
***Awqaf* Properties**
Maintenance and Management

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I. INTRODUCTION

“Within the framework of UNESCO assistance to the Members State for the implementation of the 1972 World Heritage Convention and in particular within the assistance provided by UNESCO to enhance the management of the Memphis and Thebes World Heritage Sites and the implementation of the Action Project in the identified pilot areas of Historic Cairo, under the overall authority of the Director of the UNESCO Cairo Office and the and direct supervision of UNESCO Cairo Culture Advisor, and in consultation and cooperation with the World Heritage Center and project team of “Urban Regeneration Project for Historic Cairo”, a study on the awqaf-owned properties was carried out between 15 March - 15 May 2014 that aimed at:

- 1) Providing a historic background on the Waqf system and the current situation in the framework of the Egyptian legislation.
- 2) Coordinating the work of two trainees in the framework of the on-the-job training activity organised by the URHC team, in collecting the information to identify the buildings belonging to the Waqf in the Action Project area and carrying out a rapid survey of their state of conservation, after having obtained the required permissions to access the buildings with the support of the URHC team;
- 3) Classifying the buildings on the base of their heritage values (listed as monuments, listed as peculiar value, the rest not listed) and their use, provide an overall evaluation of the state of conservation of the Waqf properties in the area, identify critical issues, give recommendation on a strategy for the maintenance of the properties and their general management.

The first part of the report was researched by the author based on her earlier studies on the waqf system and its relation to maintenance and repair.

The second and third parts of the report were carried out through site visits to the action areas identified by URHC using their survey maps and data. In addition to that, meetings with representatives from the Ministry of Awqaf (Endowments) and Ministry of Antiquities took place, and I would like to thank them for the time they spent with the team members to discuss matters related to this report.

II. HISTORIC BACKGROUND ON THE WAQF SYSTEM

A) Waqf Definition

Waqf (its plural *awqāf*) means literally “to stop” or “the act of stopping”. It is a system of endowment that existed and still exists in numerous Islamic countries. Another word that is used describing the same system is *habs*.

The following are some definitions that explain the system:

This one is a commonly accepted one by Shaykh Muhammad Abu Zahra:

"الوقف هو منع التصرف في رقبة العين التي يمكن الانتفاع بها مع بقاء عينها, و جعل المنفعة لجهة من جهات الخير ابتداء و انتهاء"¹

“*Waqf* is the prohibiting of disposing of (*al-tassaruf*) the source of revenue that can be beneficial while keeping the source, and making the benefit to one of the charitable venues (or causes) in the start and the end”. As per the below definition of *waqf*, *tassaruf* (or disposing of) can mean any of the following actions: the selling, giving away, buying, mortgaging, making it inheritable, bequeathing and donating.

"الوقف في الشريعة الإسلامية صدقة محرمة, لا تباع, و لا تشتري, و لا توهب, و لا تورث, و يصرف ريعها إلى جهة من جهات البر".²

“The *waqf* in Islamic *shari’a* (law) is a charity (*sadaqa muharama*) that cannot be sold or bought, or given away or inherited, and its revenue (*rīʿ*) is to be spent on charitable and pious causes.

In many *waqf* documents it is stated that the endower *waqafa* (endowed); *habassa* (endowed; used twice for emphasis); *sabbala* comes from *fi sabīl Allah* meaning for God’s sake; *abbada* means perpetuated; *harama* means prohibited or forbid; and *tasaddaqa* means given as charity.

"وقف و حبس و سبل و أبد و حرم و تصدق"

Although the majority of the Islamic schools consider the *waqf* as lawful only when it is perpetual, others, such as the Maliki school, see that being perpetual is not necessary and that it can also be lawful even if it is temporary.³

It is important to mention though that although the *waqf* is considered mainly a pious charitable act, it was used for many other political, social and economic purposes.

¹ Abu Zahra, *Muhadrat fi al-waqf*, 7.

² Amin, *al-Awqāf*, 1.

³ For a more detailed discussion on the perpetuity of *waqf* (also in the 20th and 21st centuries’ laws) see Abu Zahra, *Muhadrat fi al-waqf*, 70-86.

B) The Endower (*wāqif*), the endowed property (*mawqūf*) and the beneficiaries (*mawqūf ‘alayhum* or *mustahiqin*)

There are three important entities involved in the act of endowment and that explain how it operates. The first is the endower or the *wāqif*, being the founder of the *waqf*;⁴ he had to be a free adult, in good health and mental condition, aware of what he is doing and owning the property that he endows.⁵ In historic times, the *wāqif* had the choice of either operating and administering his own *waqf* or assigning a *nāzir* (supervisor, administrator, overseer, also called *mutawalli*) to be responsible for all activities related to the *waqf*. As there was a concern that the *waqfs* would not be managed properly, very early a diwan was formed to manage the *awqaf* (possibly also through the nazirs).

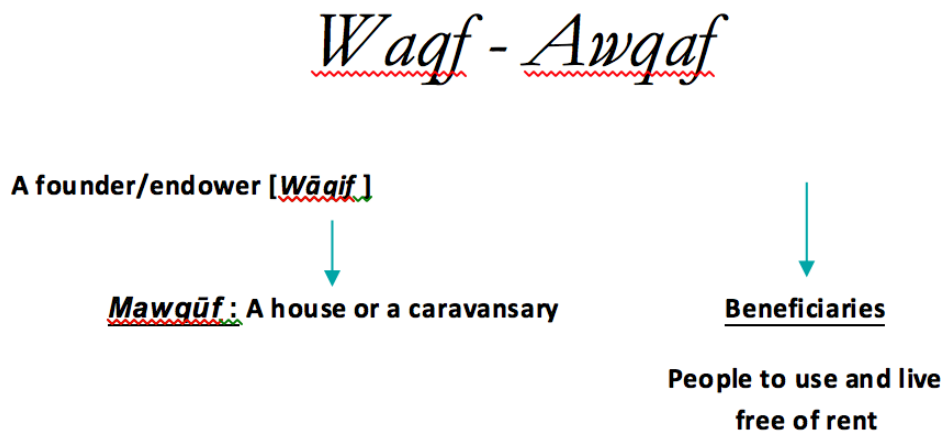
The second is the endowed property, the *mawqūf* (plural *mawqūfat*). This had to be of benefit and could either be a revenue-generating property or an institution providing services (examples below).

The third entity is the beneficiaries (the *mawqūf ‘alayhi*; plural *mawqūf ‘alayhum* or *mustahiqin*).

There are many numerous examples and cases on what *waqifs* endowed and who were the beneficiaries. For the sake of this research, the discussion will focus mainly on endowments that are related to buildings; these can be classified as follows⁶:

CASE 1:

A *wāqif* could endow a *mawqūf* such as house or a *khan* for people (the beneficiaries, the *mawqūf ‘alayhum*) to use and live in for free without paying rent. [Fig. 1]



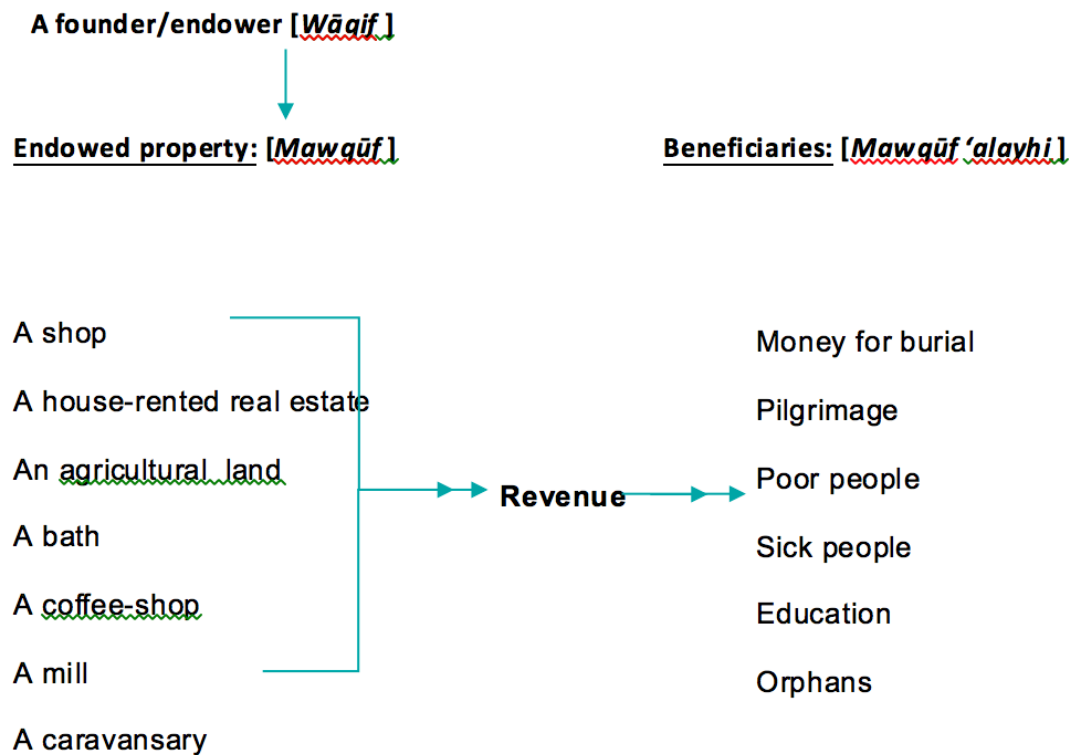
⁴ Although the majority of endowers were male, female endowers also existed.

⁵ It was nevertheless common that endowers were using the money of the bayt al-māl for building their institutions.

⁶ These cases are identified by the author of the report to facilitate the understanding of the types of *awqaf* (endowments).

CASE 2:

The *wāqif* endows a *mawqūf* (plural *mawqūfat*) such as real estate, a shop, agricultural lands, a *hammam*, a mill, a sugar refinery, an oil press, a *khan* or a coffee shop that generates revenue (in a lawful manner). The revenue of these properties would be spent on pious actions and beneficiaries; the pious actions vary and common examples were: giving money for poor people, for sick people to be treated, for people to go to the pilgrimage to Mecca, for orphans, for people to bury their relatives, and also for buying lamps, oil, carpets, the cover (*kiswa*) for the Haramayn al-Sharifayn and other mosques as well as for their upkeep and maintenance [Fig.2].

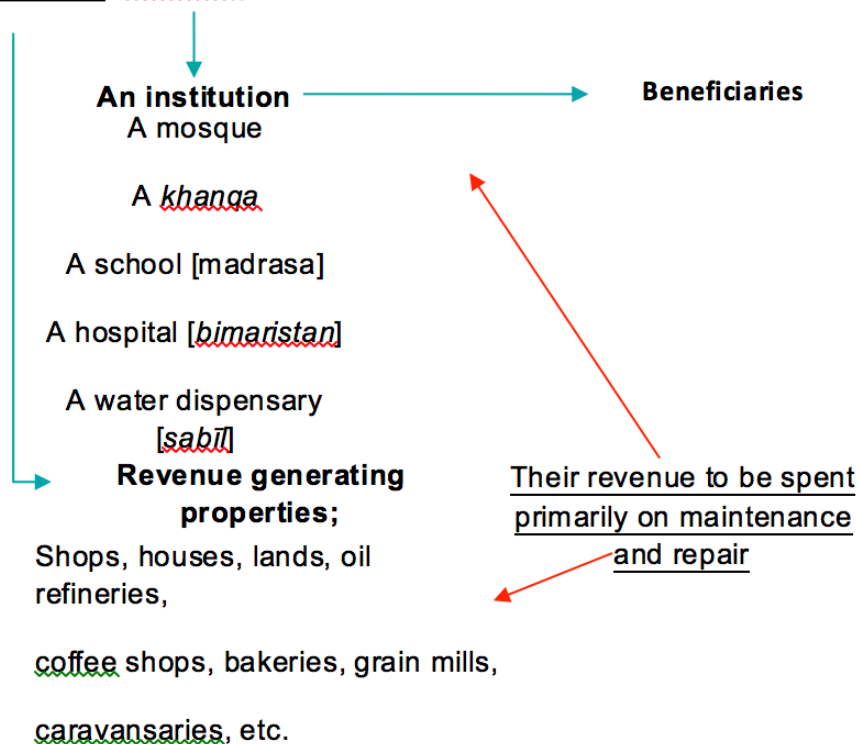


CASE 3:

This is the most common case. The *wāqif* endows a building that has a direct usufruct (*manfa'a*) for beneficiaries. Examples are: a hospital (*bimaristān*) or a water fountain (*sabīl*), a mosque, a madrasa or a *khanqa* for people to use and benefit from. As these institutions did not generate funds, the *wāqif* alienated other revenue-generating properties that enabled the upkeep and running of these institutions. Both properties, the endowed one as well as the ones generating funds, were considered *waqf*. The lands and shops, etc. would be called *mawqūfat* and the institution and its beneficiaries would be the *mawqūf 'alayhi* (and at the same time a *mawqūf*) [Fig. 3].

A founder/endower [*Wāqif*]

Endowed property: [*Mawqūf*]



C) The Classification of Awqaf; *Waqf khayri* versus *waqf ahli*

The common classification of *awqaf* is nevertheless different from the above-mentioned classification. Awqaf properties are classified as 1- *Waqf khayri* (charitable endowment), 2- *Waqf ahli* (family endowment, where the beneficiaries are the family members), 3- a combination of both systems. There is no classification regarding what was or could be endowed as *waqf khayri* or *waqf ahli*. In principle any endower could endow anything they own (as long as it is lawful); the difference lies in the beneficiaries of the endowment.

