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Area-based conservation: The strengths and weaknesses of the Egyptian emerging experience in area-based conservation

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Abstract The interest in securing and sustaining the townscape and urban values of the historic environment has escalated as a response to the writings of intellectuals, such as Kevin Lynch and Gordon Cullen. Such interest has been construed by the governments' introduction of statutory tools allowing them the right to designate urban areas within the boundaries of which the historic environment can be provided a statutory protection. The earliest European attempt to introduce such tools has been the Dutch establishment of the model of conservation areas known as "Protected Town and Village Views" in 1961. In 1962, the renowned Malraux Act has officially established the French similar model of protected areas known as "Secteurs Sauvegardés". The introduction of such tools has marked the emergence of what has been later called area-based conservation. In Egypt, the enactment of the Act No. 119, in 2008, and the establishment of the model of protected areas known as "Areas Enjoying a Distinctive Value", seem to have marked the emergence of the Egyptian official experience in area-based conservation. The main aim of this study was to preview the key features of the Egyptian emerging experience in area-based conservation and to unveil its strengths and weaknesses. The study approached the issue by means of a comparative analysis conducted among a group of adopted case studies. The adopted case studies included the British, the Dutch, the Egyptian, the French, the Irish and the Maltese experiences in area-based conservation, in addition to the international institutions' experiences. The findings indicated that adopting the centralized approach to designate the Egyptian "Areas Enjoying a Distinctive Value"

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seems to be the major weakness of the Egyptian experience. The findings suggest the further boosting of the role of the Egyptian local authorities in the management of such designated areas.

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1. Introduction

The conservation of the cultural and natural heritage has always aimed at securing, sustaining and enhancing the values associated with such heritage [1]. These values are diverse and involve many values associated with the qualities of the urban environment; such as the townscape, the urban and the ecological values. The interest in securing and sustaining the townscape and urban values seems to have escalated in a response to the writings of town planners, such as Kevin Lynch and Gordon Cullen. The provision of sufficient statutory protection to such values entailed the governments' introduction of statutory tools that allow them the right to designate urban areas inside which the townscape and urban values enjoy a statutory protection. The designation of the Dutch "Protected Town and Village Views" and the French "Secteurs Sauvewardés" represent some of the most outstanding examples of such tools [2]. The establishment of such tools seems to have marked the emergence of the official experiences in area-based conservation.

Despite their association with the introduction of models of protected areas, such as the French "Secteurs Sauvewardés", area-based conservation experiences also involve a wide range of other relevant models of protected areas that have various functions. Such designated protected areas might involve curtilages, grouped heritage items, heritage precincts and urban conservation areas, historic towns and villages, and landscape conservation areas. There are other patterns representing the cultural heritage sites other than historic buildings; which include gardens and parks, cemeteries, archaeological sites, industrial archaeology, and shipwrecks. The curtilage of a historic building is the area immediately surrounding it, while grouped heritage items usually contain few items, which are spatially close to each other. Every item of these groups enjoys its own value, and promotes the overall value of the group. On the other hand, a "precinct" usually involves a group of heritage items, while an urban conservation area usually occupies area larger than that of the "group of heritage items". The major aim of designating these urban conservation areas is usually to preserve their character. Finally, the "landscape conservation areas" pattern of protected areas usually involves the cultural and natural features that coexist side by side [3].

In Egypt, the enactment of the "Egyptian Act No. 119 (2008) on Building Works" has marked the introduction of the key statutory tool of area-based conservation in Egypt. This tool is involved with the designation of what is officially called "Areas Enjoying a Distinctive Value" [4]. The designation of the first six "Areas Enjoying a Distinctive Value"; which are "Historic Cairo", "Khedieval Cairo", "al-Zamalek", "Garden City", "al-Roda Island" and "Misr al-Gadida"; has revealed the key features of the Egyptian emerging experience in area-based conservation [5].

The main aim of this study was to preview the key features of the Egyptian experience in area-based conservation. The study also aimed at revealing the strengths and weaknesses of the Egyptian experience and at seeking relevant remedial ideas that can help in resolving these weaknesses. To achieve the previous objectives a comparative study was conducted among selected case studies. The adopted case studies included the British, the Dutch, the French, the Egyptian, the Irish, and the Maltese experiences, in addition to the international institutions' experiences in area-based conservation. The British, the French, and the Dutch experiences are considered the most developed, while the Irish and the Maltese are examples of the growing European experiences.

2. Preliminary studies

2.1. The historic roots of area-based conservation

The interest in protecting the values associated with cultural and natural heritage has been limited to individual heritage items, such as monuments and buildings. In a later stage, such interest has extended beyond this limited boundary to involve entire urban areas and to protect such areas' townscape, urban and ecological values. Jokilehto [6] attributes this shift of interest to another concept that has aimed at widening conservation interests to involve the entire field of cultural heritage. This concept, from his point of view, is attributed to the writings of conservationists and architects, such as Max Dvorak (1874–1921) and Adolf Loos (1870–1933), in Austria. Jokilehto's previous argument seems to attribute the emergence of the notion of area-based conservation to the late 19th century.

The shift of interest to preserve the townscape and urban values of entire urban areas seems to have also been influenced by the writings of town planners, such as Kevin Lynch and Gordon Cullen. In their writings, both town planners have addressed the various aspects of the townscape qualities of the urban environment, and have addressed the various approaches to analyze such qualities. The key relevant book written by Kevin Lynch might be the one entitled "the Image of the City", which has been published in 1960. On the other hand, Gordon Cullen published his book, "Townscape" in 1961 [7]. In 1961 the Dutch official model of conservation areas has been introduced and has been followed by the other European governments' trials to introduce similar tools of area-based conservation. If the writings of such town planners have not had influenced this official interest in protecting the townscape value of the European cities, at least such writings express the growing international interest in protecting such heritage values.

Larkham [2] emphasizes that area-based conservation represents a late phase of the conservation movement, which has begun by interests in protecting individual monuments

and buildings. He indicates that the early phase of conservation legislation has been involved with monuments and individual buildings, and that a more complicated phase, concerned with protecting larger urban areas, has followed this stage. Dobby's steps of the development of urban conservation emphasize Larkham's argument. According to Dobby's chronological steps, the third stage of the historic development of urban conservation practice has been characterized by the limited interests in protecting only individual monuments or buildings. This stage has witnessed the introduction of legislation to protect these monuments and buildings. During a later stage, which is the sixth in Dobby's chronology, the official and statutory protecting measures have been extended to cover entire areas and the surroundings of buildings. This sixth stage, which is associated with the early 1960s, has witnessed the emergence of the official experiences in area-based conservation and the introduction of their early models of conservation areas, such as the French "Secteurs Sauvegardés" [8].

