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A FUTURE FOR THE PAST: ARCHITECTURE AND URBAN CONSERVATION OF HISTORIC BUILDINGS AND AREAS IN GAZA, PALESTINE

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The University of Glasgow

January 2000

بسم الله الرحمن الرحيم

In the Name of Allah, The Beneficent, the Merciful

No portion of this dissertation has been submitted in support of an application for another degree or qualification to any other university or institution

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ABSTRACT

The continual loss and neglect of historic buildings and areas is due to many factors. Among the most important are the inadequacy of existing legislation and the inability of institutions to protect the built heritage. I do not only mean the protection from the threat of demolition and decay, but also the readiness to promote change in order to contribute to socio-economic development. Therefore, conservation strategies should establish appropriate legislative and administrative frameworks to guide conservation initiatives, otherwise, the continuing lack of a legislative strategy will remain a problem.

Palestine is in the process of defining itself as a nation. In this process its built heritage plays an important role in that it embodies its culture and traditions and is an important part of its cultural identity. At present Palestine's built heritage is largely neglected and parts of it are being lost every day. The absence of public awareness of the values of its historic heritage leads to detrimental interventions into historic buildings and areas.

There are many factors which affect the way in which a society relates to its built heritage. One of these factors is the rules and procedures which govern the relations between citizens and their built heritage. The thesis addresses this issue in the context that the present legislative structure for conservation in Palestine is the product of laws issued by the successive powers that occupied Palestine in the last centuries and, what is more important, Palestine is currently reviewing its whole legislation and administration structures.

The aim of the thesis is to pave the way for the establishment of a legislative and administrative framework that would underpin a conservation strategy for Gaza, Palestine.

The research starts by surveying the literature in the field of study to determine the different principles and attitudes within the current conservation discourse, placing special emphasis on legislation for the conservation of historic buildings and areas.

An analysis of the current Palestinian legislative and institutional systems is followed by an appraisal of the city itself and its built heritage.

Two case studies of cities which are in some ways comparable to Gaza, the cities of Jeddah and Cairo, are analysed in some detail. The findings are used as a means to compare and evaluate conservation strategies for the city of Gaza.

The study concludes by recommending a comprehensive conservation legislation model which would function within a local and national legislative frameworks, would have clear aims relevant to a particular place, and enable an administrative framework capable of efficiently implementing conservation initiatives.

TABLE OF CONTENTS

Abstract iii

Table of Contents iv

List of Figures viii

List of Tables ix

List of Diagrams x

List of Abbreviations xii

Acknowledgements xiii

INTRODUCTION 1-15
A. Palestine 1
A.1. Socio-economic conditions 3
A.1.1. Resources 3
B. Architecture and urban conservation in Palestine 5
B.1. Cultural importance 5
B.2. Socio-economic prosperity 6
B.3. Conservation activities in Palestine 6
C. Research objectives 9
D. Framework of the study 10

CHAPTER 1: ASPECTS OF A CONSERVATION STRATEGY 16-64
1.1. Cultural aspects 18
1.1.1. Cultural change 21
1.1.2. Ideological aspects 25
1.2. Technical aspects 28
1.2.1. Technical aspects in the international Charters 28
1.2.2. Causes of decay 29
1.3. Socio-economic aspects 33
1.3.1. The profitability of conservation 35
1.3.2. The economics of conservation in Gaza 39
1.3.3. Funding methods 41
1.4. Legal aspects 44
1.4.1. The evolution of conservation legislation 45
1.4.2. Administrative legal framework 52
1.4.3. Public participation 56
1.5. Summary 59

CHAPTER 2: BUILDING CONSERVATION 65-102
2.1. Listing of buildings 66
2.2. Listed building consents 70
2.3. Building conservation strategies 71
2.3.1. Building restoration and anti-restoration 73
2.3.2. Adaptive re-use 77
2.3.3. Reconstruction and replication 80
2.3.4. Preserving the skin only 84
2.3.5. Conservation via moving 86
2.4. Documentation of the heritage 88
2.5. Summary 98

CHAPTER 3: URBAN CONSERVATION 103-132
3.1. Enhancement of special urban character of conservation areas 107
3.1.1. The urban density 109
3.1.2. Traffic control 109
3.2. Building control and architectural design 113
3.3. Urban rehabilitation 120
3.4. The regeneration of historic urban areas 126
3.5. Summary 128