The *waqf ahli* was cancelled in Egypt in 1952 causing confusion in the management of certain properties and details regarding this will be discussed in the following sections of the report dealing with legal and management issues.

There were many reasons to endow properties (in addition to carrying out a charitable act); there were political and economic reasons for example during the Mamluk period and later during the British occupation. In regards to the *waqf ahli*, it was sometimes used in an unlawful manners to prevent specific family members from inheriting by selecting some to be the beneficiaries and discarding others. This report will not discuss all the reasons for endowment in much detail but will allude to them whenever necessary.

D) The *Waqfiyya* (*huggat al-waqf*) and its registration

The *waqfiyya* (or *huggat al-waqf*, *waqf deed*) is the legally binding document that included the stipulations of the endower, administrative and financial matters as well as an architectural description of the endowed properties. “As legal documents, the *waqfiyyas* had to be drawn up according to certain prototypes provided in law books”⁷ and the judge in whose court the endowment was made had to validate its legality and content. Later, its legalization was to be registered in the other three *qadis’* courts of the four Sunni schools so that they could check it, approve it and record it in their courts; the foundation inscription could not be placed on the building before the legalization and registration of the *waqfiyya*.⁸

A very true view about the *waqfiyyas* as a tool for scholars is quoted here: “A *waqf* document is like a cut gemstone. It has many facets and can be admired even enjoyed, from different angles. *Waqf* documentation contains a wealth of material that scholars of many disciplines can exploit”.⁹

Accordingly, *waqfiyyas* are very useful sources of information for the field of Islamic and Coptic Architecture as well as heritage conservation in general.

In addition to the *waqfiyyas* including information on the endower, the type of endowment and the stipulations, it also includes:

⁷ Fernandes, “Notes,” 5-6.

⁸ Ibid, 5-6

⁹ Crecelius, D. “Introduction”, 251.

- a description of the endowed buildings, their spaces, components, materials, etc. (providing also the architectural terminologies that we use today)
- the jobs related to the running of the endowment

The aim of the architectural description in the endowment deed was to serve legal purposes when it came to knowing the economic value of the building and to provide the judges and engineers with sufficient information on the endowment when alterations were requested.

E) The *Waqf* as a Maintenance System:¹⁰

Jukka Jokilehto in his book *A History of Architectural Conservation* writes: "Islamic society also had a traditional system of maintenance and repair of community properties; this was organized within a type of endowment called the *waqf*".¹¹ The *Comité de Conservation de Monuments de l'Art Arab* (1881-1961 AD),¹² established by Khedive Tawfiq for the conservation and restoration of Islamic (and later) Coptic monuments was founded under the *Wizarat al-Awqaf* (The Ministry of Endowments). Details regarding this will be discussed in part III. This section nevertheless, will present the basic principles of *waqf* and its relation to maintenance and repair.

As mentioned above, one the main stipulations of many *awqaf* was that the charitable endowment should be beneficial in perpetuity, hence the *nazir* (supervisor) had to ensure the continuity of endowment being beneficial, *dawam manfa'atuh* (دوام منفعته), by ensuring the regular maintenance and repair of the endowed properties because "Without the (minor) repair, the endowments would not remain for its people" "لولا المرممة ما بقيت الاحباس لاهلها".¹³

The main concept of the *waqf* (especially case 3) was to endow revenue-generating properties and use their revenue primarily for the upkeep and maintenance. The study of several Mamluk *waqfiyyas* and their stipulations demonstrates that the *waqif* stipulated to the *nazir* that he should primarily spend the revenue of on the '*imara*'¹⁴ (actions that keep the building operational) of endowed buildings or institutions.

The following are two quotes (in Arabic with English translation) related to '*imara*' taken from Mamluk *waqfiyya*'s.

In the *waqf* of Qalawun (r. 1279-1290) for his *bimaristān* the *nāzir* had to ensure the following:

¹⁰ The author of this report has written her MA thesis on the *Waqf* and its Relation to Maintenance and Repair (2004). An article summarizing this research was published in 2011 in "Held in Trust", edited by Pascale Ghazale.

¹¹ Jokilehto, *A History of Architectural Conservation*, 12.

¹² Hereafter *Comité*.

¹³ Al-Kindi, *Kitāb al-wula*, 394-5.

¹⁴ The term '*imāra*' is any action that allows a building to remain operating and in good condition ('*amir*' عامر). Nevertheless, in some cases it could also mean building and construction operations. The term, when taken from the Arabic text to be used in this research, will not be translated to English; instead the word '*imāra*' will be used because there is not one single word that could define it, and also because in each text it could have had a different meaning.

"و يبدأ من ذلك بعمارة ما تجب عمارته في الوقف و البيمارستان المذكور ذلك فيه، من إصلاح و ترميم أو بناء هديم، على وجه لا ضرر فيه و لا ضرار و لا احجاف بأحد في عمل و لا اضرار"¹⁵

"He should start by the *'imāra* of what needs an *'imāra* of the *waqf* and the hospital mentioned, in terms of repair, restoration or construction of a collapsed section in a way that does not harm, or cause harm or injustice to anyone in the work and causes no damage".

Similarly in the *waqf* of al-Ghuri (r.1501-1516) the following is stipulated:¹⁶

"أن الناظر على ذلك و المتولى عليه يستغله بوجه الاستغلال الشرعى و يبدأ من ريعه بعمارته و مرمته و ما فيه بقا غلته و دوام منفعتة و بتعويض ما يسقط من القيشاني الأزرق العالي على القبة المذكورة أعلاه أولاً فأول بحيث يعاد بدل الساقط من ذلك في مكانه يوم سقوطه في حياة الواقف المنوه باسمه الشريف أعلاه و بعد وفاته دائماً أبداً و بادا ما على أراضي من الحكر لمستحقه شرعاً و بما تحتاج إليه الأراضي الخراجية من حفر الترغ و جرف الجسور ليشمل ريعها و يكمل نفعها ثم يصرف بعد ذلك لمن يذكر فيه من المستحقين و أرباب الوظائف"

"The *nāzir* of this *waqf* should use it in a lawful (*shar'ī*) manner; he has to start by spending the revenue on its *'imāra* and *maramma* (small repair activity) and on that which keeps its revenue and the continuity of its benefit. He has to substitute the blue ceramic tiles that fall from the dome right away, to be replaced *in situ* on the same day when it falls. This should be done when the *wāqif* is alive and also forever after his death, always and forever. As for the pieces of lands, he has to spend on what it needs in terms of digging canals and excavating the edges of the river so that it remains beneficial and then he should spend on the beneficiaries and workers".

It seems that the mention of the importance of spending revenue primarily on maintenance was written in all Mamluk documents in order to avoid the previous economic mistakes of the *awqaf* during the Ayyubid period, where corruption led to the lack of maintenance and deterioration of many of the endowed buildings.¹⁷ This stipulation remained important also during the Ottoman period, so in a *wathīqa 'insha' wa waqf min al-'asr al-'uthmani* (al-Bab al-'Ali, 12 Shawwal 1204 H) it was stated that that they had to start spending the revenue of the *waqf* on its *'imāra*, *maramma*, and what would keep it remaining and existing even if they spend on that all the revenue:

"منها أن يبدأ من ريع الوقف المذكور بعمارته و مرمته و ما فيه البقا لعينه و الدوام و لو صرف في ذلك جميع غلته"¹⁸.

The above discussion obviously relates to what is classified by the author as cases 2 and 3. In the case of endowed houses, often the endower stipulated that those renting the place are responsible for the maintenance. This was of course not always respected, which led to the deterioration of several *awqaf*.

F) The *Istibdal* and its urban impact

¹⁵ Amin, "Watha'iq waqf al-sultan Qalawun," quoting "Wathīqat waqf al-sultan Qalawun 'ala masalih al-bimaristan al-mansuri 2/15" 361-362.

¹⁶ *Waqf* of al-Ghuri, *Awqāf* 883, 178.

¹⁷ Amin, Qalawun, footnote 1, 362 quoting also Amin, *Tarikh al-awqāf*, 263

¹⁸ Quoted in Hamuda, *Al-watha'iq al-'uthmaniyya*, 15.

The *istibdal* or exchange is a system that allowed the exchange of *waqf* properties through purchasing of another one instead of the originally endowed one or exchanging it with another property.¹⁹ Very early on, probably around the 2nd century of the Higri Era, the system was allowed by the judges but they were very cautious that such a system could allow the misuse of *waqf* properties, especially because the various Sunni schools do not agree on the legality of the system. Nevertheless, as mentioned above, endowing a property as *waqf* made it illegal to dispose of it and hence this meant the blockage or the freezing of large pieces of agricultural lands as well as built properties (even when they became in a state of ruin), especially because many endowers stated clearly in their endowment deeds that *istibdal* should not be allowed even if their properties became a ruin.

To urbanize the city of Cairo, the Mamluks used the *istibdal* system extensively (while of course facing some resistance) to construct their new *awqaf*, as argued by Fernandes in her article “*Istibdal: The Game of Exchange and its Impact on the Urbanization of Mamluk Cairo*”. The system allowed the exchange not only of lands or ruined properties but also properties in a good state of conservation but that were in prime locations and of great interest to powerful Mamluk Sultans and Amirs and later Ottoman rulers, too, and hence the loss of earlier buildings of a present heritage value. Muhammad Amin in his book “*The Waqfs and Social Life in Egypt*” lists how the Mamluks abused the *istibdal* system for their own benefit. Fernandes referencing the historian Ibn-Iyas describes (among many examples) the case of al-Ghuri (al-Ghawri) who built his madrasa on the site of the *qaysariyya* of Amir Ali through exchange from the waqf of al-Nasir Muhammad.

Nevertheless, she concludes her article by saying the following about *istibdal*: “The procedure allowed waqf properties to change ownership and more importantly, it put them back on the market. As empty building space had become scarce and difficult to obtain with the urban centers, founders had to resort to *istibdal* for the acquisition of waqf properties. The latter would readily be torn down making room for new buildings. Thanks to the procedure, the demolition of old ruins seems to have become the order of the day. Ironically for waqfis, the procedure that they all feared and tried to protect against came to represent the only viable solution for the survival of old foundations and the construction of new ones. Ultimately, it seems almost a blessing that *qadis* did not always adhere to the prohibitions against *istibdal* set by the *waqifs* in their endowment deeds. Indeed, thanks to their acceptance of the procedure, the city of al-Qahira underwent a period of intense urbanization, an urbanization that resulted in the creation of new urban centers and/or the restructuring of old ones. Would this urbanization still have taken place if the procedure had not existed? Probably yes, but the Mamluks would have had to come up with another way to circumvent the *shari’a* to acquire the land they needed for their constructions. As often proved, the Mamluks were very resourceful when it came to their own interest!”²⁰

¹⁹ Some authors differentiate between the terms *ibdal*, *tabadul* and *istibdal* in regards to exchange through purchase or through property exchange (of other waqf or other non-waqf property); in al-waqai’ al-masriyya, decree 11 / year 2003 differentiates between these various terms and discusses their stipulations.

²⁰ Fernandes, “*Istibdal*”, 219.

The advantages and disadvantages of the *istibdal* system remain a debatable issue as are the opinions of the different Sunni schools. Legally it is in existence till today with numerous stipulations and regulations that are officially published in the decree # 11/year 2003. *Istibdal* is not allowed if the structure is a mosque or if it is a *waqf ahli* that is temporarily managed by the Ministry of Awqaf.

G) The *Hikr (hokr)/ pl. ahkar*:

The *hikr* is a system that is not only related to the *waqf* properties. According to the legal study by the URHC, it is defined as follows:

“al Hakr (exclusive privilege): the muhtakir is allowed to use properties that belong to the state or individuals, i.e. carry out building or planting activities, while the property is owned by the original owner, the buildings or the plants are owned by the muhtakir. In the cemeteries for example, where the beneficiaries erect the tombs or the surrounding fences for burying activities, the land is considered a general state property according to the Cemeteries Law 5, 1966.”

The *awqaf* properties did face also *hikr/hokr*; so for example some *awqaf* owned lands that were endowed earlier and were not generating revenue anymore, were given to a *muhtakir* to build on it (or grow crops, etc.) in return for paying rent; the land remains the property of the Awqaf, while what is on it belongs to the *muhtakir*. Although the system was cancelled, there are still some lands that have *muhtakirin* (pl. of *muhtakir*) and some revenue received by the Ministry of Awqaf from these properties.

III. THE LEGAL *Waqf* ASPECTS (19TH CENTURY – PRESENT)

A) The *Waqf* during the reign of Muhammad ‘Ali, the 19th century and early 20th century:

Muhammad Ali was a turning point in the way *awqaf* were managed. As mentioned above, although there were legal systems dealing with *awqaf*, the administration of them was through the endowers or *nazirs* and remained in place after the endowers’ death. Throughout history, there was great interest from rulers in power to control the *awqaf* due to their high revenues.

