

Governance in the Context of Metropolitan Cairo

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ABSTRACT: Cities are vital for their roles at both local and global levels. Under the impact of urbanization and early metropolitanization in the early 1950s, the necessity of joint solutions for regional issues and problems increased as cities tend to expand beyond their borders and boundaries. Such necessity can be witnessed, nowadays, throughout the three-main conclusive urban governance dimensions which were introduced by New Urban Agenda (NUA) that aroused as a result from 2030 Agenda for Sustainable Development during United Nations (UN) Summit in 2015: a) Focusing on Urban governance institutional frameworks aiming to define roles, responsibilities and coordination at different governmental levels, b) Highlighting the importance of effective partnerships and cooperative practices between local authorities, the private sector and civil society, and c) Defining the mitigation and adaptation measures necessary to transform urban governance to face global challenges as Climate changes.

Based on Ulf Zimmermann definition, MG is the governing of metropolitan areas through various mechanisms including comprehensive metropolitan government or different forms of cooperation among jurisdictions within any metropolitan area. Metropolitan Cairo (as one of the largest within the world and the African continent) is facing a critical challenge related to administration and governance within its jurisdictions. According to Strengthening Development Planning and Management in Greater Cairo- Priority Development Projects SDPM report in 2016, Metropolitan Cairo suffers from fragmentation of governance with no coordination and high rigidity and centralization leading to a low performance in fulfilling its functions as many government bodies share the control over the development and investment decisions within Metropolitan Cairo at both national and local context. Thus, this paper first, as an introduction, typified the three branches of the state within the Egyptian context as: Legislative, Executive, and Judiciary branches and the role of each one of them. Second, the local administration system is explored together with the development of the Local Administrative through various Egyptian Constitutions. Third, this paper analyzes the case of Metropolitan Cairo concerning its model of governance's functions, financial issues, development history, and implications on MG. Throughout this analysis, both the Current situation of both Metropolitan Cairo and within localities are explored. This paper concludes some concerns upon the answer of these questions regarding Metropolitan Cairo governance situation.

Keywords: Metropolitan Governance, Metropolitan Cairo, Models of Governance, Local Administration, Localities.

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I. INTRODUCTION

Metropolitan Cairo is considered an important political, economic and cultural center on both regional and international levels. It is also one of the top destinations in Egypt for daily immigration for all purposes,

such as work, education, trade, tourism, shopping. Besides, within Metropolitan Cairo lies almost all the ministries and authorities. Metropolitan Cairo falls under three equally powered governorates (Cairo, Giza and Qalyubia). Likewise, The New Urban Communities Authority, the General Organization for Physical Planning and many ministries and other central government bodies have direct and indirect impact on issues of administration and urban development within the jurisdictions of such huge Metropolitan causing a great confusion regarding the urban Governance issues [1].

II. THE EGYPTIAN CONTEXT

This paper introduces the Egyptian state typology as three different branches; Legislative, Executive, and Judiciary branches, besides local administration that encompasses Executive leaderships and both Local Popular and Executive Council (See Figure 1.1).