CHAPTER 4: RESEARCH DESIGN AND METHODOLOGY 133-144
4.1. Introduction 134
4.2. The statement of the research problem 135
4.2.1. The first sub-problem 135
4.2.2. The second sub-problem 136
4.2.3. The third sub-problem 136
4.3. The hypothesis 139
4.4. The delimitation 139
4.5. Definition of terms 140
4.6. Assumptions 142
4.7. Methodology 142
4.8. The importance of the research 144

CHAPTER 5: ARCHITECTURE AND URBAN CONSERVATION IN GAZA 145-187
5.1. A brief history of the city of Gaza 146
5.1.1. The historic area of Gaza (The old town) 154
5.2. Architecture and urban conservation in Gaza 157
5.3. Factors in the conservation strategy for Gaza 159
5.4. Historic buildings and areas in Gaza 162
5.4.1. Residential buildings 163
5.4.2. Religious buildings 167
5.4.3. Public buildings 171
5.4.4. Historic areas 173
5.5. Conservation legislation in Gaza 174
5.5.1. Antiquities Act 51/1929 174
5.5.2. Old Archaeology Ordinance 177
5.5.3. Antiquities "Sheds" Act 33/1935 178

5.6. Evaluation of existing conservation legislation in Gaza 178
5.7. Summary 184

CHAPTER 6: LEGISLATIVE FRAMEWORK IN GAZA 188-206
6.1. Legislative systems 190
6.2. Legislative system in Gaza 192
6.3. Types and succession of legislation in Gaza 194
6.3.1. The basic legislation 194
6.3.2. Regular legislation 195
6.3.3. Secondary legislation 197
6.4. Evaluation of the legislative system in Gaza 199
6.5. Summary 203

CHAPTER 7: CONSERVATION-RELATED INSTITUTIONS IN GAZA 207-237
7.1. Administrative structure in Palestine 210
7.2. Conservation-related institutions 213
7.2.1. Ministry of Tourism & Antiquities 213
7.2.2. Ministry of Planning & International Co-operation 218
7.2.3. Ministry of Local Government 221
7.2.4. Ministry of Culture 224
7.2.5. Municipality of Gaza 224
7.3. Evaluation of existing relevant institutions 230
8.4. Summary 234

CHAPTER 8: CASE STUDIES 238-268
8.1. An overview of relevant cases 240
8.2. The conservation strategy of Jeddah 246
8.2.1. Conservation legislation in Saudi Arabia 247
8.2.2. Characteristics of conservation legislation in Saudi Arabia 247
8.2.3. Conservation legislation performance in Jeddah 252
8.3. Summary 264

CHAPTER 9: ARCHITECTURE AND URBAN CONSERVATION IN EGYPT 269-298
9.1. Legislative system in Egypt 271
9.2. Conservation related legislation 273
9.3. Characteristics of conservation legislation in Egypt 276
9.3.1. Structure 276
9.3.2. Building conservation 276
9.3.3. Area conservation 280
9.3.4. Management of the conservation policy 283
9.3.5. Finance 283
9.3.6. Penalties 283
9.4. Conservation legislation performance 284
9.4.1. Legislation performance in the evolution of conservation strategy 284
9.4.2. Conservation legislation performance in relation to the administration of a conservation policy 285
9.4.3. Conservation legislation performance in the

implementation of the conservation policy 289
9.5. Summary 293

CHAPTER 10: ARCHITECTURE AND URBAN CONSERVATION LEGISLATION FOR GAZA 299- 360
10.1. Aims and objectives of the conservation legislation for Gaza 302
10.1.1. Prevention of thoughtless destruction of historic buildgs. 303
10.1.2. Contribution to cultural and socio-economic develop. ... 305
10.1.3. Delegates responsibilities to defined conservation body .. 307
10.2. Legislative framework 310
10.3. Administrative framework 314
10.3.1. Legal administrative framework 314
10.3.2. Local participation 326
10.4. Characteristics of the conservation legislation for Gaza 326
10.4.1. The targeted legislation 327
10.4.2. General characteristics 328
10.4.3. Building conservation 333
10.4.4. Area conservation 341
10.4.5. Management of the conservation policy 349
10.4.6. Finance 352
10.4.7. Penalties 354
10.5. Summary 357