A lot of changes to *awqaf* occurred during and after the reign of Muhammad Ali. This could be summarized as follows:²¹

- 1835: Muhammad Ali created a management body for the *awqaf*, called *diwan ‘imum al-awqaf*, he cancelled it in 1837-8
- 1847: Muhammad Ali decided to cancel the *waqf ahli*, but it seems that this was not applied widely
- 1851: Khedive Abbas decided to re-established *diwan ‘imum al-awqaf*, and it had also an official and legal set of regulations, starting gradually to centralize the administration of the *awqaf* and their revenue and in 1895 another list of regulations was established, where it legalized in a stronger manner the centralization of administering *awqaf* and it also became official for the *diwan* to receive a percentage of the revenue of *awqaf* as a compensation for its administrative work.
- 1878, the *diwan* was reorganized and under Ismail it became a *nizara* (or a Ministry)
- 1884: *Awqaf* was separated and became an independent entity (called again *diwan ‘imum al-awqaf*); The khedive hence detached it from the governmental cabinet that was since 1882 under the British control. It followed the set of regulations established in 1835 (mentioned above).
- 1913: Kitchner, the British Consul-General in Egypt (1911-1914), transformed the *diwan* into a *nizara* (*wizara*, or Ministry).
- 1946: *Awqaf* law 36 / year 1946 was issued (later cancelled and replaced by the 1959 law); the issuing of this law seems to have been issued due to debates about the corruption that existed in managing the *awqaf* (especially the *waqf ahli* and its lawfulness, which was a disputable subject for a long period of time).

B) From 1952-present

After the 1952 revolution, several changes took place in regards to *awqaf*. Gamal Abdel-Nasser issued the decree # 180 / year 1952 which cancelled the *awqaf* on anything but *waqf khayri*, the charitable endowments (hence cancelling the *waqf ahli*, which as mentioned above, this was a debatable subject

²¹ For more details, read Ibrahim al-Bayoumi Ghanim and his book (al-awqaf wa al-siyasa fi misr), the *awqaf* and the political life in Egypt; chapter 5 deals with this period. And also Reid, Whose Pharaoh?, 243

for a long period of time). Some scholars argue that the reason for cancelling the *waqf ahli* was not due to the earlier debates (as these were regulated through the 1946 law), but because large areas of agricultural land were family-endowed properties that Nasser needed for his Agrarian Reform.²²

In 1957 (law # 152) and in 1962 (law # 44), laws were issued to have endowed agricultural lands endowed for a) the public charity and b) those for the private charity be under the General Authority for Agrarian Reform. More changes and more centralization of managing *waqf* properties occurred during the decades following 1952 and in 1959, a new *waqf* law was issued, namely law # 272 / year 1959.

In 1971 an additional law was issued (law 80 / year 1971), stipulating the creation of *hay'at al-awqaf al-Masriyya* (The Egyptian *Awqaf* Authority), an independent authority that reports to the **Minister of Awqaf**. Law # 1141 / year 1972 was issued regulating the work of the *Awqaf* Authority.

According to article 2 of the law 80 / year 1971, the Egyptian *Awqaf* Authority is responsible for the *awqaf* listed in article 1 of the law # 272 / year 1959 except the following ones:

- a) Agricultural lands that are endowed for the public charity and that became under the General Authority for Agrarian Reform according to law 152 / year 1957.
- b) Agricultural lands that are endowed for the private charity and that became under the General Authority for Agrarian Reform according to law 44 / year 1962.
- c) Charitable endowments where the endower stipulates that he and his descendants supervise them.
- d) The *Awqaf* that are being supervised under the Coptic Orthodox *Awqaf* Authority
- e) The money of exchange (*badal*) or *hikr*
- f) Bonds of agrarian reform, their value of what was used from them and their revenue
- g) The *Awqaf* that are supervised by the Ministry of *Awqaf*

The *Awqaf* Authority was accordingly entrusted with managing revenue-generating properties and investments of the Ministry of *Awqaf* in order to achieve the highest possible revenue that would allow the Ministry of *Awqaf* to achieve its goals and allowing this way the Ministry to focus on its religious mission. The Ministry of *Awqaf* is accordingly responsible for the mosques and the mausolea. As per article 6, law / year 1971, the *Awqaf* Authority after managing the revenue of the charitable endowments hands it over to the Ministry of *Awqaf* but retains 15 % of it as a compensation for its efforts in the administration (management) and maintenance of the *Awqaf* properties.

According to the legal study by the URHC, the following was stated:

“The authority is in charge of the management and the investment of the funds of endowments, it gives to the Ministry of Waqf the net income of the charitable endowments to be spend in accordance with the terms of Waqfeen (people of Waqf), The authority charges for the management and maintenance of charitable endowments 15% of the total revenue collected; it may keep 10% of the revenues in reserve for the development of revenue for each Waqf. The authority’s Body of Directors has the right to

²² Ghanim, *al-awqaf*, 461.

act/spend the reserve after the approval of the Minister of Awqaf. For properties run by the authority that ended its endowment, the authority charges 10% of the total revenue collected as management expenses, 15% as maintenance expenses, in addition to 5% as expenses for technical works as determined by the Board of Directors. The net revenue then goes to the Ministry of Awqaf to be distributed to the eligible in accordance with the provisions of Law 44/1962.”

It is worth noting here that in addition to having two bodies dealing with different types of *awqaf* properties, laws and decrees regulating their work among each other and with other government bodies are also numerous. This indicates the huge amount and variety of *waqf* properties that needs to be managed as well as the complications related to this. For example, the cancellation of *waqf ahli* (family endowment) or of the mixed endowments, and the centralization of managing *awqaf* between the two above-mentioned bodies has lead to several problems such as the lack of clear information on ownership and beneficiaries. The decree cancelling the *waqf ahli* meant that the endowers or beneficiaries could claim their endowment and it would be handed over to them. Until the family beneficiaries claim their *waqf* properties, the Ministry of Awqaf and Awqaf Authority remain responsible for managing it. Certain committees were formed (called Ligan al-Qisma; Division Committees) that are currently under the Ministry of Justice to deal with the *waqf ahli* and how to divide the endowment among its beneficiaries or the inheritance of the initial endower in the case the original and legal endowment deed was found.

The *waqf ahli* endowment deeds (as well as those of the *waqf khayri*) are scattered over several archives in Egypt such as that of the Ministry of Awqaf, Dar al-Kuttub, Dar al-Mahfouzat and Dar al-Watha’iq. Claiming properties can be very difficult due to the lack of accessible information. Nevertheless, the availability of information could also lead to several problems. Although it would allow several beneficiaries to claim their right in certain properties and endowments, it could lead to several court cases where people use a similarity in names to unlawfully claiming properties.

In some cases it is also not in the interest of the Ministry of Awqaf or Awqaf Authority to make these documents available as it could lead them to lose some major revenue generating properties.

The difficulty of obtaining maps and lists on what belongs to the Ministry of Awqaf and the Awqaf Authority will be discussed later in the report. What is nevertheless clear is that the lack of available information is not only due to the lack of transparency but it also indicates that this information is not always available and that the Ministry of Awqaf and the Awqaf Authority do not have an official inventory with the properties they own and/or manage. This will be discussed later in the report.

IV. THE WAQF IN RELATION TO THE BUILT HERITAGE AND THE HISTORIC CITY OF CAIRO,

THE COMITE AND THE MINISTRY OF ANTIQUITIES

A) The *Waqf* and the establishment of the *Comité*

Khedieve Tawfiq, established on the 18th of December 1881 the *Comité de Conservation de Monuments de l'Art Arab* (hereinafter *Comité*) under the Ministry of *Awqaf*.²³ He issued a decree in Abdin palace about its foundation and identifying their responsibilities.²⁴ The *Comité's* work and proceedings were published in their Bulletins.²⁵

The roots of the creation of the *Comité* and the Museum of Arab Art go back to couple of decades earlier and the date of its foundation is related to the political situation. Donald Reid in his book *Whose Pharaohs?* (and earlier article Cultural Imperialism) explains this as follows:

"An Asutro-Hungarian architect working for the *Awqaf* Department, Auguste Salzmänn, suggested the idea, and Julius Franz, a German in the same department, was to have assembled objects for a museum in the ruined mosque of al-Zahir Baybars. Nothing came of the decree, so in 1874 British consul Edward T. Rogers urged the International Congress of Orientalists to appoint a committee to preserve, restore, and record Oriental monuments and art. Lane-Poole had practical reservations: Only a government could muster the resources for such a task, and a recent bill for a similar program in Britain had failed. Besides, Ismail, "the principle sinner in the matter of art demolition ... would perhaps ask whether Parisian boulevards and Italian villas planted in the historical soil of Egypt were not mere artistic than tumble down mosques and ruined houses? And would it be possible, even with the temper of an angel, to answer such a question?" The timing of the 18 December 1881 decree establishing the *Comité* was no accident. Khedieve Tawfiq was under siege from the Urabists, who were challenging both European intrusion and the Turco-Carcassian monopoly on high military rank. Tawfiq was desperate to rally European support to save his throne; perhaps even the tiny lobby of European amateurs of Islamic art might help tip the balance in his favor."²⁶

The *Comité's* responsibilities listed in article 2 of the decree are:

1. to make an inventory of Arab monuments that present an artistic and historic interest
2. to ensure (for) the maintenance and conservation of these monuments by notifying the Ministry of *Awqaf* on the works to execute by indicating to them the most urgent ones.
3. to study and approve the projects and repair plans of these monuments and follow strictly their execution.

²³ For more information on the *Comité*, read: Reid, "Cultural Imperialism" and Al-Habashi's PhD thesis, *Athar to Monuments*.

²⁴ The decree can be found in the Egyptian National Archive and was published in *al-Waqa'i' al-Masriyya* as well as in the *Comité's* Bulletins (1882), p-8-10.

²⁵ The Islamic Art Network has scanned all the *Comité's* Bulletins and made them available online <http://www.islamic-art.org>.

²⁶ Reid, Donald, *Whose Pharaohs*, 223.

4. to ensure archiving this works at the Archive of the Ministry of Awqaf and to report to this Ministry about remains of monuments that they would be transferring, due to the interest in their conservation, to the National Museum.

The *Comité* had accordingly two Commissions; the First Commission was responsible for the listing of the monuments that should be preserved and hence preparing the inventory stated in article 2; while the Second Commission that later became the Technical Commission was responsible for reporting on the condition of the monuments, suggesting repairs and supervising works.

El-Habashi and Warner summarize the further development of the *Comité's* administration as follows: "In 1915 the *Comité* was further subdivided into two separate administrations: The Administration of the Conservation of Arab Art, *Idarat hifz al-athar al-'arabiya*, and the Administration of the Museum of Arab Art and Excavations, *Idarat dar al-athar al-'arabiya wi ashghal al-hafr*. In 1936, control of these two administrations of the *Comité* were transferred to the Ministry of Public Instruction (*Wizarat al-Ma'arif al-'umumiyya*). In 1939, the *Comité* was replaced by the "*Conseil Supérieur pour le Service de Conservation des Monuments de l'Art Arabe*", and its Technical Section became the "Permanent Committee". None of these subdivision and reshufflings, however, affected the continuing usage of the original denomination of the institution, the *Comité pour la Conservation des Monuments de l'Art Arabe*, in its publications or in the perception of the general public."²⁷

Two antiquities laws made it possible for the *Comité* to work on a solid legal base; these were:

- Law # 14 / year 1912
- Law # 8 / year 1918

Since 1936, the work on "antiquities" was separated from the Ministry of Awqaf.

B) The Establishment of the Egyptian Antiquities Organization, later Supreme Council of Antiquities and the Ministry of Antiquities (and Heritage)

In 1951, a new antiquities law was issued, law #215 / year 1951, cancelling the previous laws (law # 14 /year 1912 and law # 8 / year 1918).

This law was followed by the decree 10357/year 1951, where the list of registered monuments (with the numbering used till today) was published; more details regarding this will be discussed below.

The 1951 law did not tackle the relationship between *Awqaf* and Antiquities and it seems that since the separation of the *Comité* from the Ministry of *Awqaf* in 1936, that nothing legal was governing the work between both entities. The 1951 led to the creation of the Egyptian Antiquities Authority, *maslahit al-athar* (under the Ministry of Public Instructions / Education) as per the law 32/year 1953. Shortly after, law 529/year 1953 was issued to organize the work of the Antiquities Authority. Two Permanent Committees were formed under the Antiquities Authority: One for Islamic Monuments (that dealt with

²⁷ El-Habashi and Warner, "Recording the monuments of Cairo", 82.

Islamic and Coptic Monuments) and another one for Ancient Egyptian Monuments (that dealt with Pre-historic, Pharaonic and Greco-Roman Monuments).

The affiliation of the Antiquities Authority was under the Ministry of Culture and National Guidance, *wizarat al-thaqafa ua al-irshad al-qawmi* (1964), then it became under the Ministry of Tourism and Antiquities, *wizaret al-siyaha ua al-athar* (1966) and then under the Ministry of Culture, *wizarat al-thaqafa* (1966; decree 3774/1966).

In 1971 the Egyptian Antiquities Organization, *hay'at al-athar al-masriyya*, was created and it remained under the Ministry of Culture and Information. The board of directors of the organization included representatives from different ministries including a representative from the Ministry of *Awqaf*.

In 1983, a new antiquities law was issued, namely law # 117 / year 1983, which was amended in 2010 by law # 3 / 2010 and law # 61/ 2010.

