it becomes more and more evident that this one-sidedness is by no means accidental. For instance, if one considers the way in which the perceived threat of 'rural unrest' was profiled extensively by the Egyptian government during the build up to the law's full implementation in October 1997, as opposed to the subsequent lack of reporting on the subject once the deadline had been passed; it becomes clear that this selective representation of information was politically motivated.

It is true that the levels of violence were far lower than predicted by those who had feared a 'social revolution'. From the government's point of view, the violence that actually erupted in 1997 in the Egyptian countryside was relatively minimal and easily contained. However, the extent to which these incidents were downplayed or simply ignored in official reports was by no means unintentional. According to Saad, only major incidents of violence were reported in the official media, but these tended to be slotted into the inner 'crime' pages, while most other incidents were not taken into account at all.<sup>1</sup> A land tenure study conducted in 1999 by USAID in collaboration with the Ministry of Agriculture stated that, "Because of the reconciliation committees, and the good relations which generally exist between landlords and

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<sup>1</sup> Saad 2004, p. 13

tenants in the Egyptian countryside, police action was rarely used to settle disputes, and the courts were seldom required to intervene.” The authors of the report continue by underlining how “Almost all landlord and tenant relationships have been peacefully reconciled”. Yet in the same paragraph, it is mentioned that “police intervention at the outset was a sign of the government’s serious commitment to implementation. Hence, tenants and other concerned parties found it necessary to comply.”<sup>2</sup> The way in which the police ‘intervened’, however, is not specified by the authors. Moreover, as will be described in this chapter, very few tenant farmers resorted to the official reconciliation committees to solve disputes over land tenure, as the impartiality of the arbitration procedures was highly questionable.

And contrary to official reports, the Land Centre for Human Rights (LCHR) documented 32 deaths, 751 injuries and 2410 arrests in the Egyptian countryside related to Law 96’s implementation between January 1997 and May 1998. Furthermore, there were “violent clashes in about one hundred villages throughout Egypt leading up to and immediately following October 1997”, resulting in numerous incidents of intimidation, illegal detention and torture of farmers on the part of the police and the security forces.<sup>3</sup> Yet the government continued to broadcast how smooth the transition of Law 96 had been and how effectively the ‘problem’ of the tenants had been solved. Indeed the overall message conveyed to the public was that this chapter of Egypt’s history had been successfully concluded. In reality, research has shown that the government’s repeated promises to compensate evicted farmers for their losses have yet to be fulfilled. The case study of El Bîr will illustrate that many instances of voluntary dispossession were related to Law 96’s application. And it was often the poorer farmers who depended most on the revenue from the land for their livelihood who had to give it up. As in other parts of the Egyptian countryside, they have been forced to subsist on drastically reduced incomes over the last decade. In some areas, this squeezing of scarce resources has led not only to increasing rural differentiation, but also to the intensification of individual acts of land related violence.

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<sup>2</sup> USAID and MALR 1999, pp. 1, 3

<sup>3</sup> Ismail 1998, pp. 136–147; LCHR 2002, p. 126

## 2.2 Law 96's Full Implementation and the Increasing Politicisation of Land

Law 96 stipulated that the relationship between landlord and tenant would, henceforth, be subject to provisions of the *Civil Code* principle of contractors, whereby, "Determining the rent has become freely done by both landlord and tenant according to the principle of the law of the contractors, with the consequent result of freedom of the two parties to formulate the provisions of the contract" (i.e. it was no longer subject to the provisions of the Land Reform Law).<sup>4</sup> Furthermore, the owner was granted the right to evict tenants if s/he wanted to sell the land, but in this case, the tenant had the right of first refusal, and would be given a 25 % discount on the sale price. If the tenant did not wish to buy the land, s/he would get 25 % of the sale price as compensation for leaving it.<sup>5</sup> However, if no agreement were reached between the landlord and the tenant, under Egyptian civil law, s/he could only be evicted from the land with a court warrant and only the assigned courts had the power to do this.<sup>6</sup> Evicted tenants also had the right to receive compensation for all the infrastructural investments they had made in the land, such as the construction of warehouses and stores and the installation of water pumps. In addition, they had the right to harvest the crops that had been planted in the last growing season before the law's full implementation in October 1997.