2.2. The international and European experiences in area-based conservation

Five of the ICOMOS Charters are involved with area-based conservation. These charters are the "Athens Charter", the "Venice Charter", the "Florence Charter" and the "Burra Charter". The "Athens Charter", adopted in 1931, addresses the safeguarding of "Historic Monuments" and emphasizes the significance of extending the controlling and protecting measures to involve the surroundings of these "Historic Monuments" [9]. The "Venice Charter", adopted in 1964, is involved with the safeguarding of the "Settings of Monuments" and "Sites of Monuments", both of which are closely associated with the notion of area-based conservation. The "Florence Charter", adopted in 1982, is concerned with a key pattern of protected areas, which is "Historic Gardens". Adopted in 1987, the "Washington Charter" seems to be the most relevant charter to area-based conservation because of its concerns with "Historic Towns and Urban Areas" [10]. Finally, the Burra Charter; which has been adopted by Australia ICOMOS in 1979 and amended in 1981, 1988 and 1999; is involved with three different patterns of protected areas, which are "Places of Cultural Significance", "Setting of a Place" and "Related Places" [11]. The previous three patterns of protected areas indicate the involvement of the Burra Charter with area-based conservation.

Some international institutions concerned with the conservation of the cultural and natural heritage have also established their models of conservation areas. The earliest of such models is the "Biosphere Reserves", first introduced during the UNESCO's conference of 1968 and later supported by the adoption of the "Convention on Biological Diversity" in 1992 [3]. Adopted in 1971, the "Convention on Wetlands of International Importance especially as Waterfowl Habitat" has established another model of protected areas involved mainly with the natural heritage, which is "Ramsar Sites" [12], or what is known as "Wetlands of International Importance" [3]. In 1972, the most significant international area-based conservation model has been established under the UNESCO "World Heritage Convention", which is known as "World Heritage Sites". "World Heritage Sites" might be concerned with cultural or natural heritage [13].



Figure 1 Dugald Stewart Monument inside the "Arthur's Seat Volcano" "Site of Special Scientific Interest" in Edinburgh, which is an example of the designated "Sites of Special Scientific Interest" in the United Kingdom [16].



Figure 2 An example of the designated "Conservation Areas" in the United Kingdom, which is the "Old Town Conservation Area" in Edinburgh [16]. Edinburgh Castle represents the key landmark of the "Conservation Area".

In The United Kingdom, one of the oldest statutory models of protected areas is called "Area of Outstanding Natural Beauty", which has been introduced under the "National Parks and Access to the Countryside Act, 1949". These areas might be urban areas containing listed buildings, ancient monuments and historic parks and gardens [14]. Another recently enacted Act, which is the "Countryside and Rights of Way Act, 2000" is also involved with these areas [15]. The "National Parks and Access to the Countryside Act, 1949" has established another statutory model of protected areas, which is known as "Site of Special Scientific Interest" (Fig. 1). There are two other Acts that are involved with the protection of "Sites of Special Scientific Interest", which are the "Wildlife and Countryside Act, 1981" and the "Nature Conservation (Scotland) Act, 2004" [17]. In 1967, the most renowned British model of protected areas, known as "Conservation Area", has been established under the "Civic Amenities Act, 1967" [18] (Fig. 2). In 1990, another separate Act, the "Planning (Listed Buildings and Conservation Areas) Act, 1990", has been enacted to further address the various aspects of the management of such areas [19]. The British experience in area-based conservation also involves another statutory tool concerned with the protection of archaeological areas, which is the designation as "Area of Archaeological Importance".



Figure 3 The “Palace of Holyroodhouse” listed “Garden and Designed Landscape” in Edinburgh, which is an example of the many listed “Historic Parks and Gardens” in Scotland in the United Kingdom [20].

These areas have been established under the “Ancient Monuments and Archaeological Areas Act, 1979”. The British experience also involves other non-statutory tools, such as the designation as “Historic Parks and Gardens” (Fig. 3), “Battlefields” [21] and “Areas of Great Landscape Value” [14]. The previous three tools are concerned mainly with the protection of the landscape value.

The Dutch experience involves a significant statutory tool of area-based conservation, which is the designation as “Beschermd Stads-En Dorpsgezichten”, or “Protected Town and Village Views”. Introduced under the “Monuments and Historic Buildings Act, 1961” [2], the previous protected area is considered the oldest model of conservation areas in Europe. The previous Act introduces two other statutory models of



Figure 4 The extent of “Le Marais” “Secteur Sauvegardé”, which is one of the earliest designated “Secteurs Sauvegardés” in Paris, in France [26, p. 207].

protected areas, which are “Groups of Buildings” and “Areas of Historical Value” [22].

Established under “the Act of 31 December 1913 on Historic Monuments”, “Zones Protégées” represents the earliest statutory model of protected areas in France [23,2]. The designation of “Zones Protégées” means extending the protective measures around the concerned monument within a radius of 500 m [24]. The previous Act has also been involved with the protection of archaeological sites by listing them as “Historic Monuments” [23]. The designation as “Sites Classés” represents another statutory tool of area-based conservation that allows the provision of protection to urban areas. “Sites Classés” are introduced under “the Act of 2 May 1930 on the Protection of Natural Monuments and Sites of Artistic, Historical, Scientific, Legendary or Scenic Interest” [23,24]. In 1962, the renowned statutory French model of conservation areas, “Secteurs Sauvegardés”, has been introduced under “the Act of 4 August on Conservation Areas”, known as “the Malraux Act” [25,23] (Fig. 4). The designation as “Secteurs Operationnels” represents another French non-statutory designation that is closely associated with “Secteurs Sauvegardés”. “Secteurs Operationnels” are usually designated inside “Secteurs Sauvegardés” to match the available conservation funding [26]. The French statutory tools involved with area-based conservation also include the designation as “Opérations Programmées pour l’Amélioration de l’Habitat”, which has been established in 1977 [27]. “Opérations Programmées pour l’Amélioration de l’Habitat” are concerned with enhancing the living conditions and the quality of the environment inside residential urban areas, whether they enjoy heritage values or not. “Opérations Programmées pour l’Amélioration de l’Habitat” programmes, which are usually limited to 3 years, can be employed to limit gentrification inside designated urban areas by channeling subsidies for rental values [25]. “Zones de Protection du Patrimoine Architectural, Urbain et Paysager” represents another French statutory model of conservation areas, which has been introduced under “the Act of 7 January 1983 on Architectural, Urban and Landscape Heritage Protection Zones” [23,24].

In Ireland, the key statutory model of conservation areas is called “Architectural Conservation Area” and is established under the Irish Act “Planning and Development Act, 2000” [28]. The “Local Government (Planning and Development) Act, 1999” has also been involved with the management of



Figure 5 The Great Siege Square and the Republic Street inside the “Valletta and Floriana” “Urban Conservation Area”, which is one of the designated “Urban Conservation Areas” in Malta [30].

“Architectural Conservation Areas”, and has provided the statutory definition of these areas [29]. The designation as “Area of Special Planning Control” represents another statutory tool of area-based conservation that is established under Article 84 of the “Planning and Development Act, 2000”. Articles 202 and 204 of the same Act establish two other statutory tools of area-based conservation, which are the designation as “Area of Special Amenity” and the designation as “Landscape Conservation Area” [28].