CONCLUSION 361
AFTERWARDS 368

APPENDICES 370
Appendix 1: The Research Interview 371
Appendix 2: Conservation Charters and other Instruments 374
A 2.1. Charters adopted by the General Assembly of ICOMOS .. 374
A 2.2. Resolutions and Declarations of ICOMOS Symposia 374
A 2.3. Charters adopted by ICOMOS National Committees 375
A 2.4. Other International Standards 375
A 2.5. UNESCO International Conventions and other Instruments 375
A 2.6. UNESCO Recommendations and other Standards 376
Appendix 3: The Venice Charter: International Charter for the Conservation and Restoration of Monuments and Sites 377

BIBLIOGRAPHY 380

LIST OF FIGURES:

Figures of the Introduction:
Fig. I.1: Historic Palestine 1
Fig. I.2: Gaza Strip, historic and archaeological sites 2
Fig. I.3: The layout of the old town of Hebron 7
Fig. I.4: Riwaq by Elizabeth Harden 8
Fig. I.5: Sakakini Cultural Centre, the West Bank 8
Fig. I.6: The Memory Museum, the west Bank 8

Figures of Chapter 1:
Fig. 1.1: Khan Alzeit, Gaza 37
Fig. 1.2: Aburahma Mall, Gaza 37

Figures of Chapter 2:
Fig. 2.1: The state in which Al Omary mosque exists, Gaza 72
Fig. 2.2: Restoring Al Omary mosque in a specific style which may never existed at any Particular time 76
Fig. 2.3: The historic building is frozen as it is found with the least consolidation needed 76
Fig. 2.4: Templeton Factory, Glasgow Green, Glasgow 79
Fig. 2.5: Qajar Palace, Tehran 80
Fig. 2.6: Reconstruction of a vanished building or missing parts of a building 80
Fig. 2.7: Art Lovers House, Glasgow 80
Fig. 2.8: Benjamin Franklin's home in Philadelphia 83
Fig. 2.9: The Colonnades, Bath 86
Fig. 2.10: Church of St. Mary Aldermanbury 87
Fig. 2.11: The form used by Riwaq for the documentation of historic buildings in the West Bank 91
Fig. 2.12: Specimen of form used by Donald w. Insall Associates for survey of historic Buildings 93
Fig. 2.13: The use of non-verbal data records 94
Fig. 2.14: The application of photogrammetry in measuring historic artefact 96
Fig. 2.15: the application of rectified photography in the documentation of the artefact .. 97

Figures of Chapter 3:
Fig. 3.1: Gaza city, main road network in relation with the old city 110
Fig. 3.2: The old city of Gaza, existing road system 110
Fig. 3.3: Models prepared by the Municipality of Gaza to be followed in new designs within the historic area 114
Fig. 3.4: The central square of Hildesheim, rebuilt in the 1980s 115
Fig. 3.5: The renaissance square in Arras, France 115
Fig. 3.6: Hancock Tower, Boston 117
Fig. 3.7: The Louver, Paris 117
Fig. 3.8: New and old apartment houses, Strasbourg, France 119
Fig. 3.9: Houses near the Ponte Vecclio, Florence 119
Fig. 3.10: Plan for the central area of Pergamo, Italy 123
Fig. 3.11: Some development proposals laid in the competition winner project, Bergamo 124

Figures of Chapter 5:
Fig. 5.1: The evolution of Gaza City throughout the ages 147
Fig. 5.2: The oldest known map for Gaza introduced by the author 149
Fig. 5.3: Gaza drawn by G. Gatt, 1887 150
Fig. 5.4: Gaza from Almontar mountain by David Roberts, 1839 151
Fig. 5.5: Gaza Town Survey, Survey of Palestine, Jaffa, Sep. 1928 152
Fig. 5.6: Gaza, 1931, Survey of Palestine, Jaffa, June 1931 153
Fig. 5.7: Views from some parts of Alwehda St., Gaza, after it's widening in the 60s 154