As the LCHR documented, however, there were numerous violations committed by the police and state security forces with regards to Law 96, such as using threats, intimidation, detention, and in many cases torture.<sup>7</sup> All these actions were carried out on the pretext of maintaining law and order, under the state of emergency (*halat al tawari*) that had been in effect since the presidential decree of 1982. Thus the concerned courts were stripped of any vestige of authority that had been left to them.<sup>8</sup> In other words, the state and its authorities had no

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<sup>4</sup> Bernard-Mangiron and Baudouin Dupret 2002, p. 132

<sup>5</sup> Saad 2002, p. 111

<sup>6</sup> Ismail 1998, p. 77

<sup>7</sup> Ibid, pp. 77, 78

<sup>8</sup> According to decree no. 4 for 1982, the Minister of the Interior has the mandate to take whatever actions necessary to maintain the rule of law and order, as stipulated in the third article of Law 162 / 1958 (LCHR 2002, p. 130). The prolongation of the state of emergency for another three years was approved by the People's Assembly in 1994, in 1997 and in 2000 (Kienle 2000, pp. 22, 158).

intention of waiting for court orders. The application of the state of emergency allowed the regime to arrest anyone for no less than eight days and for up to ninety days, provided that a warrant had been obtained from the Ministry of the Interior. Apart from the recourse to administrative detention, the law of emergency allowed for the restriction of people's personal privacy, freedom of expression, movement and assembly.

To turn now to the events themselves, on the 29<sup>th</sup> of February 1996, a tenant farmer in the Egyptian Delta was stabbed to death by his landlord after refusing to evacuate a plot of land.<sup>9</sup> However, it was only in December 1996 that the first substantial protest against Law 96 took place. It began spontaneously in the town of Beni Suef situated 150 km south of Cairo, when a branch of the Agricultural Credit and Development Bank refused to offer tenant farmers the annual loans they had always been eligible for. The bank knew full well that their rental contracts would expire before the end of the following year. Around three thousand farmers demonstrated against the bank management, blocking the main roads leading to the city centre, as well as the Upper Egyptian railway line. The farmers marched to the office of the provincial governor and demanded the abrogation of the law. As the situation was becoming increasingly explosive, the security forces were called in and ten protestors were arrested. However, the commissioner of police promised to address the farmers' complaints on condition they dispersed peacefully.<sup>10</sup> Two opposition papers that reported these events and other similar incidents were subsequently shut down.<sup>11</sup>

This marked the beginning of a series of protests in the countryside that took the form of attending meetings; collecting signatures; raising black flags over rooftops and in the fields; and putting up signs in houses denouncing the law.<sup>12</sup> Around two hundred meetings were held in

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<sup>9</sup> Saad 1999a, p. 402

<sup>10</sup> Ismail 1998, p. 45 and Mitchell 2002, p. 265

<sup>11</sup> According to the *Middle East Times* (May 20, 2000), the opposition paper *Al-Dustur* was shut down in February 1998, while its editor and two other journalists were fined and sentenced to two years of hard labour for libelling the Ministry of Agriculture. And in May 2000, the newspaper of the Labour Party, *al-Sha'b* was shut down (Mitchell 2002, p. 368).

<sup>12</sup> These activities are summarised in the last two chapters of Ashmawi's study on rural uprisings in Egypt, which deal specifically with the farmers' resistance to Law 96's implementation, based on LCHR documentation (Ashmawi 2001).

the coming months by what came to be known as the 'Farmers' Committees for Resistance to Law 96', supported initially by the urban-based opposition parties and by NGOs, the LCHR being one of them. The main aim of these assemblies was to convey the opinions of the fellahin to the authorities: messages were addressed to the President and the Ministry of Agriculture, in which fears and warnings about the consequences of the law were expressed.<sup>13</sup>

In the beginning, the reaction of the government appeared to be calm, but developments were being observed closely and a number of activists were taken in for questioning. The Tagamu' Party staged a rally in Cairo on the 30<sup>th</sup> of April 1997 when around 7,000 farmers gathered to protest the implementation of Law 96. The date of the rally coincided with the assassination in 1966 of the famous fellah activist, Salah Hussein, in the village of Kamshish (see Section 3.3). The state responded by arresting a large number of suspected protestors or by preventing them from entering the capital, while the party speaker began his speech ahead of schedule in order to avoid police repression.<sup>14</sup> For the first time, repressive measures introduced in the 1992 amendments to the penal code targeted against sympathisers and alleged members of armed Islamist groups were used against members of the opposition parties who supported the farmers' cause.<sup>15</sup> As Kienle notes, according to the 1992 amendments, "Vague terms such as the 'use of force' allowed anything to be interpreted as terrorist, from an attack on a passenger train to the occupation of a factory by striking workers or a road block set up by peasants who had been forced from their land."<sup>16</sup> It was no coincidence, therefore, that the amendments to the penal code followed the enactment of Law 96 so swiftly. These changes represented the potential action that could be taken by the state in the event of urban or rural unrest, as well as its actual application in 1997.<sup>17</sup>

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<sup>13</sup> LCHR 2002, p. 126

<sup>14</sup> Kienle 2000, p. 92. This was confirmed in an interview with Mohammed Abdel Aal, who attended the rally personally (Interview conducted in April 2003).