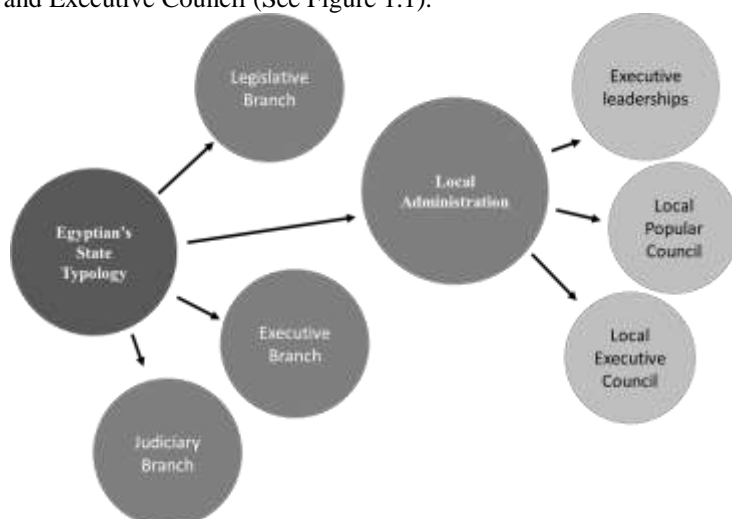


Fig. 1-1: Typology of State in Egyptian Context

A. Legislative Branch

The Parliament is the state's legislative branch. It approves the general policy, new laws, General budget and development plans. Currently, it is made up of 444 directly elected members and a maximum of 10 members appointed by the President. The Parliament serves for a term of four years [2].

B. Judiciary Branch

The Constitution provides an independent judiciary and forbids interference by other authorities in the exercise of judges' judicial functions. In addition, the judiciary authority is exercised through four categories of courts of justice: The Supreme Constitutional Court, which is the highest judicial body, the Court of Cession, the seven courts of Appeal in the various Governorates, and the Summary Tribunals in the districts [2].

C. Local Administration

In Egypt, the administrative system refers to three main branches (See Figure 1.2) [2], [3], [4]. The central apparatus of ministries, Public enterprises administration, (Law 203/1991), Local Administration: the local units at sub-national levels.



Fig. 1-2: Administrative System main branches in Egyptian Context

Whereas, Under Law 43 of 1979, local administration is organized based on 3 subnational levels including: the governorate, the city (as well as markaz, or regions, for rural governorates), and city districts (or villages, in the case of rural governorates).

First Sub-National Level: It includes 27 governorates created by decision of the President of the Republic. Governorates are either fully "urban" or a combination of "urban" and "rural". The Main difference between these types of governorates is in the lower levels of administration.

Second Sub-National Level: in this level, fully urban governorates are divided into districts and have no "Markaz". While other governorates are divided into "Markaz" which include a capital city, possibly other cities and a group of villages (Villages are the smallest local units in rural communities).

Third Sub-National Level: this level focuses on Cities which exist in all governorates. A City encompasses a number of districts if necessary (Districts are the smallest local units in urban communities). However, District may be divided into "Sectors" and number of "Sheyakha" (a sub-district neighborhood).

Nevertheless, The Egyptian administration is formulated as a strong hierarchical vertical structure. At each level of this structure, there is a governing structure combining representative councils and government-appointed executive bodies. In other words, each local administration unit operates with two councils: Constitutionally established Local Popular Council sometimes called Elected People's Council (EPC) and Centrally appointed local Executive Council

Furthermore, the Executive leaderships are appointed by the central Government which represents the following Principals: Governor (El-Mohafeez), Markaz Principal (Ra'ees El-Markaz), City Principal (Ra'ees El-Madeena), District Principal (Ra'ees El-Hayee) and Village Principle (Ra'ees El-Wehda El-Mahalya).

D. The Legal state

Reformation of local system have taken place under a constitutional reformation attempts to the efficiency and effectiveness of the local system[5], [6], [7]: these attempts started with Constitution 1923 where a chapter about local system was introduced. The section was entitled "Political Powers" with title "Councils of Directorates and Municipal Councils". There were two articles only a) one dealt with the administrative division of the localities, which included the directorates, cities and villages and granted its legal personality while b) the other article introduced the arrangement of the boards of directorates and municipal councils, their terms of reference and relations with various Government agencies. Following, in 1930 Constitution, there was no changes only the position of the two articles has been moved to chapter V, under the title "Boards of directorates and municipal councils". The 1956 Constitution. contained ten articles for the local system dealt with the same

items in the previous Constitution. The 1964 Constitution witnessed the reduction once again of articles into two: a) Article (150\1964): The Republic shall be divided into administrative units, each of which may have a legal personality in accordance with the law, and b) Article (151\1964): The representative bodies of the administrative units shall be responsible for all the units that represent them and contribute to the implementation of the general plan of the State. It may establish and manage facilities, economic, social and health projects, as set out in the law.