Fig. 5.8: The urban tissue of the old city of Gaza and the demolished city wall and gates 155
Fig. 5.9: The old city of Gaza, building heights 156
Fig. 5.10: Existing land use in the old city of Gaza 156
Fig. 5.11: The master plan for Gaza which was applied between 988-1998 158
Fig. 5.12: Alsabeel -public fountain-, Ridwan Palace, Alwehda St., Gaza 162
Fig. 5.13: Namiq Alalami historic house, Gaza 163
Fig. 5.14: Farid Alshawa historic house, Gaza 164
Fig. 5.15: Abed Alhai Alnadeem historic house, Gaza 165
Fig. 5.16: Rashid Alsawafiri historic house, Gaza 166
Fig. 5.17: Said Hashim mosque, Gaza 167
Fig. 5.18: Al Omary mosque –the Great Mosque- , Gaza 168
Fig. 5.19: Porforious church, Gaza 169
Fig. 5.20: Ibn Osman mosque, Gaza 170
Fig. 5.21: Municipality of Gaza old building 171
Fig. 5.22: Al Ridwan Palace, Gaza 172
Fig. 5.23: Different views through historic areas in Gaza 173

Figures of Chapter 8:
Fig. 8.1: Almanama, the location of the historic area and a general view within 244
Fig. 8.2: Map of old Jeddah 246
Fig. 8.3: Jeddah, conservation area neighbourhoods that designated to be protected 255
Fig. 8.4: Jeddah, the old area after development 261
Fig. 8.5: Jeddah, the old area before development 263
Fig. 8.6: Jeddah, one of the proposals that has been applied for the development of the Of the city 263

Figures of Chapter 9:
Fig. 9.1: Cairo, some historic buildings 279
Fig. 9.2: Cairo, a general view in the historic Islamic area 279
Fig. 9.3: Cairo, The conservation area of historic Cairo 281
Fig. 9.4: Some proposed elevations for the "simple Islamic style" proposed by the Committee for the Management of Historic Cairo 282

Figures of Chapter 10:
Fig. 10.1: Examples of the combination of illustrations and text in a conservation Guidance 330
Fig. 10.2: Example of Guidance for the conservation of trees in conservation areas 331
Fig. 10.3: Examples of Guidance for window glass 331
Fig. 10.4: The old town and possible conservation areas in Gaza 341

LIST OF TABLES:

Table I.1: Economic activities in the Palestinian Territories 3
Table I.2: Demographic survey of the West Bank and Gaza Strip 4
Table 7.1: Capacity building of institutions relevant to architecture and urban conservation in Gaza 231
Table 10.1: Proposed uses designated to historic buildings in Gaza 338
Table 10.2: Legislative measures for area conservation in Gaza 347

LIST OF DIAGRAMS:

Diagram I.1: Components of the proposed comprehensive legislation model 12
Diagram I.2: Plan of work 13

Diagrams of Chapter 1:
Diagram 1.1: Cultural aspects of architecture and urban conservation 27
Diagram 1.2: Technical aspects of architecture and urban conservation 32
Diagram 1.3: Socio-economic aspects of architecture and urban conservation 43
Diagram 1.4: Legal aspects of architecture and urban conservation 58

Diagrams of Chapter 2:
Diagram 2.1: Historic building conservation strategy 99

Diagrams of Chapter 3:
Diagram 3.1: Attitudes of historic area conservation 130

Diagrams of Chapter 4:
Diagram 4.1: Research problems 138

Diagrams of Chapter 5:
Diagram 5.1: Different aspects of a conservation strategy for Gaza 161
Diagram 5.2: Classification of listed objects in the 24.11.1944 List 176
Diagram 5.3: Existing conservation legislation in Gaza 178
Diagram 5.4: Articles specialised in historic buildings and areas in existing Acts 180
Diagram 5.5: Articles specialised in historic buildings and areas in existing Ordinances 180
Diagram 5.6; Evaluation of existing conservation legislation in Gaza 185

Diagrams of Chapter 6:
Diagram 6.1: The procedure of initiation or amendment of Laws (Regular Legislation) 196
Diagram 6.2: The succession of different types of legislation in Gaza 198
Diagram 6.3: Legislative framework levels in Gaza 199
Diagram 6.4: Options for the appropriate conservation legislative framework in Gaza according to existing legislative system 204