<sup>15</sup> Although some of the law's opponents belonged to the Labour Party which could be considered Islamist, it had never been involved in armed struggle with the regime; while other opponents were members of the Tagamu', which is the most radical anti-Islamist party. (Kienle 2000, p. 158)

<sup>16</sup> Ibid, p. 94. Prior to these amendments, the notion of 'terrorism' (*irhab*) had not been specified within the penal code itself.

<sup>17</sup> Ibid, p. 158

Between June and July 1997, tensions escalated further, with many farmers being arrested and taken into custody. One instance was when several thousand leaseholders gathered for a protest march in early July in two villages in the southern province of Minya. The protesters blocked the main traffic thoroughfares, as well as the railway track. In the confrontations that followed, several houses of local landlords and a bus were set on fire. Three people died and another twenty were injured. Then a day later, in a village in the Nile Delta, tenant farmers set fire to the offices of the local branch of the Ministry of Agriculture in an attempt to destroy official records establishing land ownership; more than 160 people were arrested. In some cases, landlords themselves resorted to acts of violence against non-compliant leaseholders, even before the law had been fully implemented. For example, on the 28<sup>th</sup> of July 1997, a 70-year-old tenant farmer and his wife were beaten to death in a Delta village by the owner and his son for refusing to pay the rent increase.<sup>18</sup>

Then in the autumn of 1997, other supporters of the tenant farmers were indicted for ‘obstruction of the application of the law and the use of terrorist means’, in accordance with the 1992 amendments as referred to above. Kienle describes how in one instance, ‘the charge was based on the single fact that the text of a communiqué criticising the new law was found in the office of the accused’. The activists were later released on bail, but the charges were not dropped. Hence the regime was able to ‘quietly bury difficult cases, but left the option open of digging them out at any time and using them against opponents if they continued to make trouble’.<sup>19</sup> It was this move by the government that severely weakened the urban-based support of the farmers’ cause as opposition party members began to fear for their own safety. According to the LCHR, 43 out of the 219 meetings organised by the farmers’ committees during this period were cancelled and 31 people were arrested.<sup>20</sup> Ismail points out that the resistance committees were formed more as a sign of symbolic protest, rather than initiating a political movement with clear aims and a strategy. Their actions were spontaneous in nature and although its leaders engaged in fierce rhetorical battles with the government to protect the

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<sup>18</sup> El-Gawhary 1997, p. 42

<sup>19</sup> Kienle, p. 96; see also El-Gawhary 1997, p. 42

interests of the farmers; no concrete proposals were made as to how evictions could be stopped.<sup>21</sup>

Moreover, other potential farmers' interest groups, such as the Union of Agrarian Reform Cooperatives or the Higher Council of Agrarian Cooperative Societies, were purely technical in function and headed by NDP apparatchiks. They were dominated by rich fellahin who tended to promote their own landholding interests.<sup>22</sup> Nevertheless, the opposition party leaders did not give up lobbying for the tenant farmers' cause. For example, all three parties opposing the law (Tagamu', Labour and Nasserist) held meetings attended by more than a thousand farmers to commemorate National Farmer's Day in September 1997. During these meetings, the evictions were condemned and appeals were made to the President himself to repeal the law or to extend the evictions deadline until viable alternatives for those affected had been prepared.

Throughout the unfolding events, Mubarak kept a very low profile as he has been known to do during other moments of crisis in the twenty-three years of his rule.<sup>23</sup> His role was to observe from afar, while issuing instructions on how best to address the 'problems' of the tenant farmers.<sup>24</sup> As Saad emphasises, however, it was still fundamental for him to maintain a 'special' connection with his people. Thus, his response to appeals for help was to run a broadcast on the 9<sup>th</sup> of September 1997 on Egyptian television. The broadcast was part of the daily programme "This Day in History". As it was the anniversary of Nasser's declaration of the first Agrarian Reform Law of 1952, there was a running commentary on agrarian reform, the abolition of feudalism, the distribution of land to downtrodden peasants, etc. However, instead of Nasser, the clip accompanying the commentary featured Mubarak handing out title deeds to a man dressed in a *gallabiya*. To quote Saad: "Such a picture that encapsulates the

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<sup>20</sup> Ismail 1998, p. 142

<sup>21</sup> Ibid, p. 60

<sup>22</sup> Hinnebusch 1993, p. 21. In fact, the majority of governorate, district and local village councils are still dominated by the NDP, while the representation of farmers in the People's Assembly has declined dramatically under Mubarak, in particular since the 1984 elections.

<sup>23</sup> During the 2003 war in Iraq, for example, when tensions were running high and anti-government sentiment reached a peak, Mubarak was careful to make very few public addresses to the nation.

intimate relationship between the president and his people is a powerful and evocative image. It has become an icon of a leader's popularity. It is just too attractive to let go.<sup>25</sup> This propagandistic drive to win the hearts of the fellahin, however, did little to convince them that Mubarak was about to undergo a miraculous transformation of personality.