In 1994, the Egyptian Antiquities Organization was transformed into the Supreme Council of Antiquities (decree 82/ year 1994).

In 2011 the Ministry of State for Antiquities was created as a separate Ministry from the Ministry of Culture and in 2014, it became the Ministry of Antiquities, and by the mid of 2014 it became the Ministry of Antiquities and Heritage.

C) The listing / registration of “monuments” or “antiquities buildings”:

As mentioned above, after the issuing of the 1951 law a list of the registered Islamic and Coptic monuments was issued. The process to produce this list started with the work of the *Comité* as will be discussed below.

Several scholars such as El-Habashi and Warner in their article “Recording the monuments of Cairo” and Speiser in his book *Die Geschichte der Erhaltung Arabischer Baudenkmaler in Ägypten*, have worked on the listing and related problems of the *Comité*'s lists.

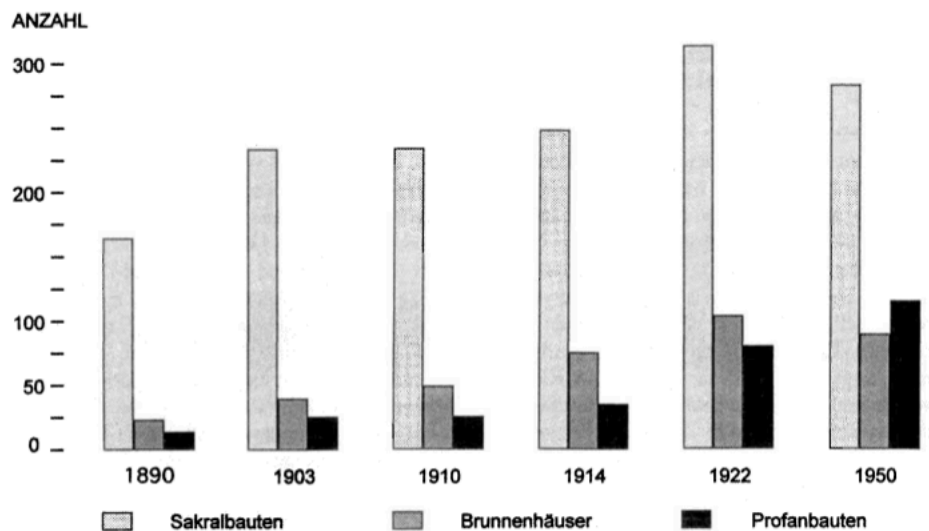
The *Comité*'s first commission started very early on to make a list or a register of the buildings of interest. As the *Comité* was under the Ministry of *Awqaf*, they initially registered *awqaf*-owned buildings (either those that are considered *waqf khayri* or *waqf ahli*). Registering only *awqaf*-owned properties was criticized in 1883 by one of the *Comité*'s members, Ambroise Baudry, and there seems to have been agreement that the *Comité* has to cover the wider range of Arab Monuments.²⁸ Over the years several lists were created. These were updated until the production of the 1948 map (and later 1950 English version)²⁹ and the decree of 1951 published in *al-waqf'i' al-masriyya*, where 623 were listed and hence legally protected.

²⁸ Ibid, 84, and B.C, 1882-1883, p. 31.

²⁹ Read, El-Habashi and Warner, “Recording the monuments of Cairo” and Speiser, *Die Geschichte der Erhaltung*, chapter 2.

Registration post 1951 is still being published in *al-waqa'i' al-masriyya* but with no numbering and no update to a general inventory.³⁰

Speiser used the different *Comité* lists to classify the registered buildings; in one of the classifications, he classifies them by building typology into 3 types: 1-Religious, 2-water-fountains /dispensaries (*sabils*) and 3-secular buildings [Fig.4]. It is clear that the focus was mainly on religious buildings and that possibly after the 1918 law there was a slight shift in registering secular buildings. Unfortunately, there is no classification in regards to ownership, or by area. Speiser nevertheless, discusses an important report prepared by Edmond Pauty for the *Comité* that deals not only with the registration of the buildings but of the whole city.



Tab. 4 Classement arabischer Bauten in Kairo aufgeschlüsselt nach Bautypen

Fig. 4: Classification in Speiser, based on typology of buildings (translation in sequence: religious buildings, water-fountains, secular buildings)

³⁰ Although the action area under this study does not contain any Coptic monuments that belong to the Coptic Awqaf, a short mention of Coptic heritage will be discussed here as it explains its current situation. In 1896, fifteen years after the establishment of the Comité, the decision was taken to oversee Coptic monuments as well, but the proposal to change the name of the Comité to the Comité de conservation des monuments des arts arabe et copte was rejected through voting. The Coptic Patriarchate agreed to contribute to the restoration of Coptic money and that Islamic Waqf money would not be spent on churches. (BC, 1896, PV 69, 30, 33-35 and BC 1898, PV 80:39) It is possible though that some of the funding allocated by the government was spent on Coptic monuments. (More details on the funding will be discussed below.) In 1910, 27 Coptic Monuments were listed as a separate classification to the 's list, and in the 1922 list (after the law of 1918, which stipulated the registration of Coptic Heritage that is in-use), only 14 of them were registered but not as a separate classification (these functioning ones were under the responsibility of the Comité; others probably in a state of ruin were under the Antiquities Service). The Antiquities Service was established in 1858 to work on Pharaonic antiquities. See also, El-Habashi and Warner, "Recording", 90.

D) The wish to list/register the City of Historic Cairo: Edmond Pauty, 1929, *La defense de l'Ancienne Ville du Caire*:

Pauty's report, prepared for the *Comité*, was to be presented to King Fouad in 1929. In his report Pauty was working on a concept of protection zones for the city (with a kind of buffer zone) and the two cemeteries;³¹ he also considers the area of Qasr al-Cham (current Coptic Cairo).

Pauty stated that the historic city of Cairo as a whole is the monument in itself.³² Pauty published his report in 1931 in the *Bulletin de l'Institut Francais d'Archeologie Oriental* and called it *La Defense de l'Ancienne Ville du Caire et de ses monuments*, obviously giving more attention to Cairo, the city.³³

This could be considered one of the earliest attempts of urban conservation and protection for Cairo. Pauty summarizes the zones of protection as follows:

1. Neighborhoods, intersections and roads, whose appearance must remain as is and whose renovation should only take place in the form of restoration/conservation, consolidation and interior adaptations.
2. Neighborhoods, intersections and roads, in which all transformations, extension work, etc. could only be undertaken as long as it keeps in harmony with the overall impression / spirit / environment, while linking them to the neighboring buildings. Measurements regarding the building heights would complement these regulations.
3. Neighborhoods, intersections and roads, where greater freedom could be granted, such as recent and modern establishments, etc. albeit with restrictions on the buildings heights.
4. Around the immediate vicinity of listed buildings, they should be surrounded by zones of protection. Limitation of building heights should be made in order to allow the visibility of certain silhouettes (obviously the minarets).
5. Creation of a band/ring/ buffer around the old city of Cairo (except al-Khalig's side) with appropriate lines to safeguard the appearance of the city from the outside and those of the large bands of the cemetery on the east.

The type of construction in relation to the location in the city and also the buffer zone around the city were of concern in his report.

With the knowledge we have today, we might have some reservations to Pauty's plan and could obviously propose some improvements. Nevertheless, several of his recommendations and approaches regarding protection zones and conservation treatments, if taken seriously by the different bodies working on Cairo 85 years ago, could have maybe yielded to better protection of Cairo's heritage and urban fabric as an inseparable ensemble.

Shortly after the inscription of Cairo as a World Heritage Site in 1979, a decree by the Governor of Cairo was issued in 1980 (published in *al-waq'it al-masriyya* in 1981, decree 257/ year 1980). This decree was

³¹ For more information on the cemetery read, al-Ibrashy, "The Cemeteries of Cairo and the *Comité* de Conservation" in *Making Cairo Medieval*.

³² Speiser, *Die Geschichte*, p. 59.

³³ Pauty, "La defense de l'Ancienne Ville du Caire et de ces Monuments", BIFAO 31, 1931, p.135-176.

based on earlier decrees (such as the decree # 28 / year 1973, by the Governor of Cairo to re-plan Medieval Cairo). The 1980 decree stipulated that the planning and urban fabric of the historic streets and main streets of Cairo has to be protected. This decree also discussed the overall protection of the appearance of “Islamic Medieval Cairo”.

E) The Protection of the Fabric and the Historic buildings through Expropriation

The question of how to protect the historic fabric of the city with all its architectural features, especially the private houses remains to be a complicated question till today. The solution the *Comité* was using and that is still being used till today is “expropriation”. The *Comité* has actually used expropriation and compensation (through the *awqaf*'s budget) for two purposes: 1- when the *Comité* were trying to demolish the shops and houses in the direct vicinity of the monuments for better visibility of the building and 2- when the *Comité* wanted to ensure that a house with high architectural value will not be demolished. Law 8 / year 1918 legalized the process of expropriation and compensation for registered buildings or those that will be registered (even if they are privately owned), nevertheless, it stated that the compensation from *awqaf* should not be more than half the value of the property. Speiser argues that the low compensation could be one of the reasons why after 1918 several buildings “disappeared”.³⁴

Expropriation and compensation were also part of the law 215 / year 1951 but no value was set for the compensation. The current law allows for a compensation when registering a building as a monument and when the owner of the building sees in this act a freezing to his property and asset.

Although this is a solution used till today, it is not a sustainable one.

F) The *Comité* and Funding Conservation Work of Awqaf Properties:

The funding for the work of the *Comité* (or in principle for conservation and restoration) was not always guaranteed. Initially, the budget of the *Comité* for all repair works and salaries came from the Ministry of *Awqaf*; this was obviously not problematic as most of the work was being carried out on *awqaf*-owned properties. Nevertheless, shortly after, by 1896, the financial situation of the government seems to have been problematic. Accordingly, Stanley Lane-Poole, who was a member of the *Comité* since 1890, recommended that “the Caisse de la dette publique, the watchdog for Egypt’s European creditors, allocate LE 20,000 to the *Comité*.”³⁵

In the *Process Verbaux* of the *Comité*'s Bulletin of 1906, marking the 25th anniversary of the creation of the *Comité*, the expenses and the sources of funding demonstrate that the majority of the funds came from the Waqf administration and some from the government.

G) The Ministry of Antiquities: Funding, Managing Conservation Works and Maintenance of Registered Awqaf Properties:

³⁴ Speiser, *Die Geschichte*, 60.

³⁵ Reid, Donald, *Whose Pharaohs*, 227.

As mentioned above, the *awqaf* properties are currently being managed by the Ministry of *Awqaf* (mosques and mausolea) and the Egyptian *Awqaf* Authority (secular buildings). The Ministry of *Awqaf* is the owner of all *awqaf*.

The Ministry of Antiquities³⁶ is the responsible body for overseeing all monuments and antiquities (including the ones owned by the Ministry of *Awqaf*). Article 6 of the antiquities law 117/ year 1983 modified in 2010, stipulates that all antiquities (built and movable) and lands considered as archaeological are public property, except those that are waqf or privately property. Such ownership is allowed but has to follow the conditions and stipulations of the law 117 / year 1983 and its executive regulation.

When it comes to funding restoration and conservation projects of *awqaf*-owned properties, the antiquities law stipulates the following in article 30³⁷:

“The Council³⁸ shall solely carry out [be responsible for] the maintenance and restoration works necessary for all registered antiquities, archaeological sites and places, as well as historic buildings.

Ministry of Awqaf, Egyptian Awqaf Authority and Coptic Awqaf Authority shall bear the costs of restoration and maintenance of registered archaeological and historic properties following the same (belonging to them).

The Council shall bear the costs of restoring the registered historic buildings acquired by other individuals and authorities, so long as the restoration is not due to the misuse of the acquirer, as decided by the ad hoc permanent committee. In such case, the acquirer shall incur the costs of restoration.

The Council chairman may – after the approval of the ad hoc permanent committee- grant license to the specialized scientific missions and bodies to conduct restoration and maintenance works, under the supervision of the Council. The chairman may further grant a written license to the specialised individuals.”

In the first decade of the 21st century, huge conservation projects were taking place in Historic Cairo; these were supervised by the Supreme Council of Antiquities. Funding for these projects came from different sources and didn't necessarily follow the above-mentioned article 30. Some conservation projects were funded and carried out by independent (foreign and local) organizations such as the American Research Center in Egypt (through grants from the United States Agency for International

³⁶ Until 2011, the Ministry of Culture was responsible for the “antiquities” and hence the Supreme Council of Antiquities was under it. A separate project that will be mentioned below called the “Historic Cairo Project” was directly under the Ministry of Culture and although it was working on buildings that are under the responsibility of the SCA, it had its own budget, funding, management and reporting system. Post the political changes in Egypt in 2011, the antiquities were separated from the Ministry of Culture and the “Ministry of State for Antiquities” was created, which became in 2014 the “Ministry of Antiquities”. Accordingly, the Supreme Council of Antiquities and the Historic Cairo Project are now under the Ministry of Antiquities. It is worth noting here that the work on Historic Cairo is being supervised by the Supreme Council of Antiquities (with its Projects Sector) and the independent Historic Cairo Project. This report will not go into much detail regarding this matter as the focus is on the *Awqaf* Properties. Recently a decree was issued to govern the work in Historic Cairo. This will also not be discussed in this report.