In 2011 Constitutional Declaration, based on the results of the constitutional referendum held on 19 March 2011, a decision to dissolve of the Local Popular Councils was taken without considering the legal rules governing such procedure or even the appointment of temporary popular councils.

The attempt took place in the 2012 Constitutional introduced an independent chapter for local administration, containing ten articles (183 to 192), beside article (233). The 2012 Constitution stated in Article 142\2012 that the President of the Republic may possibly delegate some of his powers to the Governor. Besides, Article 192\2012 is related to the non-permissibility of dissolving the local popular councils by a comprehensive decision. Article 187\2012 is related to the method of selection of governors and the heads of the administrative units leaving it to the law. Article 188\2012 is related to the representatives who are members of the executive local authorities, they shall have the membership of the councils without having a countable vote.

The 2014 Constitution which included the following articles related to local administration: Nine articles (175 to 183), Article 148 on the authorization of the President of the Republic to authorize some of its powers to Governors, and Article 242 of the transitional provisions for gradual implementation in five years rather than ten (as in the previous 2012 Constitutional Modification). El-Ezbawy claims that 2014 Constitution has some serious defects as in Article 180\2014 where the Popular councils did not have any role in the preparation of the local development plan but observation of the plans' execution and providing "Questioning" only as a tool for observation on the executive authorities. Such defects affect the role of Popular Councils, hinder performing its job, weaken public interest and the gradual transfer of power to these councils [8]. Nevertheless, until the publish of this paper the Local Councils in Egypt still in the state of dissolution since 2011.

III. THE METROPOLITAN CAIRO CONTEXT

Regarding Local Governance/Administration within the context of Metropolitan Cairo, experts, academics and practitioners claim that the local government in Metropolitan Cairo, generally in Egypt, is often seen as "crisis management" [9]. This paper tends to investigate Metropolitan Cairo relying on answering the following concerning Metropolitan Cairo adopted from Andersson work on Metropolitan Areas [10]: a) what is the functional institutional arrangement? b) How is it financed? c) How did the MG arrangement get established? d) what is the implications on MG?

A. Functional Institutional arrangement within Metropolitan Cairo

There are three governorates struggling within the jurisdictions of Metropolitan Cairo: Cairo, Giza and Qalyubia Governorate. There are several overlapping administrative bodies exercising different sources of authority and relations with the governorates as [11]: Local Popular and Local Executive Councils at three different levels (Governorate, City and District Level), Governor for each Governorates, Deputies for each of the governors (Cairo's Governor has four deputies for the four sectors of the Governorate North, South, East and West), and Several Directorates (about 14 Directorates) working within jurisdictions of each governorate: Manpower & Immigration, Endowments, Real Estate Taxes, Supply and Internal Trade, Organization and Administration, Health, Agriculture, Social Solidarity, Veterinary Medicine, Roads and Transport, Culture, Education, Housing and Utilities, and Youth and Sports. Also, there are several companies that varies according to each governorate, examples: Greater Cairo Water Company, Greater Cairo Sanitation Company, North Cairo Electricity Distribution Company, South Cairo Electricity Distribution Company, Cairo Electricity Production Company. Additionally, there are several organizations/authorities that varies in relation according to each governorate, examples: General Authority for Educational Buildings, General Authority for Health Insurance, General Authority for Cairo Cleaning and Beautification, General Authority for Giza Cleaning and Beautification, New Urban Communities Authority, Public Transport Authority, National Postal Authority, and Adult Education Authority.

However, the existing of all these bodies, experts and academics/practitioners claim that the local government in Metropolitan Cairo, generally in Egypt, is often seen as "crisis management". Metropolitan Cairo witnesses' difficulties in accomplishing or launching tangible projects or even initiating processes or transformational strategies. Such difficulties are related to lack of the inter-agency coordination as a constant drawback between governorates, service authorities, principle ministries and the civil society [9].