### **2.3 The 'Reconciliation Committees'**

In a further attempt to appease growing public concern about the reported violence in the countryside, in August 1996, the government decided to set up a series of committees labelled somewhat euphemistically as 'provincial reconciliation committees'. These committees were supported by other subcommittees operating at the village level and were supposed to help solve serious disputes between tenant farmers and landlords. The members selected to be on each committee seemed to vary from village to village, although the presence of local agents of the regime, such as the village heads, agricultural cooperative directors, village council heads, local representatives of the People's Assembly and chiefs of police, was inevitably disproportionate. According to a study conducted by the Agricultural Policy and Reform Programme (APRP) in 1999, the reconciliation committee members were largely composed of officials from the Ministry of Agriculture and from the cooperatives, which it claims 'were community members who were trusted by both tenants and landlords'.<sup>26</sup> The following case studies, however, do not confirm such assumptions. On the contrary, given the fact that the interests of the tenant farmers were largely under-represented by such committees, it is logical that the latter tended to rule in favour of powerful landlords.

For example, the committee set up to resolve the dispute between tenant farmers and the inheritors of Amin Wali's land in July 1997 was comprised of the following people: the under-secretary of Fayyum governorate (Ministry of Agriculture), the head of the district agricultural cooperative, the district council chairman, a government employee from the land surveying

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<sup>24</sup> Saad 1999b, p. 32

<sup>25</sup> Ibid

<sup>26</sup> USAID and MALR 1999, p. 4



department, and a representative of the inheritors. In addition, the district chief of police and his investigation officer attended the reconciliation meeting.<sup>27</sup> The dispute involved 75 feddans and 6 qirats of land that had been confiscated from Amin Wali (the grandfather of Yusef Wali, the Minister of Agriculture, Deputy Prime Minister and Secretary General of the NDP at the time) and redistributed to fifty-two farmers by the Agrarian Reform Authority in 1966. Although Law 96 did not apply to Agrarian Reform Land, the farmers were informed by the relevant authority that the land had been released to the original owners, including those plots that some farmers had asked to purchase in 1986, for which they had paid the fees of precondition.<sup>28</sup>

After investigating the complaints submitted by both sides, the committee came up with three solutions: 'either the land was returned to the inheritors of Amin Wali, providing that the latter ceased to obstruct the tenant farmers in their work'; or 'a new rental agreement was drawn up for a period of one year, as it would take six months for the cases brought by the farmers before the courts to be dealt with. If the courts ruled in favour of the farmers, this contract would be null and void, but if they lost they would have to hand over the land immediately'. The third solution was worded as follows: "If the above solutions were rejected by the farmers, they would have to bear the consequences."<sup>29</sup> Before the court cases were heard, however, the inheritors of Amin Wali came up with their own solution. Together with the local police, they terrorised the farmers to induce them to leave the land under contestation. In the end, thirty of these farmers were tortured until they agreed to return the land to the descendants of the original owners.<sup>30</sup> In the light of these events, the only purpose of the meeting between the tenant farmers and the owners in July 1997 seems to have been to intimidate the former. And the fact that even the relatives of the Minister of Agriculture used the 'reconciliatory' framework to contest rights to land that went far beyond the terms and conditions of tenanted land, illustrates clearly the spurious nature of these committees.

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<sup>27</sup> Ismail 1998, p. 64

<sup>28</sup> LCHR 2002, p. 135

<sup>29</sup> Ismail 1998, p. 64

<sup>30</sup> LCHR 2002, pp. 128, 135

In addition, the so-called reconciliation councils often conducted their meetings at the police station; an indication in itself of the nature of the agreements that were concluded. In one case, three officers came under investigation for accepting bribes from landlords to evacuate tenants from their land. A number of tenant farmers had been arrested under the pretext of illegal possession of firearms, but the charges were dropped when the officers were later accused of accepting the bribes. These officers were all members of a reconciliation committee, and had used their position to arrest farmers who rejected the committee's decisions.<sup>31</sup> In another village in Fâqûs district (Sharqiya governorate), the agent of an influential landlord, who wanted to buy land belonging to the Ministry of Religious Endowments (*awqaf* land) attempted to expel the tenant farmers who had been renting it for many years. As Law 96 did not apply to Agrarian Reform Land, so it did not apply to *awqaf* land – hence the tenant farmers' refusal to leave.