³⁷ This translation is as per the official translation (at URHC); in brackets are suggested modifications.

³⁸ By the Council, the Supreme Council of Antiquities is meant.

Development), the Aga Khan Cultural Services-Egypt (through funding from the Aga Khan Trust for Culture, the World Monuments Fund and other donors). After the completion of these projects, the Supreme Council of Antiquities received the work and handed over the buildings to the Ministry of Awqaf to start using it for the prayer.

Another major restoration project that was taking place in Historic Cairo was called the Historic Cairo project (that was under the Ministry of Culture; see footnote 35). Several registered awqaf-owned mosques were restored as part of this project but the funding for the project didn't follow the above-mentioned clause (# 30). According to representatives of the current Ministry of Antiquities, the reason for this was the availability of funding and budget at the Ministry of Culture. Nevertheless, post 2011, the budget of the Ministry of Antiquities was not sufficient to cover such projects and they accordingly attempted to find other sources for funding through the enforcement of article 30 of the antiquities law. Initially, there was an attempt to apply this article retroactively and hence request money already spent on Muslim and Coptic Awqaf. This of course was not an acceptable solution.

In order to find a solution to the funding and management issue of *awqaf*-owned properties that are considered antiquities, a decree was issued in 2012 (decree 34/ year 2012 and 65 / year 2012) and amended in 2013 (decree 141 / year 2013) to create a committee with representatives from the Ministry of Antiquities to coordinate issues regarding the maintenance and conservation of the historic mosques belonging to the Ministry of *Awqaf* and others belonging to the *Awqaf* Authority.

According to Eng. Manal Abdelfattah Sabri (Director General of the Design and Engineering Projects, Awqaf Authority) Eng. Laila 'Attalah Mahmoud (Director of the Design Projects, Awqaf Authority), initially, the Awqaf Ministry and Authority had a memorandum of understanding with the Ministry of Antiquities agreeing that the Ministry of *Awqaf* and the *Awqaf* Authority will pay for all the structural restoration and interventions needed, while the Ministry of Antiquities will pay for the project studies and "fine" conservation. Nevertheless, as this is still not according to the law that stipulates that the Awqaf should pay all works, more discussion regarding this matter is still taking place.

To date, and based on information received from Mr. Mohamed 'Abdel Aziz (Director of the Historic Cairo Rehabilitation Project), what this committee have agreed upon is that the Ministry of Awqaf will pay 25 million EGP for the restoration of 4 mosques (Mosque of Mithqal # 45, Tatar al-Higaziya # 36, Mughalatay al-Gamail # 26, Marzouk al-Ahmadi # 29) for which the studies have been already prepared by the Ministry of Antiquities (the Department of Historic Cairo). The Historic Cairo department have indicated that they have 27 studies for conservation projects that are ready for implementation if funding is made available (from both the Ministry of Awqaf and the Awqaf Authorities). As mentioned above, the Ministry of Awqaf is responsible for the mosques and mausolea, while the Awqaf Authority is responsible for revenue-generating awqaf properties. In the case of a registered monument such as a mosque or madrasa that have awqaf shops on its lower floor, the Ministry of Antiquities has to deal with two different bodies within the same building and get funding from two different entities, which complicates and delays all procedures.

The selection and agreement to restore 4 mosques was a result of long discussions between both Ministries. Nevertheless, these are all temporary solutions and the overall situation is actually quite problematic. There is a clear lack of common understanding and planning for the future. What is happening is that on the one hand the Ministry of Antiquities are issuing (for the past 3 years) a number of letters to the Ministry of Awqaf and the Awqaf Authority indicating the dangerous state of conservation of certain registered monuments owned by awqaf and urging them to provide the necessary funding for their restoration and conservation. The Awqaf Ministry and Authority find in some cases the bid to be too expensive and accordingly. The letters sent by the Ministry of Antiquities are in some cases a way to push the responsibility on the Ministry of Awqaf; accordingly, if any damage takes place to the building, the Ministry of Antiquities would “blame” the Ministry of Awqaf for not providing the necessary funding.

On the other hand, the Ministry of Awqaf are also indicating that they have sent letters to the Ministry of Antiquities regarding the state of conservation of certain mosques that need restoration intervention and studies (where also funding is available) but the Ministry of Antiquities have not reacted.

In principle, the Awqaf Ministry and Authority could prepare the conservation / restoration project along with the bill of quantities for any of the historic and registered buildings they own. The Ministry of Antiquities would then have to approve and supervise the works. Nevertheless, the Awqaf Ministry and Authority do not have a department with capabilities and knowledge to manage such projects.

The above discussion focused on functioning mosques and madrasas where there is also an interest on part of the Ministry of Awqaf and the Awqaf Authority to restore the buildings to use them for the prayers (such as mosques) or as revenue-generating properties. When it comes to registered mausolea, the situation is more complex. Many of the mausolea and hence the whole area of the cemetery is of no functional interest to the Ministry of Awqaf; nevertheless as it owns these mausolea, it is accordingly responsible for funding their maintenance, conservation and restoration. Nevertheless, as the mausolea are not functioning buildings, they are given very little attention and are left to decay; many of them and of their surroundings have become garbage dump areas. To enter these mausolea, the key is usually with the Supreme Council of Antiquities, which should entail that they are the ones responsible for the maintenance, but this is not the case.

The dual responsibility between the Ministry of Antiquities and the Ministry of Awqaf for the awqaf-owned mosques and mausolea is quite a problematic one and needs long-term solutions. One body is responsible for the funding and function, the other for the restoration and supervision, yet, no strategies are set in place to manage the maintenance and above all the decision taking process of which building to maintain, which one to restore, what are the priorities, etc.

The lack of a final decision taker in regards to what to restore, how to maintain, what to fund, how much to spend, etc. is accordingly leading to an ambiguous situation, where each Ministry is throwing the responsibility on the other one and as an end result, the heritage buildings are left to decay.

Therefore, it is important that the committee formed to deal with this issue come up with long-term solutions that will set clear strategies for these issues and possibly amend and modify article 30 (after the election of a parliament).

The assessment of potential impacts on heritage and how to be ready for natural disasters or man-made vandalism is not on the agenda or planning of any of the above-mentioned ministries. The Cairo governorate does have departments for fire fighting, etc. but better coordination and attention is needed for Historic Cairo with special systems tailored to the nature of the historic city.

As for the post-conservation maintenance of buildings restored through the “Historic Cairo Project” or other non-governmental institutions varied. As initially, the Supreme Council of Antiquities was under the Ministry of Culture, agreements were reached with another body of the Ministry of Culture, namely the Cultural Development Fund,³⁹ that was given the permission to use some of the restored buildings for free in exchange of carrying out its regular maintenance. An example for this is the Sabil Qaytbay (monument # 324) that is also in the URHC action area of Darb al-Hosr. This building is currently housing a public library as well as other cultural activities.

In some areas, such as on al-Muizz street, Historic Cairo, an area outside the URHC focus area, but that is getting more attention as it is regarded as a major touristic location as it houses numerous iconic Islamic monuments and is in the vicinity to the Khan al-Khalili market. In this area, many of the mosques were not put back in use and surprisingly, the Ministry of Awqaf has not requested to receive them back; the regular simple maintenance of these buildings (to give some known examples: the Khanqa of Barquq, the Qalawun complex, al-Nasir Muhammad ibn Qalawun madrasa) is being carried out through cleaning companies that have been contracted by the Ministry of Antiquities. The source of funding for these maintenance interventions is nevertheless not always guaranteed and therefore long-term solutions must be considered in addition to questions regarding the use of these buildings. This example was discussed to demonstrate that although on the one hand solutions for maintenance could be found by the Ministry of Antiquities, strategies for long-term maintenance and regular monitoring is of great importance. The closing of heritage sites (either belonging to awqaf or not) to be just visited by tourists and visitors without allowing them to be used on a regular basis is not a sustainable solution.

H) The Ministry of Awqaf and the Awqaf Authority: Funding, Managing Conservation Works and Maintenance of Non-Registered Awqaf Properties:

The awqaf-owned properties that are not registered as monuments fall fully under the responsibility of the Ministry of Awqaf and the Awqaf Authority, in terms of funding and management. In principle, both the Ministry and the Authority have the freedom to decide what to do with these properties, whose nature varies and could be “non-historic” mosques (under the responsibility of the Ministry) or shops, houses, lands, etc. generating revenue (under the responsibility of the Authority). In dealing with these

³⁹ The webpage of the Cultural Development Fund (in Arabic) is <http://www.cdf.gov.eg>

properties they have to follow the awqaf laws and regulations and other related Egyptian laws (such as the building law, the law for agriculture, etc.).

Although it is true that many of the awqaf properties are not registered / listed buildings, a big percentage of them have a high architectural value,⁴⁰ and have become part of the listed buildings of peculiar value set by the National Organization for Urban Harmony (NOUH). This is not necessarily appreciated by the Awqaf Authority, who in some cases does not consider their NOUH-listed buildings as valuable or worth preserving. The discussion on values is of course a very debatable issue, but what is clearly demonstrated from discussions with private owners and the awqaf employees in regards to the NOUH registration is that there was no discussion prior to the listing, where the various stakeholders could discuss their views and value-sets regarding the buildings and the urban fabric.

The Awqaf Authority, however, is aware of the high architectural and historic value of many of its properties in Cairo and in other cities in Egypt and is actually eager to enter in partnerships with donors who are willing to pay for restoration of awqaf properties. The question is of course, what will the donor get in exchange? There are some organizations (such as the Aga Khan Trust for Culture and others) who would restore awqaf-owned buildings in the historic city as part of their philanthropic vision and as part of their mandate to protect historic cities. Nevertheless, more sustainable solutions are needed where regular funding is made available for the regular maintenance and upkeep such as encouraging investors to restore, upgrade and reuse awqaf-owned non-listed buildings. Another possible solution for the Awqaf Ministry is to sell these properties to the private buyers or investors, if some are interested, through the *istibdal* system.

Coming to the issue of maintenance, and as discussed earlier, the essence of creating an endowment was to make it charitable in perpetuity and hence all endowment deeds stipulated that revenue from other endowed properties should be spent on maintenance and repair. According to the current waqf laws, the Ministry should spend the money as per the endowers' stipulations and therefore, even if the currency changed and centralization of awqaf took place during the 19th and 20th century, the maintenance stipulation should remain. What is worth mentioning here is that the awqaf law # 36/ year 1946 law as well as the awqaf law # 272 / year 1959 law (which cancelled the 1943 law) had stipulations regarding the maintenance (or '*imara*') of *waqf ahli*, which as indicated above was cancelled by the decree # 180 / year 1952.

In the *awqaf* law of 1946 Section 3 deals with the '*imara*' of the waqf, and it mainly has one article (#7) organizing the maintenance of the *waqf ahli*. It states:

*An amount equal 2 % of the revenue of the **built** endowed properties as waqf ahli is to be retained for its future maintenance and 'imara. If the Ministry sees that more than this percentage should be retained, it has to ask the opinion of a lawful (shar'i) judge. The money that will be retained for this purpose has to be invested as per the internal regulations.*

⁴⁰ The following section of this report dealing with the case study action areas of Darb al-Hosr, al-Hattaba and Darb al-Labana (Historic Cairo) gives concrete percentage regarding registered vs. non-registered awqaf buildings, their architectural value, etc.

As mentioned above, when Abdel Nasser issued the law 180 / year 1952, the management of the above mentioned *waqf ahli* endowed properties became the responsibility of the Ministry and the Authority until the endowment is terminated or beneficiaries legally received their endowment. Accordingly, article 6 of the 1959 law states that 4 % of the net revenue of the *waqf ahli* will be retained by the Ministry for its maintenance and *'imara*, until the termination of the Ministry's responsibility (*hirasa*) over them. It is nevertheless not clear if this is actually applied.

As for other non-registered and not *waqf ahli* properties that are generating revenue such as shops and apartment buildings, etc. and that the Awqaf Authority were renting, it was the responsibility of the Authority to monitor their state of conservation and pay for their maintenance. Nevertheless, with the issuing of the law # 4/ year 1996 and also law # 119/year 2008, the tenants have to create residents' unions and be responsible for the maintenance.⁴¹ According to the URHC legal study, "The regular and exceptional maintenance of the building is controlled and supervised by a committee defined by law. Without prejudice to Law 144/2006 the body authorized with the planning and organization shall - through one or more of these committee(s) - inspect and examine the building properties, and determine the actions to be taken to save lives and properties, whether by maintenance, restoration, and structural works, partial or total demolition. Their inspection has to be periodic, it can also happen upon request made by the resident union, or from individual complain coming from citizens. This committee shall submit its report to the authorized body with the planning organization to issue its resolutions, including the time limit for the execution of the works and the need to partially or totally evacuate the building on temporary basis. In case of partial or total demolition of a building, the resolution made shall be approved by the competent governor or the deputy thereof, within one week after the receipt of the committee's reports.

The owners and the occupants have to be officially informed about decision(s), and a copy of the decision(s) has to be affixed visibly on the building. The parties concerned or a resident's union may complain about the issued resolution(s) at no later than 15 days from their notification. The complaint will be analyzed by an established complaint committee that shall settle a decision within 30 days, unless further documentation is requested."