The designation as “Urban Conservation Area” represents the Maltese key statutory tool used to protect the townscape and urban values of entire urban areas (Fig. 5). This tool has been established under the “Building Permits (Temporary Provisions) Act, 1988” [31]. The “Structure Plan For The Maltese Islands” is also closely involved with “Urban Conservation Areas”. The Maltese experience in area-based conservation also involves a group of non-statutory tools, such as the designation as “Rural Conservation Areas”. These areas incorporate five other subsidiary non-statutory areas, which are “Area of Agricultural Value”, “Area of Ecological Importance”, “Site of Scientific Importance”, “Area of Archaeological Importance” (Fig. 6) and “Site of Archaeological Importance”. “Rural Conservation Areas” and their subsidiary designations are introduced within the “Structure Plan of the Maltese Islands”. The Structure Plan has also addressed another non-statutory designation that is closely associated with the designations as “Areas of Archaeological Importance” and “Sites of Archaeological Importance”, which is the designation of “Buffer Zones” around these two areas. “Buffer Zones” should cover areas that have a minimum radius of 100 m around the designated sites. The Structure Plan addresses another non-statutory designation, which is the designation as “Marine Conservation Area” [30]. The Maltese “Development Planning Act, 1992” that has been amended in 2000 and 2002, is involved with the listing of “Scheduled Properties” that can function as a tool to provide protection for entire urban areas [32]. The “Cultural Heritage Act, 2002” has also addressed another relevant statutory listing, which is the listing as “Cultural Heritage” that can provide protection to urban areas [33].

2.3. The management of the European models of protected areas

The management of the various patterns of protected areas involves two key processes, which are the designation and



Figure 6 An example of the “Areas of Archaeological Importance” designated in Malta, which is the “Ggantija” “Area of Archaeological Importance” located in the island of Gozo [30].

the preparation of character appraisal documents processes. There are two approaches to designate urban protected areas; which are the centralized, or the priority, approach; and the localist approach, known as the pragmatic approach (Table 1). The designation of the French “Secteurs Sauvegardés” and the designation of the Dutch “Protected Town and Village Views” are examples of the centralized approach. The former Communist countries, in central and eastern Europe, have adopted the centralized approach until the collapse of Communism in 1989. Designations representing the centralized approach are usually the responsibility of a central governmental entity, which is usually the Ministry of Culture [8].

The advantages of the centralized approach involve the designation of the finest areas and the guarantee to achieve accurate restoration work [8]. The centralized approach has been criticized of being slow, lengthy and complicated [2]. The disadvantages of this approach also include the difficulty to select a meaningful group of protected areas, and the potential conflict between the competent central governmental agency and the local authorities [8].

On the other hand, the designation of the British “Conservation Areas” is an example of the localist, or decentralized, approach. To resolve the weaknesses of the centralized approach in France, a new pattern of protected areas that is locally designated has been introduced in 1977, which is known as “Opérations Programmées pour l’Amélioration de l’Habitat” [25]. “Zones de Protection du Patrimoine Architectural, Urbain et Paysager”, which are locally designated, represent another French tool involved with area-based conservation that has been introduced to overcome the flaws of the centralized approach [27]. The Dutch experience in area-based conservation has witnessed some amendments in 1988 to allow the decentralized designation in some provinces. Some of the former Communist countries in Europe have seriously tried to decentralize their systems of area-based conservation. Through the decentralized approach, the central government grants the responsibilities to designate and manage the urban protected areas to the local authorities. The advantages of the decentralized approach include using flexible preservation and enhancement programmes and avoiding the bureaucracy associated with the centralized approach. Nevertheless, some disadvantages still blemish the localist approach, such as designating too many areas that might enjoy limited value, and neglecting fine areas, on the national level, due to the dependence on the local councils’ whim [8].

The management of the protected urban areas also involves another key process, which is the preparation of character appraisal reports. There are two approaches to prepare such reports, which are the pre-designation and the post-designation appraisal approaches. The pre-designation appraisal approach has been associated with the centralized designation approach. The designation of the French “Secteurs Sauvegardés” represents this approach. Designating “Secteurs Sauvegardés” is associated with the preparation of a special conservation plan, which is called “Plan Permanent de Sauvegarde et de Mise en Valeur”. These plans are largely equivalent to character appraisal documents. They identify the buildings that have to be either restored or demolished, the proposed new buildings, the hierarchy of streets, and the urban spaces inside the designated “Secteurs Sauvegardés” [26]. Preparing these detailed documents usually takes a long time, yet guarantees accurate conservation works. On the other hand, the post-designation

Table 1 The strengths and weaknesses of the two major approaches to the management of protected areas, the centralized/priority approach and the localist/pragmatic approach (after Skea [8]).

The major approached to the management of protected areas and their relevant experiences	The strengths	The weaknesses
The centralized/priority approach	1 – The management of the Dutch “Protected Town and Village Views” 2 – The management of the French “Secteurs Sauvegardés”	1 – The difficulty to select a meaningful and comprehensive list of priority areas 2 – The disagreement with the local authorities, which usually result from the selection process of the list of priority areas 3 – The conflicts that take place with the local authorities as a result of the state’s control and supervision of the priority areas’ statutory plans 4 – The delay in the implementation of the national programmes concerned with the priority areas 5 – The ignorance of the needs and wishes of the local authorities, and the subsequent failure of the priority areas’ plans 6 – The slow process to prepare priority areas’ plans
The localist/pragmatic approach	1 – The management of the British “Conservation Areas” 2 – The management of the French “Opérations Programmées pour l’Amelioration de l’Habitat” 3 – The management of the French “Zones de Protection du Patrimoine Architectural, Urbain et Paysager” 4 – The post-1988 Dutch experience in area-based conservation	1 – The system’s lack of direction and priority in terms of detailed planning and the allocation of financial resources 2 – The ignorance of fine nationally important areas because of the vagaries of local politics 3 – The designation of too many conservation areas of dubious historical or architectural value 4 – The limited national and local financial resources to which the many designated areas can apply 5 – The ad hoc manner according to which the state’s financial and technical aid is spread very thinly 6 – The limited attempt to establish meaningful national priorities in terms of conservation action related to need

appraisal approach has been associated with the localist designation approach. The British experience is an example of this approach, where brief character statements are used to designate “Conservation Areas” instead of character appraisals.

The management of the protected urban areas involves other processes, such as the de-designation and the review processes. “Conservation Areas” reviews are usually concerned with the character, appearance, boundaries, and the special architectural or historic interest of the designated “Conservation Areas” [34]. The management of the designated “Conservation Areas” also involves another significant process, which is the grading of these “Conservation Areas”. The Scottish experience in grading “Conservation Areas” is a unique example that illustrates the significance of this process. Historic Scotland has the powers to rank some “Conservation Areas” as “Outstanding Conservation Areas”. The eligibility to apply for “Town Schemes” grants, run by Historic Scotland, is contingent on achieving the “Outstanding Conservation Area” status [35]. Developing grant schemes, involved with the environmental enhancement and the preservation of the urban contexts inside the designated “Conservation Areas”, is another essential tool that guarantees the successful management of these areas. In addition to the “Town Scheme” programme, the Heritage Lottery Fund runs another grant scheme that targets “Conservation Areas”, which is called “Townscape Heritage Initiative” [36]. In addition to the previous processes, there are other tools associated with the management of the various models of conservation areas, such as Conservation Area Consent in The United Kingdom. It is a prerequisite to apply for a Conservation Area Consent to demolish unlisted buildings inside “Conservation Areas” [37].