The agent then had letters sent to the farmers from the district police station, asking them to attend a meeting at the police station. When the farmers arrived at the police station, a reconciliation committee had already been set up, comprised of the following members: the director of the agricultural cooperative, the chief of police, an investigations officer, a member of the nearby town council and the landlord's agent. The committee's task was to persuade the farmers to leave the land or to make them sign new contracts with the landlord in question. But the farmers rejected the proposals put to them by the committee, stating that they had documents to prove that the land belonged to the Ministry of Religious Endowments, and therefore any other claim to ownership was invalid. Subsequent to this meeting, the police arrested and intimidated around nineteen of these tenant farmers.<sup>32</sup>

Similarly, a committee that was formed to address a dispute between tenant farmers and the landlord in a village in Daqahliya governorate was comprised of influential power brokers at the local level: some members of the nearby town council, the local representative of the

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<sup>31</sup> This incident occurred in a village in Assuit governorate and was dealt with by the Minister of the Interior, who issued an order for the tenant farmers to be released from the provincial prison in November 1998 (Ismail 1998, p. 69).

People's Assembly, the chief of police and the director of the agricultural cooperative. In this case, two meetings were held in order to convince the farmers to sign new rental agreements with the landlord, but the former refused to comply. Again the police resorted to more direct means of imposing their authority by going to the village and beating up a number of the tenants, until they eventually fled.<sup>33</sup> The outcome of another reconciliatory meeting in Daqahliya was slightly different. This time, the committee members rejected the proposal made by the tenant farmers that a clause be added to the new rental agreement, stating that the five-year period of the contract would be automatically renewable. Following the failure to come to an agreement, the police and security forces visited the village and harassed the farmers, until they too were forced to leave their land. The LCHR documented similar incidents surrounding the arbitration procedures conducted between August 1996 and October 1997 in villages throughout the Egyptian countryside.<sup>34</sup>

Officially it was claimed almost daily that the reconciliation committees were working very smoothly; no mention was made of police intimidation of tenant farmers. Despite the fact that proposals put forward by the committees were frequently rejected by the parties involved, reports were sent to the provincial headquarters claiming that the disputes had been settled in 80 percent of the affected areas.<sup>35</sup> According to an APRP study conducted in December 1997, "After reconciling *all* disputes which arose from the implementation of the law, the Prime Minister asked that these committees be retained as unofficial councils for arbitrating additional problems".<sup>36</sup> The implication here is that the committees were so successful that the government decided to keep them on for an indefinite period of time. Yet it is clear that the reality was otherwise. For example, in a village in Abu-Kbîr district (Sharqiya governorate), there was a meeting of the reconciliation committee attended by the chairman and members of

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<sup>32</sup> Ismail 1998, pp. 64, 65

<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> Ismail 1998, p. 65. In one newspaper (17<sup>th</sup> October 1997, *Al-Akhabar*), Prime Minister Ganzuri was quoted as saying that success levels of the reconciliation committees had reached over 95 percent (Saad 2002, p. 120).

<sup>36</sup> USAID and MALR 1997, p. 1

the nearby town council, as well as other important representatives of the local authority. During the meeting, a report was issued in which it claimed that 90 percent of the disputes throughout the district had already been 'settled'. A number of farmers from the village marched to the nearby town council premises to demonstrate against the committee report. They stoned the building and set it on fire. This led to the intervention of the police forces with the arrest of twenty people, while five were seriously injured.<sup>37</sup>

The above examples illustrate how local power dynamics ensured that the interests of influential landlords were maintained, as tenants were persuaded by whatever means to evacuate their land or accept the new market-led rents. As Saad emphasised, reconciling the two parties meant finding a 'solution to the tenancy problem', which excluded any attempts at reaching a mutual agreement, or the possibility of compensation payments being made by either party. As will be shown in Chapter 5, this concept of reconciliation had no correlation with the traditional arbitration procedures commonly practised in the Egyptian countryside. It is no wonder then that many tenant farmers did not bother to attend the reconciliatory meetings. According to Abdel Aal, very few of the seven thousand farmers he interviewed reported to the committees as it was clear to them what the outcome would be.<sup>38</sup> It is interesting to note, however, that the mistaken conflation of reconciliation was even evidenced in the annual *Arab Strategic Report* for 1997 of the Al-Ahram Centre for Political and Strategic Studies, which is one of the few comprehensive documents so far published on the tenancy issue.<sup>39</sup>

## 2.4 'Conquering the Desert'

As the success of the reconciliation committees was being heralded in the national press, the government intensified its campaign of provision of reclaimed lands to evicted farmers. It declared that alternative land would be made available to those who were forced to give up their tenancies. As Saad has noted, the concept of 'going out into the desert' has recently

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<sup>37</sup> Ismail, p. 65

<sup>38</sup> Interview with Abdel Aal, April 2003

<sup>39</sup> Saad 2002, p. 120; see also Abdel-Megid (ed.) 1998

become the preferred solution of the government to many intractable problems, such as overpopulation and unemployment.<sup>40</sup> Law 96 stipulated that tenant farmers would be given first priority in acquiring land reclaimed by the government, but the necessary selection criteria, as well as the means available to make such a programme feasible were never specified. The allocation of new lands to dispossessed farmers was implemented during the second half of 1997 by establishing committees to process the applications at the governorate level. The World Food Programme was to provide food aid assistance to beneficiaries for up to four years after settlement. The applications had to be submitted to the Ministry of Agriculture by the 25<sup>th</sup> of May 1998 and in order to be considered eligible tenants had to provide evidence that they had left their former tenancies and were currently landless.