Rana Khazbak claims that there is no local governance in Metropolitan Cairo since it can be considered closest to the mayor-council system as the local executive branch is selected by the central government not

through public vote [12]. Likewise, Sarah ben Nefissa stresses that Cairo citizens have an institutional and formal problem concerning the management of their city. There is an institutional impermeability between the residents of Metropolitan Cairo and the administrative organizations [13]. EmanMarei argues that despite the importance of the role played by the localities, the follower of their roles believes that localities have lost their ability to manage facilities and services. Localities reached a deterioration and corruption high level leading to their loss of public support and loss of any society support for the government's policies [14]. Additionally, Center for International Private Enterprise (CIPE) shares same opinion that localities in Egyptian context generally and Metropolitan Cairo specifically face huge obstacles related to serving their residences. Localities require transformation from its current state to become a democratic system able to provide a real opportunity for its residents to participate in various management process as managing local public utilities/services and draw up policies to face problems of their local community [15]. Andersondescribed Metropolitan Cairo as an example for highly centralized governance framework. Anderson continued that it is with no formal, operating mechanism where decision-making (regional and local scale) is highly centralized laying in the hands of national government [10].

B. Financial issues within Metropolitan Cairo

The Egyptian national government started the implement processes for planning decentralization sine fiscal year (2008/09). It initiated the reformulation process through changing to the implementing of the National Program for Decentralization [3], [5], [16].

According to Radwan, there are five basic programs in such change that need adequate funding to achieve the ambitious plans of the local governmental units: a) Electricity Program: supply of electricity networks - lighting equipment, b) Road and Transport Program: construction of roads - paving - tunnels - Bridges and ferries - creating parking spaces, c) Environment Improvement Program: Cleaner and Waste Management - Sponsorship Coverage And banks – gardens, d) Security, Fire and Traffic Program, and e) Strengthening Local Units Program: Women's Development - Health Services, Educational, cultural and social - strengthening the needs of the units [5].

Concerning Localities, beside that from national government, there are some local Financial resources under the control of the Executive Council and Local Popular Council at various subnational levels of local administrative system. First, the general budget is a financial document that covers all government revenues and expenditures during a fiscal year and reflects the main policy of the national government. As defined by the Public Budget Law No. 53 of 1973 and modified by Law No. 87 of 2005:

“The General Budget is the annual financial program of the economic and social development plan set by the state government to achieve its multiple objectives in the economic and social fields”.

Second, there are some other resources of financing identified as follows [5]:

a) Shared resources with other governorates which includes the governorate share in the additional tax on Movable Values tax and Commercial / Industrial Profits tax. Although, the governorate has the right to keep Half of these taxes while the other half is deposited in the Shared Resources Balance.

b) Resources for the governorateincluding 1) one-quarter of the original tax revenue assessed on agricultural Lands as well as one-fourth of the additional tax revenue on the tax of the agricultural Lands within the jurisdictions of the governorate, 2) taxes and fees applied on cars, motorcycles, vehicles, bicycles and transportation means licensed by the governorate, 3) proceeds of the investment of the governorate funds and the revenues of the facilities that is managed by the governorate, 4) taxes and other local nature charges imposed in favor of the governorate, 5) government subsidies, and 6) donations from foreign bodies or persons (only those approved by the Prime Minister).

c)Local Popular Council is responsible for the distribution of its share of the resources referred in the previous two items. The Local Popular Council possess the right to decide how to distribute its share of resources and the ratios in respect to the circumstances and needs of each Local unit within its scope of competence.

d)Local Popular Council at Governorate Level shall establish an account for services and local development whose resources shall consist of the following: 1) charges imposed by the local Popular Council for the benefit of this account, 2) profits of the productive projects financed by the same account, 3) donations approved by the Local Popular Council for the favor of this account, and 4) 50% of the increase in local resources more than that in the general budget.