Diagrams of Chapter 7:
Diagram 7.1: The state has grown everywhere 209
Diagram 7.2: Administrative organisation of a state 210
Diagram 7.3: Administrative organisation in Palestine 211
Diagram 7.4: Institutional structure of the Palestinian Authority 212
Diagram 7.5: Administrative structure of the Ministry of Tourism & Antiquities 214
Diagram 7.6: The administrative structure of the Directory of Antiquities 216
Diagram 7.7: Administrative structure of the Ministry of Planning & Int. Co-operation 218
Diagram 7.8: Administrative structure of the Planning Directory, MOPIC 219
Diagram 7.9: Administrative structure of the Norwegian Project "Institutional Capacity Building 220
Diagram 7.10: Administrative structure of the Ministry of Local Government 222
Diagram 7.11: Administrative structure and duties of the Directory of Planning and Building Control, MLG 223
Diagram 7.12: Administrative structure of the Municipality of Gaza 226
Diagram 7.13: Structure of the Directory of Urban Planning & Building Control, MG 227
Diagram 7.14: Structure of the Urban Planning Section, Directory of Urban Planning & Building Control. MG 228
Diagram 7.15: Structure of Ministries of the Palestinian Authority in the West Bank &Gaza 232

Diagrams of Chapter 8:
Diagram 8.1: Proposed system for the development of the historic urban areas, Manama 243
Diagram 8.2: Conservation strategy of Jeddah 256

Diagram 8.3: The administration of the conservation strategy of Jeddah 258

Diagrams of Chapter 9:
Diagram 9.1: Categories of legislation and authorities in Egypt 272
Diagram 9.2: Conservation-related legislation in Egypt 274
Diagram 9.3: Building conservation according to existing legislation in Egypt 278
Diagram 9.4: Administrative structure of the Supreme Council for Antiquities 287
Diagram 9.5: Institutions relevant to architecture and urban conservation in Egypt 291

Diagrams of Chapter 10:
Diagram 10.1: Aims and objectives of the conservation legislation for Gaza 309
Diagram 10.2: Options for conservation legislation framework for Gaza 310
Diagram 10.3: Proposed conservation legal framework for Gaza 313
Diagram 10.4: Conservation administrative framework components in Gaza 314
Diagram 10.5: Options for legal administrative framework in Gaza 316
Diagram 10.6: Proposed conservation administrative framework at the Municipality of Gaza 318
Diagram 10.7: Proposed conservation strategy procedure for Gaza 320
Diagram 10.8: Historic building and area development plan's components and procedure ... 321
Diagram 10.9: Proposed location of the PCI in the Palestinian Authority structure and Relationship with other institutions 323
Diagram 10.10: Proposed structure of the Palestinian Conservation Institute 324
Diagram 10.11: Duties designated to both PCI and CU 325
Diagram 10.12: The role that conservation organisations can play in the conservation Strategy for Gaza 326
Diagram 10.13: General characteristics of conservation legislation for Gaza 333
Diagram 10.14: Historic building legislation for Gaza 340
Diagram 10.15: Conservation area legislation composition for different conservation area Grades 343
Diagram 10.16: Relationship between old town and conservation areas with the whole city Of Gaza 343
Diagram 10.17: Conservation area legislation for Gaza 348
Diagram 10.18: Management procedures of conservation programmes for Gaza 349
Diagram 10.19: Characteristics of the conservation legislation in terms of the management Of the conservation strategy 350
Diagram 10.20: Parties involved in the management of conservation programmes in Gaza ... 351
Diagram 10.21: Availability of finance for the conservation strategy in Gaza 354

LIST OF ABBREVIATIONS:

BPF:	British Property Federation.
CAC:	Conservation Advisory Council.
CBA:	Cost Benefit Analysis.
CGT:	Capital Gain Tax.
CU:	Conservation Unit.
EH:	English Heritage.
GC:	Governorate of Cairo.
ICOMOS:	International Council of Monuments and Sites.
ILO:	International Labour Organisation.
LGC:	Local Government Council.
LPA:	Local Planning Authority.
LPC:	Local Planning Committee.
MC:	Ministry of Culture.
MG:	Municipality of Gaza.
MLG:	Ministry of Local Government.
MOPIC:	Ministry of Planning & International Co-operation.
MTA:	Ministry of Tourism & Antiquities.
OACB:	Old Archaeology Consultation Board.
PCI:	Palestinian Conservation Institute.
PCS:	Palestine Constitutional Statute.
PECDAR:	Palestinian Economic Council for Development and Reconstruction.
PLC:	Palestinian Legislative Council.
RIBA:	Royal Institute of British Architects.
SCA:	Supreme Council for Antiquities.
SPAB:	Society for the Protection of Ancient Buildings.
TCPA:	Town and Country Planning Act.
UNDP:	United Nations Development Programme.
UNESCO:	United Nations Educational, Scientific and Cultural Organisation.

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Nihad Mahmoud Almughany

INTRODUCTION

Buildings are symbols of the cultural development of nations. They are evidence of a nation's economic and social development at the time they were built. The products of architecture and town planning embody the history of the people that created them. If we lose them they can never come back again and a link in the evolution chain will be lost forever. It is the aim of this research to develop a strategy to help save the historic structures and areas in the city of Gaza, Palestine. This will be achieved by highlighting the role that conservation legislation may play in this process. By using the word "save" I do not only mean the protection from the threat of demolition and decay, but also, the contribution to social and economic development.

A-PALESTINE

Palestine has a long history that goes back more than four thousand years. Throughout history, Palestine has experienced political conflicts due to successive occupation campaigns. In 1994, after a long history of struggle, the Palestinian National Authority has been established in the Palestinian territories of the West Bank and Gaza Strip. For the first time, there is a national government in Palestine that can initiate the development process.

Because of the prevailing political conditions; it is temporally referred to as the "Palestinian Territories" which consist of the West Bank, including East Jerusalem and the Gaza Strip.

The West Bank is about 5700 km^2 and has about 1,707,000 people in 1997. The major settlements that are rich in historic heritage are Jerusalem, Nablus, Bethlehem, Jerico and hundreds of small villages spread out in