During the meetings at the Awqaf Authority it was clear that there are numerous different cases regarding the maintenance (depending on how the rent agreements are drafted, the nature of the buildings, etc.) Unlike what one would have expected from the awqaf body where its stipulations always stressed on maintenance, the Awqaf Authority and Ministry do not have clear maintenance guidelines, procedures and systems for their properties.

⁴¹ The legal study of the URHC project gives detailed information on the various laws governing the relationship between the owners and the tenants.

V. WAQF PROPERTIES WITHING THE URHC ACTION AREAS AND THEIR OVERALL STATE OF CONSERVATION

“In the framework of the “Urban Regeneration for Historic Cairo” an Action Project has been proposed as a case for the conservation of the historic city through an approach of “rehabilitation” and “regeneration”, and as a step towards the development of a Conservation Plan for the Historic Cairo World Heritage (WH) site.”⁴²

This part of the research focused on the Awqaf Properties in the three action areas of: 1-Al-Hattaba, 2-Darb al-Hosr, 3- Darb al-Labbana. Permissions to proceed with site surveys were obtained by URHC office through Radwa al-Wakil (URHC team member). Site visits with Ahmed Abouzaid (URHC team member), Nermeen Salama (Awqaf Authority) and Nagla Huseein (Ministry of Antiquities/Historic Cairo) took place on a weekly basis during the project period (March 15th – May 15th). Maps of the survey works were used to identify *awqaf*-owned buildings and lands. Maps for this report were prepared by the URHC team, namely: Federica Felisatti and Ahmed Mansour.

It is worth mentioning here the great effort carried out by the URHC team and trainees in surveying each building in the action areas. The database and GIS system were used to classify the *waqf* properties based on their value and state of conservation. We discussed with the trainees tools to use the GIS system in obtaining information that will help them better manage the sites.

A) Extent of Awqaf Properties within the Action Area:

	Number of buildings/plots in Action Area	Number of Awqaf buildings / plots in Action Area	Percentage of Awqaf properties
Al-Hattaba	393	12	3 %
Darb al-Hosr	874	43	4.9 %
Darb al-Labbana	382	24	6.3 %

Table 1: Percentage of the Awqaf properties in the three action areas

The above table presents the results of the survey carried out by the URHC team and trainees. The URHC team requested from the Awqaf Ministry and Authority as well as from the Cairo Governorate to provide the project with maps showing the *awqaf* owned properties in the action area. This data was not received in any official form from the Awqaf Authority or Ministry. Some data was checked by the trainee from the Awqaf Authority during the course of the project and these coincided with the data surveyed by the URHC team. This nevertheless demonstrates how difficult it is for the Awqaf Authority and Ministry to identify their properties, let alone manage it!!! During the second week of May 2014,

⁴² Urban Regeneration for Historic Cairo, Action Project Layout, September 2013.

the URHC project received additional information from the Cairo Governorate on awqaf properties in the action area. Surprisingly, these provided additional waqf buildings and hence the percentage of awqaf properties increased by around 2 % of the total properties.

The reasons for this discrepancy need to be understood and analysed; it is possible that the additional awqaf properties received from the Cairo Governorate are *waqf ahli* and not in the record of the Awqaf Authority and Ministry. In all cases, this is a clear demonstration of the lack of well-documented information of awqaf-owned and/or awqaf-managed properties.

	Number of buildings/plots in Action Area	Number of Awqaf buildings / plots in Action Area	Percentage of Awqaf Properties
Al-Hattaba	393	22	5.6 %
Darb al-Hosr	874	56	6.3 %
Darb al-Labbana	382	31	8.1 %

Table 2: Percentage of the Awqaf properties in the three action areas;
[maps 1-3]

(based on URHC numbers and the additional data received from the Cairo Governorate)

The percentage of awqaf properties is relatively quite low. This of course raises some questions about the overall development of ownership in these areas and in the historic city of Cairo in general. Possibly, the *istibdal* system was used extensively at a point in time to sell awqaf properties and privatize some areas (exact data on specific buildings needs to be verified historically and through ownership documents). It is also possible that during the “centralization” process, the Awqaf Ministry and Authority lost track of their ownership (again this needs to be proven with legal ownership documents). Another interpretation could be related to the late urban development of these areas and accordingly the lack of interest in endowing properties in them.

To get more accurate information on the extent of awqaf properties in Historic Cairo the GIS system and the prototype exercise with the three action areas should be completed to cover the whole of Historic Cairo’s proposed core and buffer zones.

B) Overall State of Conservation of Awqaf Properties within the Action Areas:

State of Conservation	Al-Hattaba		Darb al-Hosr		Darb al-Labbana	
Good	0	0 %	5	9 %	0	0 %
Fair	5	23 %	14	25 %	7	23 %
Bad	9	41 %	20	36 %	14	45 %
Dilapidated	4	18 %	12	21 %	7	23 %
Ruined	4	18 %	4	7 %	3	10 %
Empty Plot	0	0 %	1	2 %	0	0 %
Total	22	100 %	56	100 %	31	100 %

Table 3: State of Conservation of Awqaf properties in the three action areas based on URHC survey
[maps 4-6]

The above table demonstrates that the majority of Awqaf owned properties (around 70 %) are in a bad or dilapidated state. This demonstrates that unfortunately, the management and regular maintenance of these properties basically do not exist.

In al-Hattaba and Darb al-Labbana areas, none of the waqf properties is in a good state of conservation and 23-25 % of the buildings are in a fair condition.

The Hattaba as well as Arab al-Yassar were considered a buffer zone area for the citadel. This means that changes or modifications to the buildings require an official permission. Although this should mean better protection and maintenance measures for the various buildings in the area, in this case, authorities seem to have taken a decision to freeze this area and eventually evacuate it completely, possibly for “better” visibility of the citadel. Accordingly, no building or restoration permits are being given, leaving the buildings (be it awqaf or privately owned) to fall into slow decay as a result of this decision and obviously due to the overall lack of maintenance and management systems. Although officially no building permits are given for new constructions in al-Hattaba area, it is striking that there are quite a big number of illegal buildings constructed in the course of the last 3 years (since the political changes in 2011), a phenomena appearing all over Historic Cairo and especially in al-Darb al-Ahmar. Although it is true that residents in Historic Cairo are keen on having more housing for their family members, etc. the way the new constructions are being executed demonstrates that the rich contractors do not have any respect to the neighbours who need fresh air and sun; the structural safety of these “high-rise” buildings is questionable as well as the ability of the infrastructural system to accommodate all these new buildings. A group of activists and heritage professionals have recently issued and filed an official complaint to the general persecutor against the Governor of Cairo, the Ministers of Antiquities, Awqaf and others in order to stop the illegal constructions of new “high-rise” buildings and demolitions of old houses in Historic Cairo.

In the action areas, the awqaf-owned buildings are not more than 8 % including registered monuments. Accordingly, even if the Awqaf Authority issue strict decrees that regulate the protection and maintenance of the residential units they are renting, it will not affect the overall protection of the urban fabric. Nevertheless, in some areas of Historic Cairo, where awqaf properties form a big part of

the urban fabric, regulations regarding their protection would have lead to a better urban conservation of the area. In Darb al-Ahmar for example (an area outside the action study area), some of the awqaf houses in traditional style and with *mashrabiyyas* were demolished in the second half of the 20th century and replaced with the concrete blocks we see today.

In the action area of Drab al-Labana some shops which were part of a *wikala/rab'* have been identified as *awqaf*-owned properties (GIS: H.2.3). These appear in an old photo of souq al-silah street with the mosque of Uljay al-Yussifi in the background (Fig.5). Comparing this photograph (dated to around the end of the 19th century; source is not certain, but possibly Comite archive) with the current situation demonstrates that the upper story of the building, where the residential units existed have been lost. Although this building is dated to the 17th century AD, it is not registered as a monument but was actually registered as a building of peculiar value.⁴³ It is possible that the Awqaf Authority decide to re-furbish / restore / rebuild the upper floor of this building in a manner that will ensure that they will generate more revenue as per the Authority's mandate. Currently, however, the Authority's priority doesn't seem to be the protection and conservation of their buildings as was the case with the initial endowers' stipulations discussed above. Nevertheless, if the Awqaf Authority carry out such projects to the buildings they own, they could become good case studies to follow in the historic city.

C) State of Conservation of Awqaf Properties within the Action Areas in relation to being registered as monuments or not:

Although the state of conservation of awqaf properties (as well as others) depends on a number of factor and cannot be grouped based on registration, typology and use only, the following part of the report aims at studying through the classification of registration, typology and use, whether certain trends could be observed or not. It is also a tool to explain to the future users of the GIS system how to use it to obtain information needed for prioritizing their interventions, planning and management.

Before going into the details of the state of conservation in relation to registration, the following table summarizes the ratio between registered versus non-registered buildings in the three action areas:

	Al-Hattaba		Darb al-Hosr		Darb al-Labbana	
Registered Monument	3	14 %	10	18 %	12	39 %
Peculiar Value	0	0 %	0	0 %	2	6 %
Not registered/not listed	19	86 %	46	82 %	17	55 %
Total	22	100 %	56	100 %	31	100 %

Table 4: Percentage of registered, not registered and buildings of peculiar value among the Awqaf properties in the three action areas based on URHC survey
[maps 7-9]

⁴³ In Warner's book, The Monuments of Historic Cairo, it was given the number U75 (U standing for unlisted).

In Darb al-Labbana the percentage of Awqaf owned buildings that are also registered monuments is quite high and it is the only area out of the three that has awqaf owned buildings with peculiar value and are registered under the law # 144 / year 2006. These are GIS: H.2.3 (discussed above; Fig. 5) and H.2.315 (Fig. 6).

Fig. 5, GIS: H.2.3; 17th century wikala / rab', registered as a building of peculiar value



(source unknown)



Photo by Matjaz Kacicnik ©



Note: Photos in Figures (5-22) in this report are courtesy of the URHC team unless otherwise indicated

Fig. 6, GIS: H.2.315; apartment building registered as a building of peculiar value



The other two action areas have less registered monuments and no buildings registered as of peculiar value although some of the awqaf owned buildings in these areas do have potential to be registered as buildings of peculiar value, such as for example the apartment buildings GIS: H.4.2 (Fig. 7), GIS: H.7.56 (Fig. 8) and GIS: H.4.202 (Fig. 9).

Fig. 7, GIS: H.4.2; a building having potential to be registered as of peculiar value



Fig. 8, GIS: H.7.56; a building having potential to be registered as of peculiar value



Photo by the author

Fig. 9, GIS: H.4.202; a building having potential to be registered as of peculiar value



A building such as the 19th century AD Madrasa of Sidi Shaheen in al-Hattaba⁴⁴ GIS: H.1.385 (Fig. 10) is also neither registered as a monument nor as a building of peculiar value. Legally and practically, this means that it could be demolished although its architecture is valuable. It is also very close to one of the citadel's gate, namely Bab al-Gadid. There are several suggestions that this gate would be opened for visitors to use to enter or exit the citadel. This would improve the economic status of the whole area. If this takes place, the madrasa of Sidi Shaheen building could be adaptively reused for a number of cultural, social, etc. activities that could also generate revenue for the Awqaf Authority.

Fig. 10, GIS: H.1.385; 19th century madrasa of Sidi Shaheen



The above demonstrates that an area such as Darb al-Labbana was given more attention by the authorities. Nevertheless, the other two areas do have buildings of high architectural and historic value. The URHC selection of those action areas for the study is very successful, as it sheds more light on the importance of these areas, especially considering that they were not given enough attention by the authorities and were not the focus working areas of other institutions.

In regards to the high percentage of non-registered awqaf owned properties, this allows the awqaf authority to have more freedom regarding developing, upgrading and restoring these buildings. In addition to that, it also reduces the restrictions on development and investment.

⁴⁴ In Warner's book, *The Monuments of Historic Cairo*, it was given the number U98 (U standing for unlisted).

Now in regards to the relationship between the state of conservation and registration, the area of Darb al-Hosr will be taken as a case study.

Darb al-Hosr:

Focusing on Darb al-Hosr, a filter was used to study the state of conservation of awqaf-owned registered monuments versus non-registered buildings.⁴⁵

State of Conservation	Darb al-Hosr		Darb al-Hosr Registered			Darb al-Hosr Non-Registered		
	Number	%		% of total (of 56)	% within category (of 46)		% of total (of 56)	% within category (of 46)
Good	5	9 %	2	4 %	20 %	3	5 %	7 %
Fair	14	25 %	5	9 %	50 %	9	16 %	20 %
Bad	20	36 %	0	0 %	0 %	20	36 %	43 %
Dilapidated	12	21 %	3	5 %	30 %	9	16 %	20 %
Ruined	4	7 %	0	0 %	0 %	4	7 %	9 %
Empty Plot	1	2 %	0	0 %	0 %	1	2 %	2 %
Total	56		10			46		

Table 5: State of Conservation of Awqaf properties in the area of Darb al-Hosr in relation to their registration

A number of useful information could be obtained using the above GIS-filtered information. Depending on the management plans and needs, different search engines and filters could be used.