There are other town planning tools that are closely associated with the management of the various models of conservation areas, such as the “development control” process, “planning permission” tool, and “permitted development” and “Article 4 Directions” tools. Although the previous are British town planning tools, they are widely adopted in other countries, such as Malta and Ireland. Part III of the British “Town and Country Planning Act, 1990”, which is entitled “Control over development”, is involved with the “development control” process, “planning permission” tool, and development orders. Article 59 of the previous Act allows the Secretary of State the right to issue a development order that grants a planning permission for developments specified in the order [38]. Responding to the previous Article, the “Town and Country Planning (General Permitted Development) Order, 1995” has been issued. Article 3 in this Order provides for granting planning permission for the classes of permitted development that are appended in Schedule 2. On the other hand, Article 4 in the Order allows the Secretary of State, or the appropriate local planning authority, the right to give a direction that the permission granted by Article 3 does not apply to particular classes of permitted development. Local planning authorities can give similar directions to restrict specific classes of permitted development inside particular “Conservation Areas”. The previous Article establishes what is known as “Article 4 Directions” [39].

Schedule 2 to the Order of 1995 incorporates 33 sections, each of which embraces a group of classes of permitted developments. The first part of the Schedule, which is involved with the developments taking place inside the curtilage of dwelling-houses, incorporates eight classes of permitted development.

Class A, of Part 1, is involved with permitted developments such as “the enlargement, improvement or other alteration of a dwellinghouse”. In addition to the previous permitted developments, the “Town and Country Planning Act, 1990” addresses some operations that are not considered developments, yet influence the urban environment. Changes to buildings that only influence their interior and have no impacts on their exterior is an example of these operations listed in Article 55. Similar to the permitted developments, undertaking any of these operations does not require the application for a planning permission [39].

3. The Egyptian experience in area-based conservation

3.1. Arguments against and for area-based conservation in Egypt

The most relevant argument against area-based conservation in Egypt is about the large-scale urban changes that influenced most of the historic areas in Egypt. Most of these districts have undergone rigorous urban changes that left few authentic historic contexts. Even inside “Historic Cairo” World Heritage Site, listed monuments seem to be scattered amid either unsympathetic new developments or dilapidated urban contexts (Fig. 7). The strong alienation waves from which most of the urban areas in Egypt have suffered and the dominance of the modernization ethics may be held responsible for such urban changes. The previous anti-conservation argument can be refuted if the official perspective of heritage is widened to incorporate other patterns of heritage and protected areas, such as historic gardens and parks. The large number of areas



Figure 7 The unsympathetic new developments and the dilapidated urban contexts in the surrounding of “Bab Zuwayla” inside “Historic Cairo” World Heritage Site [40].

designated under the “Egyptian Act No. 144 (2006) on the Control of the Demolition of Buildings and Stable Structures and the Conservation of the Architectural Heritage” as Conservation Areas in Alexandria, which amounts to 63 Conservation Areas [41], might also refute the previous arguments.

On the other hand, many arguments support the need to develop the Egyptian experience in area-based conservation. The management of World Heritage Sites represents the most significant argument for area-based conservation in Egypt. To nominate properties for inscription on the World Heritage List, States Parties to the World Heritage Convention are asked to list the available legislative and regulatory measures, which guarantee the protection of the nominated properties against new development and change that might detract from their Outstanding Universal Value [13]. These measures usually include the protection designations, such as the designation as the British “Conservation Areas”. The Egyptian Tentative List, of the properties that are more likely to qualify for the World Heritage Site status, still includes an urban area that represents a historic town, which is “Historic quarters and monuments of Rosetta/Rachid” [42]. Preserving the authenticity and integrity of this property entails the development of the Egyptian experience in area-based conservation. Confronting the restricted rental values problem is another motive to develop the Egyptian experience in area-based conservation. Some of the models of conservation areas, such as the French “Opérations Programmées pour l’Amélioration de l’Habitat”, have been employed to channel rental subsidies [25]. Similar tools can be adopted to confront the residential problems in Egypt.

3.2. The early trials to introduce statutory area-based conservation tools in Egypt

The “Egyptian Act No. 117 (1983) on Safeguarding Antiquities” has introduced three statutory tools of area-based conservation; which are the designation as “Archaeological Site”, “Protected Perimeter” and “Embellishment Perimeter”; implicitly in many articles [43]. The previous tools are involved with the areas enjoying an archaeological value, as well as with scheduled Antiquities and their surroundings. Many articles in the Act No. 117 address the various management aspects of “Archaeological Sites”; such as Articles 16, 20 and 21. The designation as an “Archaeological Site” is always referred to



Figure 8 The Roman Odeoum in “Kom al-Dikka” “Archaeological Site”, which is one of the “Archaeological Sites” designated inside urban areas, in Alexandria [44].

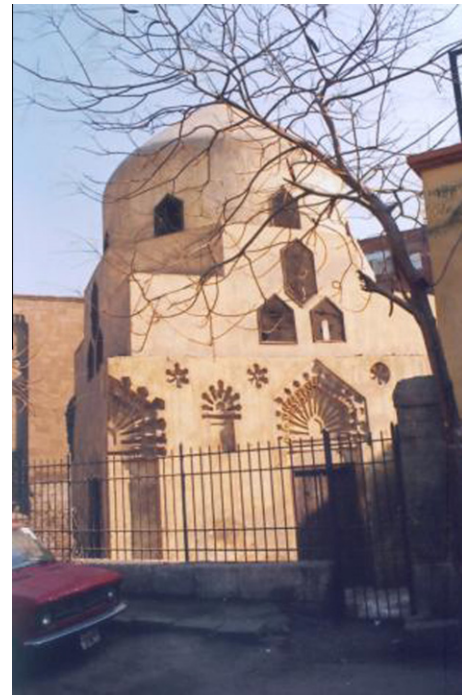


Figure 9 An example of the scheduled Antiquities that have a designated “Protected Perimeter” around them, which is “Shagar al-Durr Mausoleum” in Cairo. The railing indicates the boundary of the perimeter [43].

as the designation under Article 20. Some “Archaeological Sites” have been designated inside urban areas (Fig. 8). Article 20 in the Act No. 117 also allows for the designation of “Protected Perimeters”, whose radii might reach 3 km inside inhabited areas, in order to protect the Antiquities’ surrounding environments sufficiently (Fig. 9). Article 22 in the same Act is also involved with the management of these “Protected Perimeters”. Article 19 in the same Act allows for the designation of the third model of protected areas, which is “Embellishment Perimeter”. The previous Article indicates that the lands bounded by such perimeters should also be considered as “Archaeological Sites” [43].

The earliest trial to introduce statutory models of conservation areas concerned with the protection of the townscape and urban values seems to be attributed to the “Egyptian Act No. 106 (1976) on the Control of Building Works” and its Implementing Bylaw [45]. The Act No. 106 and its Implementing Bylaw have been repealed by the coming into force of the “Egyptian Act No. 119 (2008) on Building Works” [4]. Article 29 in the Implementing Bylaw of the Act No. 106 has introduced these areas. The title of these areas, which is “Streets and Areas of Restricted Building Regulations”, can be inferred from the previous Article. Article 29 indicates the possibility for the Minister of Housing, depending on a request made by the relevant governor and depending on a proposal made by the relevant local authority, by means of a decree, to designate streets or areas where some features of the new developments introduced inside these areas might be predetermined. These features involve, among other things, the architectural styles, the applied finishing materials and their colors, and the setbacks, behind the approved regulation lines, of the new developments [45].