However, many tenant farmers found out about the option of acquiring new land when it was already too late to apply for it as the deadline was so short. The eligibility criteria were also far more restrictive than they were made out to be. For example, even those tenants who had leased land for another few months did not qualify. This affected many sugarcane growers in the south of Egypt who had extended their lease for some months at high prices in order to secure their crop instead of abandoning it.<sup>41</sup> Furthermore, the way in which eligible ex-tenants were identified by the applications committees seemed to be similar to the dynamics of the reconciliation committees. Only those who had the right connections or the resources to bribe officials were assured a measure of success. One example is that of a tenant farmer from a village in Daqahliya who was denied new land despite meeting the selection criteria, because he had been active in mobilizing other farmers to oppose the law. His family never received reclaimed land although several of their neighbours made successful applications.<sup>42</sup> And in the village of El Bîr in Daqahliya, none of the evicted tenants were allocated reclaimed land. As one inhabitant expressed it, “No tenants in El Bîr received reclaimed land. The only villagers

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<sup>40</sup> Ibid, p. 117

<sup>41</sup> The sugarcane harvest starts before December and ends in May, so the deadline of the 1<sup>st</sup> of October forced farmers either to leave their crop behind, or to renew their lease by a few months. (Saad 2002, p. 118)

<sup>42</sup> Bush 2002a, p. 189

who were given land were the ones with the right contacts.”<sup>43</sup> For example, one man who was a fairly wealthy teacher and landowner stated that his brother was allocated 10 feddans of reclaimed desert land, because he knew someone in the local branch of the MALR.<sup>44</sup> Meanwhile, another prominent member of the community, a relative of the former village head, managed to acquire 40 feddans in Ismaileyya. In addition, two or three graduates were allocated plots in a nearby district.<sup>45</sup> One key informant in El Bîr expressed his view as follows: “This compensation business was a lie... There were rumours going around the village that if people filled out forms they would get reclaimed land. I believe that this was a ploy, so that they [the government] could contain the anger of the fellahin. I don’t think that they ever intended to fulfil these promises.”<sup>46</sup>

Even if tenant farmers were lucky enough to receive alternative land in the desert, it was a known fact that considerable investment was required for this kind of farming to be profitable.<sup>47</sup> In El Bîr, for instance, many villagers pointed out that landless tenants, who represented the poorest and least educated farmers, would never have the resources to farm newly reclaimed lands. Despite a government statement in February 1999 that over 12,000 landless tenants out of an estimated 50,000 had already been resettled, the majority of the dispossessed remained without land. In the meantime, it emerged that 4,000 of those tenant families who were allocated land in Nubaraya had subsequently abandoned it.<sup>48</sup> Yet the government continued to make claims that land was being distributed to evicted farmers and that ‘they were being taken good care of’.<sup>49</sup>

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<sup>43</sup> Interview no. 16. This fact was confirmed in a subsequent interview with two employees at the local cooperative (Interview no. 49).

<sup>44</sup> According to the interviewee, his brother had to give up the land in the end, because the investment needed to cultivate it was too high. He would have needed immediate starting capital of LE 20,000 to pay twenty percent of the value of the land, apart from the high cost of inputs. (Interview no. 43).

<sup>45</sup> Interviews no. 36, 43, 49

<sup>46</sup> Interviews no. 6, 33

<sup>47</sup> As Bush writes, “Tenants who could not renew contracts and the very few who were allocated new land in reclaimed areas are hard pressed to make that desert land productive” (Bush 2002a, p. 19).

<sup>48</sup> USAID and MALR 1999, p. 11 and Bush 2002a, p. 188

<sup>49</sup> Saad 2002, p. 118

## 2.5 The Slide into Poverty

The fact that evicted farmers were anything but ‘being taken good care of’ has been documented in a number of recent studies. They highlight the ongoing process of social and economic exclusion of a considerable proportion of resource-poor members of the village community since the introduction of Law 96. For example, Bach outlines similar patterns of impoverishment in two villages (one in the Delta and one in Upper Egypt) particularly of small-scale tenant farmers without a second income.<sup>50</sup> The result has been the emergence of a “scissors crisis” of ever-increasing indebtedness among resource-poor farmers resulting from high rents and declining incomes, forcing many of them to give up or reduce their tenancies.<sup>51</sup> In the Upper Egyptian village of her case study, changes in holding patterns were even greater than in the Delta village with almost sixty percent of the tenants losing all their rented land, leading to a situation of economic stress, such as the inability to cover expenses for basic needs without relying on substantial help from more affluent relatives.<sup>52</sup> Hence the new tenancy law abolished ‘the relative equity in economic terms between landowning and tenant farmers’, leading to a marked impoverishment of the latter.<sup>53</sup>