Some observations are:

- In Darb al-Hosr, the percentage of registered buildings that are in a better state of conservation is higher than that of the non-registered buildings, hence the majority of non-registered buildings are either in a bad or depilated state of conservation. This clearly indicates that from the urban conservation perspectives, it is necessary for the Awqaf authority to focus its maintenance and restoration efforts on the non-registered buildings.
- Within the category of registered monuments, 3 (30 %) out of the 10 registered buildings are in a dilapidated state of conservation (counting for 5 % of the total plots in Darb al-Hosr).
 - These 3 buildings are: 1- Tomb of Safi al-Din Gawhar (monument # 270 / GIS: H.4.46; Fig. 11) and 2- the sabil, zawiya, and wikala of Mustafa Bey Tabtabay (monument # 272 / GIS: H.4.134; Fig.12) and 3- the Mosque of Kushqadam al-Ahmadi (monument # 153 / GIS: H.4.457; Fig. 13)
- Within the category of non-registered buildings, only three buildings are in a good condition. These three buildings are mosques built in the last couple of decades. The filter could also

⁴⁵ If buildings are registered as monuments but are not awqaf-owned, they will not appear in the below statistic.

provide information on the non-registered buildings that are in a fair state of conservation and are relatively well maintained. One example is the apartment building GIS H.4.2 that also houses a lawyer's office (Fig. 7).

Fig. 11, GIS: H.4.46; Tomb of Safi al-Din Gawhar (monument # 270)



Fig. 12, GIS: H.4.134; the sabil, zawiya, and wikala of Mustafa Bey Tabtabay (monument # 272)



Fig. 13, GIS: H.4.457; Mosque of Khushqadam al-Ahmadi (monument # 153)



All photos in Fig. 13 are by the author

The idea of above case study it is to demonstrate how the GIS tool and filter could be beneficial for management decisions. For example, if the Ministry of Antiquities are prioritizing conservation and restoration projects in collaboration with the Awqaf Ministry and Authority and both are focusing on buildings at risk, this tool could assist them in selecting which buildings to start with.

It could also be a tool for the Awqaf Authority to study which buildings or areas they could develop and invest into.

The same exercise could be repeated for the two other action areas and eventually for the whole of Historic Cairo. The Awqaf Authority and Ministry as well as the Ministry of Antiquities could be assisted in this process.

D) State of Conservation of Awqaf Properties within the Action Areas in relation to their architectural value:

Obviously, there are some buildings that are of high architectural and artistic value, yet as discussed above are not registered as monuments or as buildings of peculiar value.

Architectural Value	al-Hattaba		Darb al-Hosr		Darb al-Labbana	
	Number	%	Number	%	Number	%
Outstanding	1	5 %	8	14 %	3	10 %
High	4	18 %	7	13 %	7	23 %
Fair	1	5 %	12	21 %	4	13 %
Low	5	23 %	19	34 %	11	35 %
None	11	50 %	10	18 %	6	19 %
Total	22	100%	56	100%	31	100%

Table 6: Architectural Value of Awqaf properties in the three action areas based on URHC survey [maps 10-12]

Several filters can be applied on that filter (a double filter); for example one could see how many of the buildings that are of outstanding value are also registered. In Darb al-Hosr for example, the 8 buildings that are of outstanding values are also registered monuments, however, 5 out of the 7 buildings that have high architectural value are non-registered buildings (yet they are sabils, kuttabs, mosques, etc). Such filter could for example assist (when carried out to all buildings even if not owned by awqaf) in knowing which buildings are of high architectural value and have potential to be registered either with the Ministry of Antiquities or NOUH.

One could also carry out another double filter to see how many of the buildings that are of outstanding or high value, etc. are in a bad or dilapidated state of conservation and need intervention.

Darb al-Hosr/ Architectural Value	State of Conservation						
Architectural Value	Total #	Good	Fair	Bad	Dilapidated	Ruined	Empty Plot
Outstanding Architectural Value	8	2	5	0	1	0	0
High Architectural Value	7	2	1	0	3	1	0
Fair Architectural Value	12	1	3	5	3	0	0

Table 7: State of Conservation of Awqaf properties in in the area of Darb al-Hosr in relation to their architectural value

The one building that is of outstanding architectural value, also registered as a monument and dilapidated is the tomb of Safay al-Din Gawhar al-Nasiri (monument # 270 / GIS: H.4.46; Fig. 12).

The three buildings that are of high architectural value, also registered as monuments and are dilapidated are the buildings discussed above, namely: 1- the sabil, zawiya, and wikala of Mustafa Bey Tabtabay (monument # 272 / GIS: H.4.134; Fig. 12) and 2- the Mosque of Kushqadam al-Ahmadi (monument # 153 / GIS: H.4.457; Fig.13); in addition 3- sabil-kuttab (attached to, and probably part of, the Mosque of Kushqadam al-Ahmadi).

One of the three building that are of fair architectural value and dilapidated is the *hammam* of Shaykhu (GIS: H.4.34; Fig. 14)⁴⁶, a 14th century hammam that is currently being used for workshops and that is not registered as a monument but does belong to the awqaf. This building for example does also have potential to be restored, upgraded and rehabilitated for socially and economically beneficial purposes.

⁴⁶ In Warner's book, The Monuments of Historic Cairo, it was given the number U106 (U standing for unlisted).

Fig. 14, GIS: H.4.34; *hammam* of Shaykhu (not registered)



Photo by author

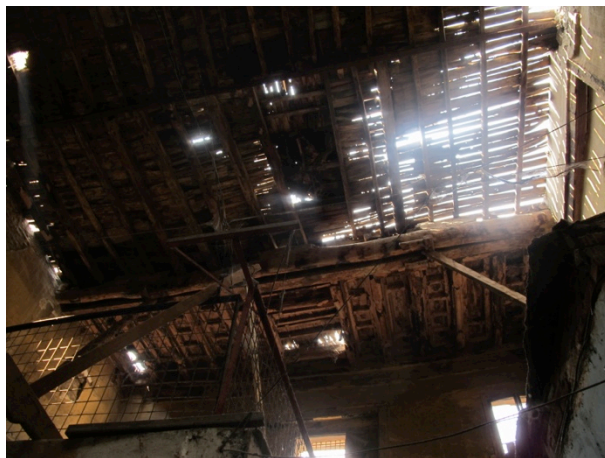


Photo by author

E) State of Conservation of Awqaf Properties within the Action Areas in relation to usage and typology:

Another way to analyse matters is based on their usage, typology and function.

Usage	al-Hattaba		Darb al-Hosr		Darb al-Labbana	
	Number	%	Number	%	Number	%
Totally Used	9	41 %	32	57 %	16	52 %
Partially Used	7	32 %	18	32 %	6	19 %
Not Used	6	27 %	6	11 %	9	29 %
Total	22	100%	56	100%	31	100%

Table 8: Usage of Awqaf properties in the three action areas based on URHC survey
[maps 13-15]

Darb al-Hosr/ Building Usage	State of Conservation						
Usage	Total #	Good	Fair	Bad	Dilapidated	Ruined	Empty Plot
Used	32	4	11	14	2		1
Partially used	18	1	0	6	9	2	
Not used	6		3		1	2	
Total	56	5	14	20	12	4	1

Table 9: State of Conservation of Awqaf properties in in the area of Darb al-Hosr in relation to their usage

The use of the buildings should be accompanied by regular maintenance that would allow its continuity. Unfortunately, the results obtained from the survey do not demonstrate this and 50 % of buildings that are in use are also in a bad or dilapidated condition.

Another way to look at matters is in regards to their typology.

Darb al-Hosr/ Typology*	State of Conservation						
Typology	Total #	Good	Fair	Bad	Dilapidated	Ruined	Empty Plot
Apartment Building	9		2	6	1		
Hamam	1				1		
Individual Units	8		1	7			
Khana and Wikala	1		1				
Khanqa, Takiyya, Bimaristan	1		1				
Mashhad, Mausoleum	4		2	1	1		
Mosque	7	4	2		1		
Rab'a	1					1	
Sabil and Kuttab	3	1	1		1		
Sabil and Kuttab and Hawd	3		2		1		
Townhouses	9		2	4	3		
Undetectable	9			2	4	2	1
Total	56	5	14	20	13	3	1

*The above typology follows the one set by the URHC project

Table 10: State of Conservation of Awqaf properties in in the area of Darb al-Hosr in relation to their typology

It is clear from the above table that the buildings that are in a good state of conservation are mainly the mosques and one sabil-kuttab which is the Sabil-kuttab and house of Amir 'Abdallah (monument # 452 / GIS: H.4.3; Fig. 15), which houses the madrasa al-Nasiri (a kind of NGO). It is true that the restoration of this building was completed in 2008, but its overall good condition is also related to the use by the NGO and the maintenance work they carry out. The NGO is not allowed to use the sabil part of the building (which is the registered part) and it is unfortunately not used and not maintained.

The analysis of the buildings that are in a bad condition based on their typology demonstrates that these are mainly the apartment buildings, the individual units and the townhouses. During several discussions with the awqaf authority regarding the maintenance of the buildings they are renting (either the apartments or shops), as mentioned above, it was clear that there is no maintenance and management strategy or agreement between the Awqaf Authority and the tenants, especially when it comes to non-registered buildings.

Fig. 15, GIS: H.4.3; Sabil-kuttab and house of Amir 'Abdallah (monument # 452)



For registered and non-registered buildings, it is recommended that the Awqaf Ministry and Authority encourage the use and adaptive reuse of the buildings they own. Suggestions for specific restoration, upgrade and reuse projects will be given throughout the report and the conclusion.

F) The Awqaf Properties within the Action Areas in relation to the Six Building Classes proposed by the URHC's project:

The URHC team have divided the buildings into 6 classes. These classes are set in relation to the heritage value (class and listing status) and relation with the environment (alignment with the street and modification on the overall building). According to the class, categories and kinds of interventions are proposed.

Building Classes	al-Hattaba		Darb al-Hosr		Darb al-Labbana	
	Number	%	Number	%	Number	%
Class 1	3	14 %	12	21 %	12	39 %
Class 2	2	9 %	7	13 %	0	0 %
Class 3	1	5 %	10	18 %	3	10 %
Class 4	11	50 %	25	45 %	14	45 %
Class 5	4	18 %	1	2 %	1	3 %
Class 6	1	5 %	1	2 %	1	3 %
Total	22	100%	56	100%	31	100%

Table 11: Proposed building classes (by URHC) of Awqaf properties in the three action areas
[maps 16-18]

The above table demonstrates the following:

- As expected, class 1 corresponds with the figures of the registered buildings (see table 4)
- 45-50 % of the Awqaf properties in the three action areas are within class 4.

According to the URHC classification:

"class 4 includes those buildings of low architectural value, not registered in national inventories that are integral part of the urban fabric.

These buildings do not hinder the perception of the historic ensemble nor add value to it.

They can be continuous or extended/set back from the street line. Similarly both modified and non-modified buildings will be included.

Also those buildings classified of no architectural value that nonetheless respect the street alignment and are not in contrast with the urban settings are included in class 4.

The buildings of class 4 cannot be defined in harmony with the urban environment due to one or more of the following factors: their typology, building techniques, materials, etc. Nonetheless they do not hinder the overall perception of the urban landscape, by respecting height and visual connections.

The buildings under transformations that fall under the above mentioned characteristics are also included in this class."

As mentioned above, one of the aims of the URHC classification is to propose interventions based on the different classes. According to the URHC report:

" The interventions on the built environment can be grouped into conservation or transformation, each composed by several sub-categories. The applications of these categories is depending on the classification of its built environment in relation with activities and open spaces.

Based on the results of the detailed survey of buildings and open spaces in the pilot areas, it was possible to draft a reference sample association:"







BUILDING CLASSES	CATEGORIES OF INTERVENTION	KIND of INTERVENTION
CLASS 1 	Restoration	Conservation
	Rehabilitation	Conservation
CLASS 2 	Restoration	Conservation
	Rehabilitation	Conservation
	Upgrading	Conservation
CLASS 3 	Rehabilitation	Conservation
	Upgrading	Conservation
	Re-modeling	Transformation
	Re-construction	Transformation
CLASS 4 	Upgrading	Conservation
	Re-modeling	Transformation
	Re-construction	Transformation
CLASS 5 	Re-modeling	Transformation
	Re-construction	Transformation
	Re-development	Transformation
	Demolition	Transformation
CLASS 6 	Re-development	Transformation
	Demolition	Transformation

Table 12: Building Classes and Categories of Interventions (URHC produced table)

This means that the Awqaf Authority could actually transform a high percentage of their properties through upgrade, re-modelling and re-constructing. As discussed above, the Awqaf Authority having the mandate of investing awqaf properties in order to generate revenue could carry out pilot projects of upgrade that demonstrate the possibility of 1-respecting the historic urban landscape of Historic Cairo and 2- generating revenue from properties in Historic Cairo that would a) become beneficial for the community members and b) ensure sources of funding for its regular upkeep, maintenance and sustainability.

Suggestions for such small projects were listed above, such as the restoration and upgrade of the following buildings (one in each action area):

- 1) al-Hattaba: The Madrasa of Sidi Shaheen; GIS: H.1.385, Fig. 10
- 2) Darb al-Hosr: The *hammam* of Shaykhu; GIS: H.4.34; Fig. 14
- 3) Darb al-Labbana: The wikala / rab' on souq al-Silah; GIS: H.2.3, Fig. 5

A bigger impact on the urban fabric would also take place if an area, not just individual buildings, is upgraded. Below is a proposal for an area in Darb al-Hosr, where such a project could be implemented. The area is on the main street of al-Khalifa and the side street of Darb al-Hosr.