Figure 10 “Abu al-Abbas Square”, which is an example of the designated “Streets and Areas of Restricted Building Regulations” in Alexandria [45].



Figure 12 “Bab Zuwayla” inside “Fatimid Cairo” area, which has been designated under the Act No. 106 as an area of restricted building regulations [45].



Figure 11 “Khedival Cairo” area, which has been designated under the Act No. 106 as what can be called “Streets and Areas of Restricted Building Regulations” [45].



Figure 13 Al-Nasr Street in Alexandria [40].

The Act No. 106 has been amended by the Act No. 101 (1996). Accordingly, Article 13, in the Act No. 106, has been amended to allow the Prime Minister the right to impose restrictions on the maximum allowed building height in any given city or any urban area inside this city. Based on the Act No. 106, its Implementing Bylaw and the amending Act No. 101, 10 different Prime Minister Decrees have been adopted to either designate, or amend already designated 31 different areas where the building regulations are restricted (Fig. 10). The characteristics of the urban contexts that have been influenced by these designations in 30 areas have been limited to the building height, while the influenced characteristics of only one area have involved the architectural style of the new developments in addition to their building height. This sole area is Kom al-Dikka in Alexandria. In addition to the previous 31 areas, two other areas have been designated in

Cairo under the Act No. 106 as “Streets and Areas of Restricted Building Regulations”, in 2007. These two areas are the “Khedival Cairo” area (Fig. 11) and the “Fatimid Cairo” area (Fig. 12) [45].

There have been other trials to designate streets whose building regulations are restricted, which predated the trials of the Act No. 106. These early trials have led to the designation of streets, such as al-Nasr Street in Alexandria (Fig. 13), where the building regulations are restricted [46]. The “Egyptian Act No. 3 (1982) on Urban Planning” has also been involved with area-based conservation, to some extent. The Act No. 3 has also been repealed by the enactment of the Act No. 119 [4]. Article 25 in the Act No. 3 has provided for the necessity to locate the areas that enjoy special qualities; whether architectural, historic, tourism or natural qualities; in the Detailed Plans, so that they can be preserved [47].

In 2006, another key legislation that is involved with area-based conservation, which is the “Egyptian Act No. 144 (2006) on the Control of the Demolition of Buildings and Stable Structures and the Conservation of the Architectural Heritage”, has been enacted. The previous Act is mainly concerned with providing statutory protection to a new category of heritage resources that is almost similar to the British Listed Buildings [45]. Responding to the Act No. 144, a statutory inventory of the architectural heritage of Alexandria has been developed and officially adopted in 2008. The previous inventory has involved, in addition to the Listed Buildings, another list of what has been called Conservation Areas. The list of Conservation Areas included 63 Conservation Areas (Fig. 14). The previous inventory has also involved two other relevant lists, which are the list of Archaeological Sites and the list of Conservation



Figure 14 Al-Haramlek Palace, which is one of the key elements inside “Motazah Gardens” designated Conservation Area. “Montazah Gardens” have been designated under the Act No. 144 as what has been called Conservation Areas in Alexandria [41].

Streets [41]. At the time when the Alexandria inventory was adopted, the designations made under the Act No. 106 were still in force [46]. Some areas have been designated under the Act No. 106 as well as under the Act No. 144, such as the “Mosques Square” area. The previous area has been designated under the Act No. 144 under the name of the “Mosques Square”, and has also been designated under the Act No. 106 under the name of “Abu al-Abbas Square”. The boundaries and the imposed building regulations associated with each designation contradicted. While the maximum allowed building height, according to the designation under the Act No. 106, was 16 m [45], the maximum allowed height according to the designation as a Conservation Area is about 6 or 7 m [41].

The previous Act, which is the Act No. 144, is mainly concerned with the protection of what the Act called the buildings and structures enjoying a distinctive architectural style. To clarify what these buildings might involve, a Prime Minister Decree has been adopted in 2006. The previous Decree indicates that these buildings also involve groups of buildings and gardens. The previous two patterns of cultural heritage emphasize the relevance of the Act No. 144 to area-based conservation and its applicability to provide statutory protections to entire urban areas [45]. The National Organization for Urban Harmony has also published guidelines involved with the historic buildings and areas that enjoy a distinctive value. The previous guidelines point out that the historic buildings that are the focus of the Act No. 144 might also involve groups of buildings, entire urban areas and cities as well, emphasizing the relevance of the Act No. 144 to area-based conservation [48].

Despite it is mainly concerned with the protection of the natural environment, the “Egyptian Act No. 102 (1983) on Natural Reserves” is also involved with area-based conservation and establishes a key tool that can be used in providing statutory protection to urban areas. This tool is the designation as a “Natural Reserve” [49]. The designation as a “Natural Reserve” has been used to provide a statutory protection to the cultural heritage in Siwa Oasis [50]. The environmental tools that are also involved with area-based conservation include the non-statutory designation as “National Parks” [51].

3.3. The Act No. 119 and the official introduction of area-based conservation statutory tools in Egypt

The official introduction of a statutory tool involved with securing and sustaining the townscape and urban values of entire urban areas seems to be attributed to the enactment of the “Egyptian Act No. 119 (2008) on Building Works”. The Act No. 119 has allowed for the designation of entire urban areas inside which the townscape and urban values are provided a statutory protection. These designated areas are referred to, in the Act, as “Areas Enjoying a Distinctive Value” [4]. “Areas Enjoying a Distinctive Value” are defined as “the Areas that are characterized by the richness of their constituting elements enjoying heritage, architectural, urban, symbolic, aesthetic or natural values, and require to be addressed as integrated units so as to be preserved” [4, p. 22]. The Act No. 119 has also provided the definition of the urban style as “the summing up of the articulating characteristics that are prevalent within groups of buildings, urban contexts, and their natural surrounding, and the prevalent functions of a given area” [4, p. 22]. The

enactment of the Act No. 119 has been associated with the revocation of the Act No. 106, and all its designated special areas, and the Act No. 3 [4].

According to the level of protection they are offered, "Areas Enjoying a Distinctive Value" are graded in three grades. The three grades are grades A, B and C. Grade A areas are those areas that are offered the maximum protection level. Grade B areas are the areas offered a moderate protection level, while grade C areas are transitional areas situated between the other two grades. "Areas Enjoying a Distinctive Value" are different from "Archaeological Sites". "Archaeological Sites" are the areas designated under the Act No. 117. Building regulations associated with "Archaeological Sites" can be applied to the "Areas Enjoying a Distinctive Value", particularly those regulations concerned with the surroundings of Antiquities and the restrictions imposed on buildings height therein. Many buildings representing the modern heritage that deserve the listing under the Act No. 144 are located in the surrounding of the medieval heritage in Egypt, which is scheduled as Antiquities under the Act No. 117. Because of the previous accordance between the designations under the Act No. 119 and the Act No. 117, and because of the previous condition, the entirety of the areas containing this medieval heritage can be designated as "Areas Enjoying a Distinctive Value". The criteria that justify the designation as "Areas Enjoying a Distinctive Value" involve the history and the characteristics of the concerned area, as well as the presence of groups of Listed Buildings in these areas [48]. A buffer zone can also be designated around the designated "Areas Enjoying a Distinctive Value". In 2009, the first six areas representing "Areas Enjoying a Distinctive Value" have been officially designated. These areas are "Historic Cairo" (Fig. 12), "Khedieval Cairo" (Fig. 11), "al-Zamalek", "Garden City", "al-Roda Island" and "Misr al-Gadida" [5]. The Act No. 119 is also concerned with the protection of historic gardens and parks [48].