Bush also explains how the extreme impoverishment of displaced tenants has resulted in a situation of rural under-development, whereby “social differentiation has accelerated the decline in livelihood patterns of some residents to the benefit of others”.<sup>54</sup> In this sense, there has been a skewed distribution of income gains, as a result of biased public policies.<sup>55</sup>

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<sup>50</sup> Bach 2002, pp. 159–184

<sup>51</sup> Ibid, pp. 169–174; 181. In the meantime, government employees with small plots of inherited land benefited from the increase in rents, while large-scale entrepreneurial tenants engaged profitably in vegetable cultivation for the market.

<sup>52</sup> Ibid, pp. 175, 180–183. On the other hand, traders or government employees who owned land in the village but never lived there, profited from the new tenancy law by expelling their tenants and expanding sugar cane cultivation with hired wage labour.

<sup>53</sup> Ibid, p. 181.

<sup>54</sup> Bush 2002a, p. 193. He refers to various case studies conducted mainly in the Delta, in addition to one village visited in the governorate of Beni Suef, Upper Egypt.

<sup>55</sup> El-Ghonemy underlines that “The emphasis on increasing the average income per person as a way of bringing about sustainable reduction in poverty [in Egypt] will be of no benefit to the present generation of rural poor because it has not been accompanied by the necessary reduction of inequality” (quoted in Bush 2002a, p. 27).

Widespread dispossession of land among resource-poor farmers, in particular within female-headed households led to an increase in rural debt and slide into poverty, creating “extreme conditions of rural insecurity”.<sup>56</sup> Furthermore, the devastating implications of Law 96 for those most affected may get worse, as their ever-diminishing safety network of income derived from previous tenancies, livestock or other asset sales will not last indefinitely.<sup>57</sup> Furthermore, Bach points out that the “outward signs of earlier material progress and investments in both villages still veiled the new poverty” (e.g., income accrued from labour migration to the Gulf States in the seventies and eighties).<sup>58</sup>

At the same time, Saad documented that in the first year of landlessness experienced by evicted tenants in a number of villages in Upper Egypt, many had resorted to desperate measures. For example, some had liquidated fundamental household assets, such as livestock or women’s gold and others had taken their children out of school, particularly girls. Further income-saving measures employed were cutting down on electricity or replacing it altogether with kerosene lamps.<sup>59</sup> Similarly, Abdel-Aal describes how many evicted farmers sought diminishing employment opportunities in a suffocating labour market, while a great number of fellahin were generally unable to cope with increasing rents and input costs, as well as fluctuating crop prices, with severe consequences to their household security.<sup>60</sup> One indication of this is the increasing number of tenant households that have shifted to cash crop production in order to pay for higher rents, resulting in a deterioration of their nutritional status.<sup>61</sup>

My findings of a preliminary study conducted in six villages (three in the Delta and three in Upper Egypt) confirm the above data. Overall, the annual cash rent for farmers directly affected by the new law increased from LE 526 per feddan before 1997 to LE 1,583 per feddan in 2002. The increase in rents was compounded further by higher production costs due

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<sup>56</sup> Bush 2002a, p. 201

<sup>57</sup> Ibid, p. 202

<sup>58</sup> Bach 2002, p. 182

<sup>59</sup> Saad 2002, p. 121

<sup>60</sup> Abdel-Aal 2002, pp. 155, 156. His survey in Upper Egypt covered the longest period of time (1995–2000) and the largest sample of farmers (around 2,500 were interviewed).

<sup>61</sup> Ibid



to other structural adjustment measures introduced in the last decade. As resource-poor farmers had less income to fall back on, they were forced to engage more and more in casual wage labour, while becoming heavily indebted to moneylenders (see Appendices III and V). Reliance on family labour was also becoming more common and women often bore the brunt of it. In all cases, if villagers were still renting land they no longer had written contracts with their landlords.<sup>62</sup>

Access to land had diminished for every category of small-scale farmer: cash rent tenants and/or sharecroppers, small tenant-and-owner cultivators, full-time farmers and part-time farmers with second income sources (see Appendix VI).<sup>63</sup> The biggest problem for poorer households seemed to be lack of credit, as they could no longer use their tenancies as collateral, while the sudden increase in land rent was given as a major reason for negative income changes in the last five years (see Appendix IV). Thus sharp increases in rents along with other productivity constraints had squeezed resource-poor farmers into an ever-tightening downward spiral of poverty and indebtedness. The following story as recounted by a young woman illustrates clearly the plight of many tenant farmers in the wake of Law 96's implementation.