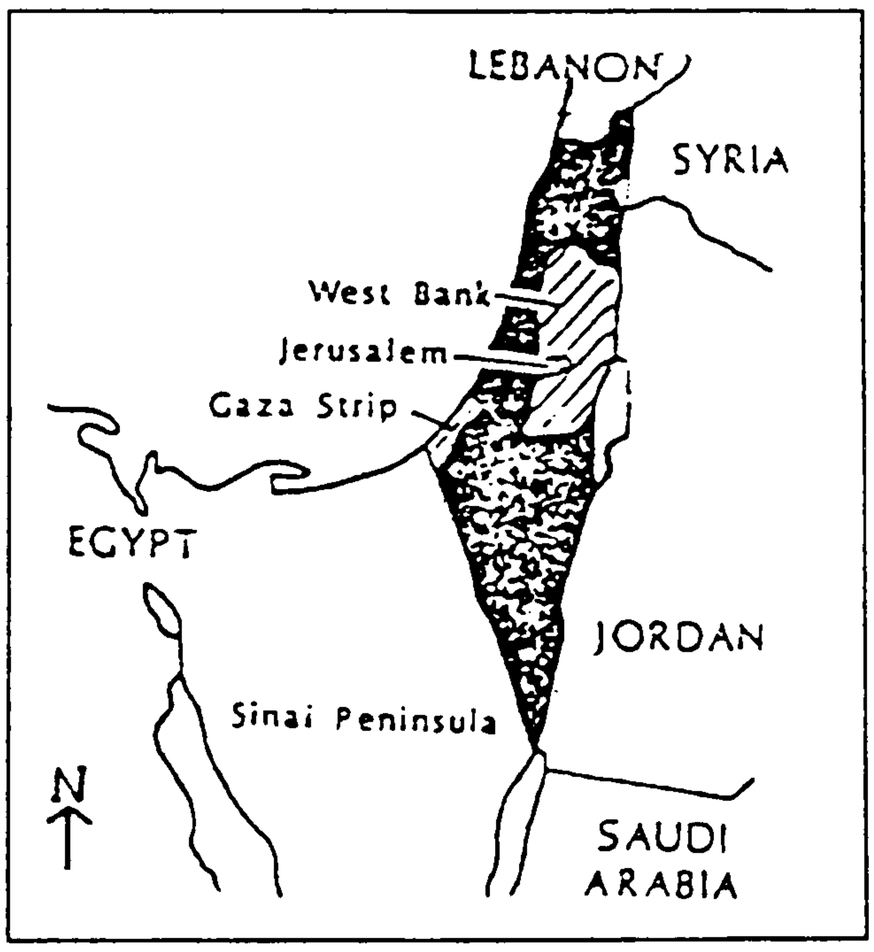


Fig. I.1, Historic Palestine

the country. Gaza Strip is located along the southern east coast of the Mediterranean Sea. It is only about 360 km^2 with a population of 1,054,000 people in 1997. The major city is Gaza (45 km^2) with 380,000 inhabitants. Gaza contains most of the historic heritage of the Strip.