The Act No. 119 is also concerned with other designations that are closely related to area-based conservation. These designations include the designation as "Re-Planning Areas", "Unplanned Areas", "Tourism Areas", and "New Urban Development Areas" [4]. The Act No. 119 has also been concerned with the development of the various official plans. The plans, previously introduced under the Act No. 3 have been repealed at the coming into force of the Act No. 119 and have been replaced by the other plans introduced under the Act No 119. The plans introduced under the Act No. 119 that are relevant to area-based conservation in Egypt are the "General Strategic Plan for Cities and Villages" and the "Detailed Plans". Amongst the many items that have to be plotted on the maps pertaining to the "Strategic Plans" are the "Archaeological Sites", the "Areas Enjoying a Distinctive Value" and the downtown area. On the other hand, the "Detailed Plans" should specify, among other things, the special building regulations of the designated "Areas Enjoying a Distinctive Value" [4].

3.4. The management of the Egyptian models of protected areas

The Supreme Council of Antiquities is the key Egyptian authority involved with the management of "Archaeological Sites", "Protected Perimeters" and "Embellishment Perimeters". The Minister of Culture, as well as the Prime Minister,

is also concerned with the designation of these areas. In 2004, an autonomous company that is involved with the management of "Archaeological Sites" has been established [43]. The Endowments are also involved with the management of some Antiquities, particularly functioning as mosques, which might exist inside the designated "Areas Enjoying a Distinctive Value", and the already abolished "Streets and Areas of Restricted Building Regulations" [52]. The management of the repealed "Streets and Areas of Restricted Building Regulations" was the responsibility of the Minister of Housing, and the relevant governors and local authorities. The Prime Minister was also involved with the designation of these areas [45]. The officials that were concerned with the management of these areas were the municipal engineers since the conservation officer post was, and is still, a missing job in Egypt. The designation under the Act No. 144, which is also involved with area-based conservation, is managed by the conservation committees established under the same legislation [45]. The management of the "Areas Enjoying a Distinctive Value", introduced under the Act No. 119, is the responsibility of a variety of authorities. These authorities involve the Supreme Council of Planning and Urban Development, which is intended to be established under the same legislation, the National Organization for Urban Harmony, the local authorities [4], and the conservation committees established in each governorate [48]. Boards of trustees have also been involved with the management of the areas designated under the Act No. 106 as "Streets and Areas of Restricted Building Regulations". Three boards of trustees have been established for the management of "Historic Cairo", "Khedival Cairo" [53] and "Misr al-Gadida" [54] designated areas.

The three statutory designations concerned with area-based conservation, and introduced under the Act No. 117, are centrally designated. "Archaeological Sites", the first of these three areas, are designated by decrees issued by the Prime Minister based on the Minister of Culture's proposal. On the other hand, "Protected Perimeters" and "Embellishment Perimeters" are designated by decrees issued by the Minister of Culture [43]. "Protected Perimeters" are usually designated through four steps. The designation of these areas usually starts by a proposal made by the local archaeological administration. These proposals are forwarded to the permanent committee in the Supreme Council of Antiquities in Cairo. The third step to designate these areas is concerned with achieving the approval of the board of directors of the Supreme Council of Antiquities. The last step is achieving the approval of the Minister of Cultural and issuing the designation decree [52]. The designation as an "Archaeological Site" is always referred to as the designation under Article 20, of the Act No. 117. Article 20 is the Article involved with the management of new development introduced inside "Archaeological Sites". Article 20 restricts the carrying out of particular developments inside "Archaeological Sites". The restricted developments include the construction of buildings or cemeteries, the digging of water canals, the construction of roads, and growing crops inside these areas, their "Protected Perimeters" as well as inside the designated "Embellishment Perimeters". The restricted developments also include planting or felling trees, lifting debris, extracting sands or composts from within these sites, and any other developments that might alter the features of these sites. Undertaking any of the previous developments requires achieving the consent of the Supreme Council of

Antiquities [43, p. 9]. The designation as a “Protected Perimeter” also implies the further control of new developments proposed to take place inside such areas. Such further control involves the quality of the proposed new development and its building height. New developments should be carefully designed so that they do not hide the nearby scheduled Antiquities or diminish their visual qualities [52]. “Archaeological Sites” might also be de-designated, by means of a decree issued by the Prime Minister and based on the proposal of the Minister of Culture, if it appeared to the Supreme Council of Antiquities that the site does not contain any Antiquities [43, p. 487].

The already repealed “Streets and Areas of Restricted Building Regulations” were designated in a quasi decentralized way. These areas were designated by means of a decree issued by the Prime Minister in a response to the request of the relevant governor and the proposal of the relevant local authority. Few governorates; which are Cairo, Giza, Alexandria and Aswan governorates; have designated such areas. The restrictions imposed on new developments introduced inside such areas were limited to restricting the maximum allowed building height inside these areas. The previous limitation seems to be attributed to the amending Act No. 101 and the subsequent addition to Article 13 in the Act No. 106. The last paragraph added to Article 13, in the Act No. 106, is merely concerned with the possibility to limit the maximum allowed building height in some areas. The various areas designated under the Act No. 144, such as the designated Conservation Areas in Alexandria, and the designation of groups of buildings and historic gardens and parks, are designated in a decentralized way. The designation process starts by the listing of the conservation committees established in each governorate of such urban areas. Thereafter, the governor forwards such lists for the approval of the Prime Minister [45].

Contrary to the previous two models of conservation areas, “Areas Enjoying a Distinctive Value” are centrally designated. The National Organization for Urban Harmony represents the central entity concerned with the designation of these areas. Following the designation undertaken by the National Organization for Urban Harmony of these areas, the organization’s decisions are forwarded to the Supreme Council of Planning and Urban Development for its approval. These areas are usually designated according to a list of criteria that is detailed in the Implementing Bylaw of the Act No. 119 in Article 80 [4]. The conservation committees established in each governorate might also assist the National Organization for Urban Harmony in their efforts to designate such areas [48]. The National Organization for Urban Harmony is also concerned with the documentation of the designated “Areas Enjoying a Distinctive Value”, and with the founding of an archive that contains all the details of these designated areas [4,48]. The previous role of the National Organization for Urban Harmony seems to emphasize the very centralized process concerned with the management of such areas.

The designation of the previous “Areas Enjoying a Distinctive Value” succeeds an analysis stage similar to the preparation of the character appraisal documents in the United Kingdom, yet the key difference is that character appraisal documents are usually prepared following the designation of the British “Conservation Areas”. The analysis of the qualities and values of the urban environment, based on which the designation of the “Areas Enjoying a Distinctive Value” is under-

taken, is the responsibility of the National Organization for Urban Harmony. This analysis has taken the form of what has been called the value map. This map represents a detailed analysis of the values satisfied by the various potential historic areas throughout Egypt [55]. The Detailed Plans of each city include a detailed analysis of the distinctive character of these areas [4]. This analysis is similar to the analysis of the character appraisal documents in the United Kingdom. The previous preview seems to indicate that the character appraisal of the “Areas Enjoying a Distinctive Value” represents the pre-designation appraisal approach, and emphasizes the clear similarity between these areas and the French “Secteurs Sauvegardés”.