Samira and her husband have been struggling to make ends meet for the last five years. She is twenty-nine years old and has two small children, and her mother-in-law also lives with them. They rent two rooms with electricity and running water from the owner of the estate, but they have to use charcoal for cooking. Neither she nor her husband can read or write, although she knows how to sew well. Her husband and her youngest daughter have chronic health problems, but her husband is still able to farm and he works as a wage labourer

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<sup>62</sup> It is interesting to note that the authors of the APRP study of 1999 refer to these methods of contracting as 'cordial', thereby implying that a 'gentleman's agreement' of this nature would never be open to abuse. (USAID and MALR 1999, p. 4)

<sup>63</sup> This was due to two main factors: the new tenancy law and the continuing fragmentation of land, resulting from high population growth and the application of Islamic inheritance law. According to *shari'a*, the land is divided up among the inheritors as follows: all sons inherit the same share, while any daughters inherit one half of the share allotted to their brothers. If the holding becomes too small to divide, it may be kept as *masha'* (undivided land) between brothers and sisters or between cousins or cousins' children, and the revenue from this land is usually spent collectively. In the meantime, the cultivated area per capita in Egypt has been in steep decline since the beginning of the century, due to urban sprawl and a rising population (Abdel-Aal 2002, p. 146).

twice a week. To help pay for their daughter's operation, Samira sold her gold and their television set.

They used to rent 2 feddans on the estate, but since the increase in 1997 they currently rent half a feddan less. They continue to obtain cotton seed and pesticides from the co-operative, but they have to pay cash upfront instead of being able to take a seasonal loan, which used to help a lot. The trader will not give credit to tenants like them, because there have been problems with others on the estate who were unable to repay the money. Samira borrows money from her brother at times to cover seasonal production costs. She has a small plot of vegetables where she grows chillies and eggplant, which she takes to the local market to earn extra cash. She and her husband consider themselves lucky, because they can still afford the new rent and they own a calf. Many of their neighbours, however, were unable to keep their land after 1997 and are now full-time wage labourers. Others had to sell their assets on top of losing the land, or have indebted themselves to private money lenders, as well as taking their children out of school to work.<sup>64</sup>

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<sup>64</sup> Interview no. 95

## 2.6 Conclusion

The slide into poverty as described in the village case studies above is perhaps less disturbing, however, than the accompanying ‘spread of institutionalised violence in the countryside; the routine torture and threats jeopardizing farmers’ economic and social rights’. After all, as Bush emphasises, poverty should be viewed as a set of relationships which involves far more than access to material assets such as land and livestock. Access to social and individual rights, knowledge, education and participation in political processes are just as fundamental. To quote him: “There is now a widespread mistrust of security and government officials because of the failure of *habeas corpus*, summary arrest, intimidation and the absence of freedom to express dissent.”<sup>65</sup>

It has been shown in this chapter that the manner in which the official reconciliation committees conducted procedures between leaseholders and landlords contradicted entirely the government’s claims that the introduction of Law 96 had been smooth and transparent. And yet this was the message portrayed not only in the national press, but also in subsequent studies carried out under the auspices of international donor agencies, such as USAID. Meanwhile, anyone who dared to question the law’s application was threatened with arrest and detention, including members of the opposition parties, human rights activists and the fellahin themselves.

Nevertheless, prominent state officials continued to euphemise about ‘equity’, ‘the redressing of imbalances’ and the ‘upholding of law and order’.<sup>66</sup> These were the texts that justified the law’s implementation and the use of coercion on the part of the police and security forces. However, the actions or practices of local government agents and other interested power brokers offered an entirely different version of reality, as will be illustrated comprehensively in the following chapter. Hence we have here a familiar scenario in the Egypt of the nineties,

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<sup>65</sup> Bush 2002a, pp. 191–193

<sup>66</sup> See USAID and MALR 1997, 1999 and 2000.

whereby, “The divorce between text and action or practice was so big that the two realities often formed two separate and distinct universes.”<sup>67</sup> And although the land issue became increasingly politicised in the build up to Law 96’s implementation on the one hand, on the other, there was a deliberate de-politicisation of the matter on the part of the state as soon as the new tenancy bill had been ‘successfully’ enacted. As Saad notes, ‘once the tenancy problem had been wiped off the political agenda, even established and vocal political actors, with the exception of a few dedicated activists, lost interest in the case the moment it became clear that a potential political movement faded, giving way to mechanisms of coping and adaptation’.<sup>68</sup> This factor strongly influenced community dynamics regarding the changes in land tenure that emerged within rural households in the aftermath of October 1997, a key theme to be explored in the case study of El Bîr village provided in Section II.

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<sup>67</sup> Kienle 2000, p. 14

<sup>68</sup> Saad 2004, p. 13