Location wise, this area is an interesting junction in the area of Darb-Hosr; it leads from and to the Mosque of Ibn Tulun and also from and to the Fatimid Shrines and the Sayeda Sakina Mosque and Shrine.

The area includes:

- Five class 4 plots GIS: H.7.33, H.7.34, H.7.37, H.4.147 H.4.150
- One class 3 plot GIS: H.4.149
- All of them are non listed buildings

The following is a summary of some important information in regards to these buildings (see also Fig. 16-Fig. 21, map 2 for their exact location and map 19 for their overall location).

GIS: Building ID	Fig. #	Class	State of Conservation	Architectural Value	Typology	Overall function	Usage
H.7.33	Fig. 16	4	Ruined	Low	Undetectable	Multi-functional	Partially Used
H.7.36	Fig. 17	4	Bad	None	Townhouses	Multi-functional	Partially Used
H.7.37	Fig. 18	4	Dilapidated	Low	Undetectable	Multi-functional	Partially Used
H.4.147	Fig. 19	4	Bad	Low	Individual Unit	Mono- functional	Totally Used
H.4.149	Fig. 20	3	Dilapidated	Fair	Undetectable	Multi-functional	Partially Used
H.4.150	Fig. 21	4	Ruined	Low	Apartment	Undetectable	Not Used

It is clear from the above table that the buildings are in a bad, dilapidated and ruined state of conservation. There is accordingly a need to intervene in these buildings and the ruined areas could be upgraded, developed and re-used for activities that are socially, culturally and economically beneficial for the neighbourhood.

The location, architecture and even current activities of this area allows for different proposals to be implemented in this area. Nevertheless, prior to imposing any upgrade or development project, the Awqaf Ministry and Authority should work in collaboration with local consultants and NGOs who have experience in the process of stakeholders' participation. Stakeholders' participation in the proposal, design and implementation process of such a project is of utmost importance.

Of course, what is proposed in terms of buildings and area is an initial suggestion but as it is clear from the study, the state of conservation of the awqaf-owned buildings is very bad and there are many more other buildings that need restoration, upgrade, etc.

Figures 16-21 are part of an area that is suggested to be upgraded

Fig. 16, GIS: H.7.33



Photo by author



Fig. 17, GIS: H.7.36



Fig. 18, GIS: H.7.37



Fig. 19, GIS: H.4.147



Fig. 20, GIS: H.4.149



Fig. 21, GIS: H.4.150



VI. RECOMMENDATIONS

Historically, the waqf system has provided for a very practical system for maintenance and upkeep. The centralization of awqaf properties and the dispersion of responsibilities regarding the funding, management and maintenance of waqf properties is leading to their constant decay.

And although the awqaf properties seem to be limited, many of them are of high architectural and urban value, requiring special attention and management.

The following are some recommendations that could help the Ministry of Awqaf, the Awqaf Authority, the Ministry of Antiquities and the Cairo Governorate in managing the awqaf properties:

- 1- Making an inventory of all *awqaf*-owned properties that would include various information such as the typology, date of construction, state of conservation, etc.; the URHC-GIS system should be used as a base for future inventories.
- 2- Making an inventory of all *waqf ahli* properties that are being temporarily managed by the Awqaf Authority or the Ministry of Awqaf and resolve pending ownership issues
- 3- The inventory, which would indicate the state of conservation of the *awqaf*, should be used as a basis for future interventions (such as restoration, maintenance, etc.) In regards to *waqf ahli*: as mentioned above, this was officially canceled by the law # 180 / year 1952. Currently, the Awqaf Ministry and Authority are temporarily managing them until the owners claim their properties. It seems there are many disputes about a lot of these properties leading to some areas being frozen. The Awqaf Authority and Ministry need to have clear inventory of these properties and make a plan to resolve pending issues so that buildings and plots of lands are used and don't remain as non-used and empty plots of land.
- 4- Digitizing all *waqf khayri* deeds and make them available to the public for research and consultation; it is understood that making *waqf ahli* could create problems and might breach privacy of certain endowers but the availability of data is important.
- 5- The revival of concepts and principles of the *waqf* as a maintenance system; this needs to be carried out through new creative management tools that allow for a percentage of revenue to be spent primarily on maintenance. In addition to that, although it often seems that the mandate of the Ministry of Awqaf is to ensure the functioning of the mosques as religious worship places regardless of their architectural value, if we go back to the stipulations of the endower, we notice that among the stipulations is maintaining the artistic and architectural features. The responsible people from the Ministry of Awqaf and Awqaf Authority need to be reintroduced to these concepts as it is part of their mandate to respect the endower's stipulations.
- 6- The Awqaf Authority having the mandate of investing awqaf properties does sometimes ignore the importance of the waqf as a charitable system that allows poor people to pay low prices for the endowed houses and shops. And although it is true that rents are very low, the Awqaf Authority needs to come up with new solution that allows a percentage of the awqaf's big investments to be spent on charitable acts and possibly as mentioned in point number 5, on

maintenance. Possible solutions for overall maintenance could include involving the community in investing money specifically for their own neighbourhood mosques, madrasas, shops, etc. (which is in some way happening today but not in an organized manner).

- 7- As mentioned above, the Awqaf Authority having the mandate of investing awqaf properties does also sometimes ignore the historic, architectural and artistic value of their properties; a change in strategy and in mandate is needed in order to allow for the Authority to continue generating revenue while also protecting their valuable buildings. The Authority obviously needs guidance from heritage specialists as well as entrepreneurs who could assist them in making better use of their properties (especially those that are not registered as monuments, while possibly on the NOUH list). Encouraging different types of adaptive reuses for the buildings whose functions ceased to exist such as sabil-kuttab, mausolea, etc. is advisable. These reuses should on the one hand encourage the local residents to use the buildings on a regular basis, hence making them the custodians of them and on the other hand generate revenue for the maintenance and upkeep. Accordingly, the Awqaf Authority should come up with mechanisms and strategies for encouraging investors to restore and use awqaf-owned non-listed buildings.
- 8- In regards to registered awqaf properties with dual responsibility between the Ministry of Awqaf (or the Awqaf Authority) and the Ministry of Antiquities, it is obvious that the current legislation does not provide for sustainable and sufficient solutions for dealing with restoration, conservation and maintenance concerns. The Committee that is recently formed need to develop strategies governing the above mentioned points.
- 9- The Awqaf Ministry and Authority should start to create a “heritage body” that has capacities, know how and expertise to work on planning and managing studies and projects related to their valuable heritage buildings and other properties in the historic city.
- 10- The following tables summarize the current situation of the awqaf properties in terms of listing, funding or restoration works and use. It also summarizes proposed actions that could improve the management of these assets.

As discussed throughout the report, awqaf owned properties are managed differently depending on whether they are registered as a monument or not, the type of registration and the typology of the building.

For the sake of the following summary, the awqaf buildings are classified into the following three groups:

- Awqaf owned buildings that are listed and registered as monuments
- Awqaf owned buildings that are listed and registered under the law # 144
- Awqaf owned buildings that are not listed

A- Listing / Inventory

Having a clear inventory of all the buildings and plots of lands owned by the Ministry of Awqaf is the first step that enables the Ministry and the Authority to manage their assets.

	Current situation of the existence of a list / inventory	Proposed Action
Awqaf owned buildings that are listed and registered as monuments	The buildings that are owned by awqaf but are registered by the Ministry of Antiquities as monuments are known. There is nevertheless neither a well-documented and inventoried list nor map that clearly identifies these buildings.	The Awqaf Authority and Ministry need to work in collaboration with the Ministry of Antiquities in preparing an inventory of all these buildings (see recommendations # 1 and 3 above)
Awqaf owned buildings that are listed and registered under the law # 144	Officially, when buildings are listed and registered under the law # 144, the owners are informed and it is publically announced. If the owners don't want their building to be registered, the owners have 1 month to appeal after the receipt of the registration notification. (For more details, read the URHC legal study) The Awqaf Authority mentioned that they would like to be notified during the process of deciding which buildings would be registered.	The Awqaf Authority and Ministry need to work in collaboration with the NOUH in preparing an inventory of all these buildings (see recommendations # 1 and 3 above) and of additional buildings that are worth registering according to the law # 144.
Awqaf owned buildings that are not listed at all	There is neither a well-documented and inventoried list nor a map that clearly identifies these buildings.	The Awqaf Authority and Ministry need to prepare an inventory of all their other properties.

B- Funding of Restoration, Conservation and Maintenance Interventions

	Current situation of the funding for restoration and conservation interventions	Proposed Action
Awqaf owned buildings that are listed and registered as monuments	According to the Antiquities law # 117 and its amendments, the Awqaf Ministry as the owner of the buildings has to pay for the restoration works. This issue was discussed in detail throughout the report. As mentioned above, the current law and situation creates problems, especially because often the priorities of the Ministry of Antiquities and those of the Ministry of Awqaf are different.	Several solutions to this issue need to be explored and discussed between the various Ministries. It is therefore important that the Ministry of Awqaf and the Ministry of Antiquities discuss the revision of the law and come up with a sustainable way to fund, not only restoration, but also regular maintenance works.
Awqaf owned buildings that are listed and registered under the law # 144	According to the URHC legal study: “Article 3 of the law # 144 / year 2006 states: The state may assume at any time – after notifying the owner and occupants – whatever works it considers necessary for buttressing, restoring and maintaining the buildings and establishments prohibited to be demolished, which are referred to in Article 2, Clause 1, of the present law, in accordance with the procedures and rules to be defined in the executive regulations.” Articles 7, 8, 9 and 10 of the Executive Regulations (Decree 266/2006) clarify the state’s responsibility to carry out at its expense the restoration and maintenance of listed buildings; The Executive Regulations didn’t clarify how to provide the financial provision required for the maintenance of the buildings according to Articles 7, 8, and 9”	These buildings, being usually of high architectural value, could actually be profitable to the Awqaf Authority if properly invested. The Awqaf Authority need to collaborate with NOUH, with institutions and also with entrepreneurs to find means to fund the restoration of these buildings and invest them to be profitable and self sustainable. The Awqaf Authority could carry out a pilot project that demonstrates how these buildings could become regular sources of funding. The Awqaf Ministry and Authority need also to come up with solutions on how to revive the original principles of the awqaf, where funding for maintenance work was made available from the revenue-generating properties. (see also recommendation # 5)
Awqaf owned buildings that are not listed at all	The Awqaf Ministry as an owner follows the existing Egyptian laws and norms in regards to funding the restoration and maintenance of their properties (those used by them or those that they are renting).	The Awqaf Ministry and Authority need also to come up with solutions on how to revive the original principles of the awqaf, where funding for maintenance work was made available from the revenue-generating properties. (see also recommendation # 5)

C- Use and Adaptive Reuse

Awqaf owned buildings that are listed and registered as monuments

Current situation of the use

These buildings are mainly historic mosques, sabils, zawyas, etc. The mosques in the action area are used for their original function. Other buildings, whose function ceased to exist, especially the mausolea and the sabils, are locked and not used. The sabils being of secular nature are easier to be adaptively reused; the function is mainly a cultural one and other activities are not allowed.

Proposed Action

The Ministry of Antiquities in collaboration with the Awqaf Authority should develop plans to adaptively reuse these buildings (mainly those whose function ceased to exist). They should prepare lists of different possible reuses and make sure that these uses could on the one hand provide services and on the other hand generate revenue for the regular upkeep, running and maintenance of these buildings. The use of these buildings should not only be for cultural activities but other functions and services should be explored. They should work with the various stakeholders on uses that are needed and that are of interest. (see recommendation # 7)

Awqaf owned buildings that are listed and registered under the law # 144

Depending on the typology of these buildings, the use is set. In the action area, there are no Awqaf owned building within this category. Generally, the use of the building remains the same. In some cases the buildings are vacant and not used.

As mentioned above: These buildings, being usually of high architectural value, could actually be profitable to the Awqaf Authority if properly invested. The Awqaf Authority need to collaborate with NOUH, with institutions and also with entrepreneurs to find means to fund the restoration of these buildings and invest them to be profitable and self sustainable. The Awqaf Authority could carry out a pilot project that demonstrates how these buildings could become regular sources of funding. The Awqaf Ministry and Authority need also to come up with solution on how to revive the original principles of the awqaf, where funding for maintenance work was made available from the revenue-generating properties. (see also recommendations # 5 and # 7)

Awqaf owned buildings that are not listed at all

The new mosques are functioning also as mosques. The functions of other buildings depends on their typology (houses, shops, etc.)

The Awqaf Ministry and Authority have a lot of freedom to use these buildings in any form they want. Having the mandate to invest Awqaf assets, the Awqaf authority could carry out pilot projects demonstrating how buildings and plots of lands in Historic Cairo could be developed and used in ways that on the one hand respect the urban fabric and historic urban landscape of the neighbourhood and on the other hand, be profitable and sustainable.

To conclude, the awqaf properties are only a fraction of the buildings and plots of lands in Historic Cairo. Their management, conservation, maintenance, upgrade, rehabilitation, re-construction and overall development could, if carried out properly, demonstrate successful pilot projects in Historic Cairo.

The overall management of Historic Cairo by the Cairo Governorate and all the other relevant ministries is crucial at this stage. The UNESCO-URHC GIS system and the related studies in the three action areas should be used as a base for the local authorities to be applied for the whole of Historic Cairo's proposed core and buffer zones.



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