The Act No. 119, which is the Act concerned with the management of the “Areas Enjoying a Distinctive Value”, has tried to adopt a mechanism almost similar to the British “Article 4 Directions”. Article 17 in the Act No. 119 allows the Supreme Council of Planning and Urban Development the right to exempt a city, an area of that city or a particular building from the need to adhere to the building regulations stated in the relevant General Strategic Plan. The Supreme Council of Planning and Urban Development also has the right to change the adopted land use of a particular area or building [4, pp. 17–18].

The designation as “Areas Enjoying a Distinctive Value” has a significant influence on the control of the quality of new developments introduced inside such areas. The Act No. 119 prohibits the construction of any new buildings, or undertaking any alterations, vertical extensions or restoration works to any existing buildings, without achieving the previous consent of the relevant local authority. The restricted developments also involve installing temporary or permanent works and moving any architectural elements or artworks from the urban spaces located inside such designated areas. The Supreme Council of Planning and Urban Development has the right to stipulate the achievement of the consent of the National Organization for Urban Harmony in some areas so as to be able to undertake the proposed new developments taking place inside these areas. The designation as “Areas Enjoying a Distinctive Value” also influences the control of the quality of advertisements, as a form of new developments, fitted inside these areas. Fitting any advertisement inside such areas requires the application for the consent of the relevant local authority [4].

3.5. The strengths and weaknesses of the Egyptian experience in area-based conservation

The previous preview reveals few strengths of the Egyptian experience in area-based conservation (Table 2). The early adoption of statutory tools concerned with the protection of archaeological areas; such as the designation of “Archaeological Sites”, “Protected Perimeters” and “Embellishment Perimeters”; seems to represent the first strength of the Egyptian experience. On the theoretical level, the previous statutory tools seem to be well-established. The various statutory materials concerned with the management of these tools seem to be very efficient. Adopting a statutory tool concerned with the protection of the historic urban environment, in a developing country like Egypt, and prior to some European countries, such as Ireland, seems to be another strength of the Egyptian experience. The previous Egyptian statutory model of

Table 2 The strengths and weaknesses of the Egyptian experience in area-based conservation [40].

The strengths of the Egyptian experience	The weaknesses of the Egyptian experience
1 – The early adoption of statutory tools concerned with the protection of archaeological areas (the designation as “Archaeological Sites”, “Protected Perimeters” and “Embellishment Perimeters”)	1 – The centralized approach to designate the archaeological protected areas (“Archaeological Sites”, “Protected Perimeters” and “Embellishment Perimeters”)
2 – The adoption of a statutory tool concerned with the protection of the historic urban environment prior to some European countries (the designation as “Streets and Areas of Restricted Building Regulations”)	2 – The limited success of the designation as a “Protected Perimeter” in controlling the quality of adjacent new developments
3 – The provision of a statutory protection to groups of buildings and historic gardens and parks, by means of the Act No. 144	3 – The slow and lengthy procedures to designate “Protected Perimeters” and “Embellishment Perimeters”
4 – The eventual introduction of a statutory tool concerned with the protection of entire historic urban areas (the designation as “Areas Enjoying a Distinctive Value”)	4 – The limited application of the repealed designation as “Streets and Areas of Restricted Building Regulations” to merely control building height of new developments
5 – The decentralized listing and designation under the Act No. 144	5 – The conflict between the designations under the Act No. 144 and the Act No. 106, and the designations under the Act No. 144 and the Act No. 117, in Alexandria
6 – The Act No. 119 trial to integrate conservation practice within town planning practice	6 – The application of the Act No. 144 to designate Conservation Areas, in Alexandria
	7 – The limited capacity of the Egyptian local authorities involved with the designations under the Act No. 144
	8 – The pre-designation value analysis of the designated “Areas Enjoying a Distinctive Value”
	9 – The lack of key management processes (boundary review and de-designating “Areas Enjoying a Distinctive Value”)
	10 – The lack of any grant schemes concerned with the conservation of the “Areas Enjoying a Distinctive Value”
	11 – The lack of key relevant town planning notions and tools (permitted developments and Article 4 Directions)

protected areas is the abolished “Streets and Areas of Restricted Building Regulations”. The Irish “Architectural Conservation Areas” have been introduced in 2000 [28], while the Egyptian “Streets and Areas of Restricted Building Regulations” have been adopted in 1996 [45]. From a theoretical view, the statutory materials concerned with the management of the designated “Streets and Areas of Restricted Building Regulations” seem to be efficient. This area-based conservation tool has been planned to control a broad spectrum of the characteristics of the built urban environment; such as the architectural style of the new development, its material, color and building height [45].

The enactment of the Act No. 144 that provides a statutory protection to groups of buildings and historic gardens and parks [45] is another strength of the Egyptian experience in area-based conservation. Some advanced countries in area-based conservation in Europe still have not adopted any tool to provide a statutory protection to historic gardens and parks [21]. Despite its belatedness, the eventual introduction of a statutory tool concerned with the provision of a statutory protection to entire historic urban areas, which is the designation as “Areas Enjoying a Distinctive Value”, can also be considered another significant strength of the Egyptian experience.

The previous preview seems also to unveil many weaknesses of the Egyptian experience (Table 2). The centralized designation of the archaeological areas, designated under the Act No. 117; which are “Archaeological Sites”, “Protected Perimeters” and “Embellishment Perimeters” [43]; seems to represent the first weakness. The centralized approach to designate the various models of protected areas has always been reputed as a slow and lengthy approach to designate protected areas [2]. For an already very belated country in area-based conservation,

the centralized approach to designate protected areas might not be the right answer. Despite the theoretically efficient materials concerned with the management of the previous three archaeological models of protected areas, the official practice has revealed some weaknesses of these tools. “Protected Perimeters” have always been designated as narrow areas surrounding the scheduled monuments. These designated areas have always been fenced and isolated from their surrounding urban contexts. “Protected Perimeters” have failed to control the quality of the new development that took place in the immediate areas behind the designated perimeters. The Act No. 117, which is concerned with the management of the previous three models of protected areas, seems to also suffer from many weaknesses. Despite it has been enacted in 1983, the Act No. 117 still has not been fully implemented. Many “Embellishment Perimeters” have not been designated until a very recent time. Many outstanding Antiquities in Rosetta still lack a “Protected Perimeter” designated around them, despite that the process to designate such areas around these Antiquities has started a very long time ago [52].