Additionally, such account (after the approval of the Local Popular Council) is used to 1) financing local production projects and services according to a local plan distributed and approved within the framework of the general plan of the state, 2) completion of the projects included in the general plan, which does not suffice the financial allocations listed in the budget for completion, 3) establishment of Self-supporting projects, 4) raising the performance of local public services, and 5) Financing urgent Public Services Projects.

C. History of metropolitan governance within Metropolitan Cairo

Through history, there was some attempts to formulate an umbrella entity to govern Metropolitan Cairo. First, “Higher Commission for the Planning of Cairo” created in 1965 followed by “High committee for regional planning created 1979. Although both have no effective power only the power to generate proposals [17]. Following, the Article 8 in Law 43/1979 allowed the establishment of a Regional economic committee for each Economic Region “Supreme Committee for Regional Planning”. The members of this Committee include: a) the Governor of one of the Governorates forming the Economic Region as the Head of the Committee. Nevertheless, the presidency which shall be alternately each year among governors from the governorates constituting the region, b) the other Governors of the other three Governorates, c) The Heads of the different Local Popular Council, d) Head of the Regional Planning Commission/Authority as the secretary general of the Committee, e) Representatives for competent ministries.

This Committee is assigned for: coordination between the governorates within the Region, approving the priorities of Development, following-up and Monitoring the Regional Development Plans, studying and Approving any Modification in the Regional Development Plans, and carrying out various studies and researches to set out the Regional natural and human resources.

Additionally, according to Law 43\1979, Committee’s recommendations shall be delivered to the Supreme Council for Local Administration. Supreme Council for Local Administration was firstly named “Council of Governors” then changed to “Supreme Council of Local Administration” in Law 50 / 1981. This Supreme Council includes the Following members: a) The Prime Minister (Head of the Council), b) Minister of Local Administration, c) All the Governors of every governorate in Egypt, d) The Heads of the Local Popular Council at Governorate Level Only.

This Supreme Council is assigned for: reviewing all what is concerned with local administration system and regarding the support, evolution, laws proposals, regulations and decrees having effect on the local society.

D. Implications of Metropolitan Cairo Case Study on Metropolitan Governance

Experts, academics, practitioners and stakeholders share an opinion about the status of local government that there are problems and challenges facing the Local Government and its structure. Some of them agree that the state government is responsible for it while other problems are under the responsibility of the localities themselves and the informal actors such as: political parties, interest groups and the media.

Mr. Mohamed Abdel Zaher – former Governor of Qalyubia and Alexandria – stressed that the dilemma of the power to rule within the local government (Is it the appointed governor or the elected council?) needs to be settled once and for all before further steps of decentralization and democratization take place. He also insisted that there is a growing need to undertake various reform processes, institutional changing and decentralization to empower local governments. Besides, he opposed the idea of the existence of Unified Laws (such a “Unified Building Law 119/2008) claiming that such laws support the Centralization and inequity.

Additionally, Dr. Nihal El Megharbel stated that although there is a promising legal framework introduced by 2014 Constitution, there are still no improvement in the Local administration laws that reflects such enhancement. She clarified that Local administration is facing several challenges that can be classified into: a) Legal Issues, b) Institutional arrangements issues and c) Fiscal Issues. She added that reformation process should include some other laws (as those related to Urban Planning and Taxation) to grantee a proper support for decentralization processes.

Dr. Nehal also mentioned that measuring the performance of Local units within the local administration system depends only on physical indicators concerning quality and efficiency of services delivery while other indicators as unemployment rates or amount of foreign investments are usually mistreated leading to one of the main obstacles facing Local Economic Development in Egypt.