The application of the abolished “Streets and Areas of Restricted Building Regulations” also suffered from serious weaknesses. The previous model of protected areas was merely applied to control the building height of the new developments introduced inside these areas. The previous limitation might be attributed to the fact that the amending Act No. 101 addressed nothing but the building height of new developments, despite the fact that the Implementing Bylaw of the Act No. 106 addressed other characteristics of such new developments [45]. The designation as “Streets and Areas of Restricted Building Regulations” was not successful enough in controlling the quality of the new developments introduced inside such areas

(Fig. 15). The weaknesses of the application of the previous tool also involve the conflict that took place between the designation as “Streets and Areas of Restricted Building Regulations” and the designation under the Act No. 144 as what has been called Conservation Areas, particularly in Alexandria. Some areas, such as Abu al-Abbas area in Alexandria, have been designated as Conservation Areas and as “Streets and Areas of Restricted building Regulations”. The building regulations adopted for the same area according to one designation did not conform to those adopted according to the other designation [41,45].

The weaknesses of the Egyptian experience also involve the application of the Act No. 144 to designate Conservation Areas in cities, such as Alexandria, despite that the Act is not involved with the protection of the townscape and urban values. The Act No. 144 has also been used to designate “Archaeological Sites” in Alexandria, despite that these sites have already been protected by the designation under the Act No. 117 [41,43]. The previous overlap between the application of both Acts, the Act No. 117 and the Act No. 144, seems to represent another weakness of the Egyptian experience.

Despite the previous weaknesses associated with the application of the Act No. 144, there is a significant positive side associated with the implementation of this Act. This positive side is the decentralized designation, under this Act, as either Listed Buildings or what has been called Conservation Areas. Despite the previous theoretically positive side, the application of this Act seems to have revealed a significant weakness of the Egyptian experience in area-based conservation. Despite that



Figure 15 An example of the bold new developments introduced inside “Abu al-Abbas Square” area, which was designated under the Act No. 106 as “Streets and Areas of Restricted Building Regulations”. This example reflects the inefficiency of the designation as “Streets and Areas of Restricted Building Regulations”, regarding that the maximum allowed building height inside this area is 16 m [45].

the previous Act has been enacted in 2006, only few governorates have succeeded in submitting their lists of Listed Buildings and Conservation Areas prepared in accordance with the Act No. 144. One of these governorates is Alexandria [56]. The success of Alexandria Governorate represented by its early submission of its list should not be considered as a success of the decentralized approach to manage the historic environment in Egypt. The success in submitting the list of Alexandria Governorate is merely attributed to the efforts of the Bibliotheca Alexandria and Alexandria University, rather than the efforts of the local authorities. The local authorities’ capacity in managing the historic environment in Egypt is still premature.

The weaknesses of the Egyptian experience in area-based conservation also involve the centralized designation under the Act No. 119 as “Areas Enjoying a Distinctive Value” [4]. The centralized designation of protected areas has always been reputed as lengthy, slow, bureaucratic and selective [2]. The first areas to be designated as “Areas Enjoying a Distinctive Value” are located in Cairo [5]. The previous fact seems to indicate that these early designations have been exemplar and highly selective. Many other fine areas have been disregarded while undertaking these early designations, such as the historic urban areas in Rosetta and Alexandria.

The pre-designation approach to prepare character appraisal documents for the designated “Areas Enjoying a Distinctive Value” is another weakness of the Egyptian experience. Such an approach to prepare character appraisals has always been lengthy and has always been associated with under-designation experiences in area-based conservation. The role of the designation as “Areas Enjoying a Distinctive Value” in controlling the quality of the new developments taking place inside such areas will never begin until the preparation of the relevant Detailed Plans, which is another weakness of the Egyptian experience. The management of these “Areas Enjoying a Distinctive Value” also suffers from some weaknesses, such as the lack of some essential management processes. These missing processes include boundary review of the already designated “Areas Enjoying a Distinctive Value” and de-designating these areas. The lack of any grant scheme involved with the preservation and the environmental enhancement of the designated “Areas Enjoying a Distinctive Value” is another weakness. The centralized designation of such areas, which is largely the responsibility of the National Organization for Urban Harmony [4], seems to be the reason for the reluctance to adopt such grant schemes.

The weaknesses of the Egyptian experience in town planning also cast their shadows on the Egyptian experience in area-based conservation. Some key town planning notions are either missing or unclear, such as the definition of development. Despite that the Act No. 119 has tried to clarify what is meant by development by adopting a definition of that term, the adopted definition is still very broad. The Act adopted the definition of sustainable development to clarify what is meant by the term “development” [4]. The Act has not addressed other than two patterns of new development, which are building works and advertisement works. The Act neither addressed certain patterns of new development; such as internal and external alternations, extensions to existing buildings and minor alterations; nor was it supplemented by a detailed schedule of the various patterns of development. There are also other relevant town planning concepts and tools that are totally missing from the Egyptian experience. These

concepts and tools involve the notion of “permitted development” and “Article 4 Directions”. As a result of this situation, developments, such as the installation of air-conditioning units, are not considered as permitted developments and require the application for a building permission. Because of the lack of any tool equivalent to the British “Article 4 Directions”, the previous development will never be considered as a permitted development whether it takes place inside designated “Areas Enjoying a Distinctive Value” or anywhere else.

4. Conclusions

The previous preview seems to reveal the broad spectrum of the patterns that area-based conservation tools extend to cover, beyond the well-established urban protected areas. These various tools might be concerned with the protection of archaeological areas, groups of buildings or even natural heritage. The previous preview also seems to reveal the limited success of the centrally designated early models of protected urban areas. The French and the Dutch experiences of area-based conservation are examples of this centralized designation approach. When both countries realized the drawbacks of the centralized designation approach, they shifted their conservation systems to the decentralized approach to designate urban protected area.

The previous preview seems also to unveil some strengths of the Egyptian experience in area-based conservation. The adoption of a statutory tool concerned with the protection of historic urban areas, which is the designation as “Streets and Areas of Restricted Building Regulations”, prior to some European countries might be one of the key strengths of the Egyptian experience. The enactment of the Acts No. 144 and 119, and the introduction of new tools that can provide protection to entire urban areas, is another strength of the Egyptian experience. The Act No. 119 has established the most relevant statutory tool that can provide a statutory protection to historic urban areas, which is the designation as “Areas Enjoying a Distinctive Value”. The Act No. 144 can also provide a statutory protection to groups of buildings and historic gardens and parks. The trial to integrate conservation practice with town planning practice, by listing the various designations of the various protected areas inside the various plans, is another strength of the Egyptian experience.

The previous preview seems to reveal some weaknesses of the Egyptian experience. The centralized designation and management of the “Areas Enjoying a Distinctive Value” is one of the key weaknesses. Such an approach to designate protected urban areas is very lengthy and slow, and therefore might not be the appropriate approach for a belated country in urban conservation, such as Egypt. The overlap between the application of the Act No. 144 and the Act No. 119 to protect historic urban areas is another weakness. The same overlap occurred between the Act No. 144 and the Act No. 117. These overlaps might be attributed to the misunderstanding of the functions of each Act and the values that each Act is concerned with.

The findings of the previous study seem to suggest the further development of the Egyptian experience in area-based conservation and in town planning, as well as the further boosting of the role and capacity of the local authorities in the management of the designated protected urban areas.

The study also suggests the decentralization of the designation of the “Areas Enjoying a Distinctive Value”, as well as the adoption of the post-designation appraisal approach to prepare the character appraisal documents for these areas. It is also recommended to adopt the missing town planning concepts, such as the concept of permitted development and the functions similar to the British “Article 4 Directions”.

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