Furthermore, David Sims highlighted that Metropolitan Cairo requires an Umbrella authority (at the Metropolitan Scale) to govern such large agglomeration like the case of Greater London Authority or the case of Istanbul. On the other hand, Dr. Mahmoud Sherif insisted on the fact that Metropolitan Cairo is currently hardly administered. He gave an example for the lack of clear domain for each service provided to the citizens, i.e. in transportation sector, there are two entities serving the same domain. In addition, he underlined that ruling such a large agglomeration needs to clearly define the boundaries, Powers and authorities. He added that many attempts took place including the formulation of a Council joining the three governors. Though such Council met only once to negotiate means of coordination between the three governorates, it ended with each governor highlighting the problems within his governorate.

Concerning the issue regarding the empowerment of civil society to carry out its role, Dr. Sherif insisted on the necessary of involving civil society as a sector lying between that of the government and both the non-profit and the private sectors. He stated that a democratic mechanism must exist to ensure the involvement of society in Decision-making process.

Besides, Dr. Khaled Zakaria, Ex-Governor of Giza, insisted on the fact the major problem facing the three governorates formulating Metropolitan Cairo is the lack of any tangible coordination between them on strategic or development planning processes while there are resources and facilities that inter-related among the three governorates. He stated that citizens must take part in the development of their metropolitan area since the government alone cannot carry out such role.

IV. RESULTS AND DISCUSSION: CONCERNS REGARDING METROPOLITAN CAIRO CASE STUDY

Based on the previous discussion and exploration of the organizational structure for Metropolitan Cairo, this research points out the following concerns about vertical relations, horizontal relations, the relation with local communities, decentralization and financing issues as following:

First, concerning the vertical relations, according to this paper observation for Localities' organizational structures (either at governorate level or district level), it is found that these structures are rigid without any evidence of innovation. In simple words, all the structure at governorate level (the three governorates) are almost identical and the same thing for the district level. Such observation may relate back to the Central Authority for Organization and Administration (CAOA). According to the official website of the Authority, one of the core responsibilities of the Authority is:

“The establishment of the new organizations as well as the formulation of the organizational structures, study the reorganization proposals prior to their adoption by the competent authority. It gives an opinion up on the regulations related to the conduct and organization of work, providing technical opinion and providing assistance in the organization processes, simplifying procedures and improving the level of performance of government services”.[18]

Such core responsibility shows clearly the solid Centralization and rigidity of organizational structures for the various units of administration of the Local Administration/Government system in the Metropolitan Cairo.

Second, concerning the horizontal relations, Likewise, the structures of the various units of local administration within Metropolitan Cairo show no tendency toward establishing coordination as if each structure is working in an isolated island. Besides, it is clear enough why it is difficult to coordinate plans and policies for the whole Metropolitan area, as the three governorates share powers up on the Metropolitan area of Cairo without any Umbrella organization with effective power. Additionally, Cairo Governorate is the only governorate that is fully within the borders of Metropolitan Cairo Area, while the other two governorates have other villages and desert settlement to administrate out of the border of the Metropolitan Cairo. Such obscure situation led to a hidden struggle between the governments at the same level at one side and the higher levels of Governments (both that at the Governorate Level and Central government) on the other one concerning plans, finance and services.

Third, concerning Local Communities, the administration organization of Metropolitan Cairo is complicated as stated by Ministry of Planning, Follow-up and Administrative (MPMAR): the Administrative/Organizational structure in case of Egypt is facing weaknesses and drawback aspects that can be highlighted in the following points: a) Complexity of the organizational structure, b) Employment inflation and low productivity, c) Lack of transparency and accountability and the spread of corruption, d) Existence of Plenty of legislation and its amendments and conflicts, e) Rigid and severe Centralization with deterioration of the Service Delivery Status, and f) Weakness in the process of management of the State-Owned Assets and enterprises [19].

Fourthly concerning decentralization Efforts, it is obviously not currently applied in the areas of Planning, Decision-making or Fiscal Issues. It is foreseen that decentralization is relatively low especially in urban sector and its governance/administration [20]. There is limited power in possess of local Government since the central level of government is the one in charge of the following concerns: Planning, budgeting, funding, resource allocation and development, formulation of regulations, evaluation/Monitoring and delivery of services.

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