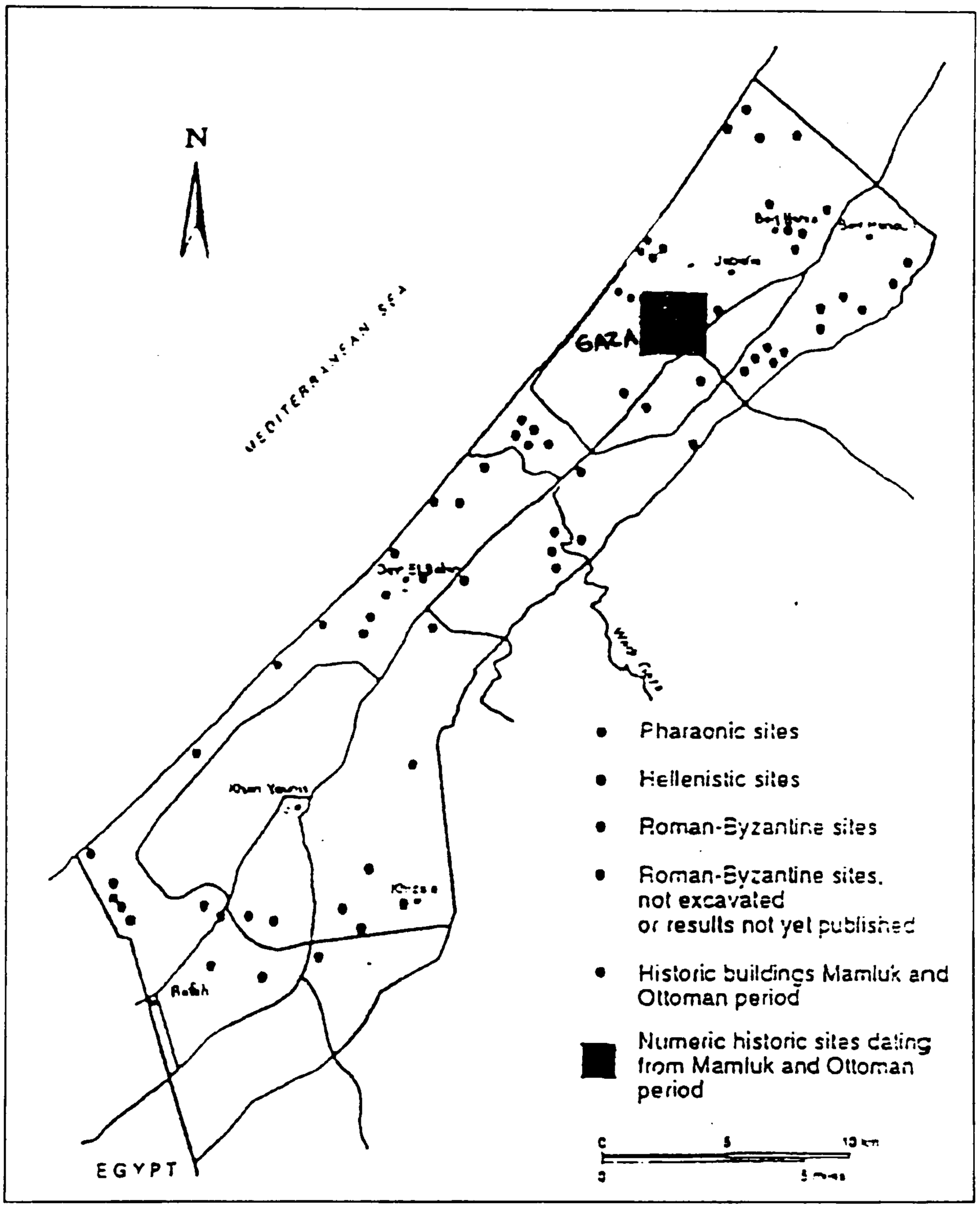


Fig I. 2, Gaza Strip, Historic and Archaeological sites. (Source: Malameh Ghazza Albeaeah (Environmental features of Gaza), Ministry of Planning & International Cooperation (Palestinian Authority) and General Directorate for International Co-operation (Netherlands) publications, April 1995.)

A.1. SOCIO-ECONOMIC CONDITIONS:

A.1.1- Resources: Palestinian resources are very limited. The West Bank has major resources of limestone, salt, barite and phosphates. In Gaza, the most valuable resource is the sea and its related activities, fishing and tourism. These activities are curtailed for political reasons. The Palestinian economy, under the existing political situation, is plagued with structural imbalances and distortions that have curtailed sustainable growth. These include a low level of industrialisation, a high level of labour export, and no tangible export infrastructure. The major economic activities are shown in table I.1. Tourism is expected to rise in the future as the share of global demand for Mediterranean countries in the Middle East attracts 1.5% of the international tourism[1]. Palestine's strategic location, it's historic, cultural and religious assets are expected to attract a significant percent of this trade.

Industry	West Bank (%)	Gaza Strip (%)	Palestinian Territories (%)
Agriculture, fishing and forestry	14.9	6.4	13.1
Mining, quarrying and manufacturing	16.6	13.6	16.0
Construction	19.5	14.3	18.4
Commerce, restaurants and hotels	20.0	19.4	19.9
Transportation, storage and communication	5.0	4.6	4.9
Services and other branches	24.0	41.7	27.7
Total	100%	100%	100%

Table I.1, Economic activities in the Palestinian Territories. (Source: Palestinian Central Bureau of Statistics, 1997).

The social structure in Palestine is traditional. It is a mixture of Moslems (89%) and Christians (11%) with a strong Palestinian cultural identity. Table 2 shows the demographic structure of the population. What distinguishes Palestinian society is the high rate of literacy (84.3%), the age distribution, as the majority are young, the high percentage of unemployment (21.5 % in Palestine and 31.6% in Gaza) and finally the noticeable lack of social facilities.

Indicator	West Bank	Gaza Strip	Total
Population at the end of 1997 (in thousands)	1,707	1,054	2,761
Sex ratio (males per 100 females)	104.9	103.6	104.5
Registered refugees (%)	27.4	63.7	39.7
Household size	6.58	7.81	6.95
Female headed household (%)	8.3	6.4	7.7
Main type of household			
Nuclear family (%)	72.2	62.7	69.4
Extended family (%)	24.4	35.3	27.7
Composite family (%)	0.3	0.1	0.2
One person (%)	3.1	1.9	2.8
Housing density			
Less than one person per room	10.4	5.8	9
3+ persons per room	24.9	34.8	27.9
Average housing density	2.23	2.57	2.33
Households living in owned house (%)	79.9	80.8	80.2
Households living in houses constructed of cement/bricks (%)	47.6	98.9	63.1
Households living in houses supplied with electricity (%)	98	97.8	97.9
Households living in houses connected to public water pipelines (%)	77.3	97.4	83.4
Households experiencing weekly water cut-offs (%)	16	11.4	14.6
Households living in houses connected with public sewage system (%)	24.4	48.7	31.7
Literacy rate (%)	84.1	84.9	84.3
Male	91.7	91.1	91.5
Female	76.3	78.6	77
School enrolment rates, ages 6-17 years	85	85.4	85.1
Persons whose highest completed education is Secondary (%)	11.6	18.7	13.8
Persons whose highest completed education is Bachelor and over (%)	4	4.8	4.2
Age distribution			
Percentage age 0-4	17.6	21.1	18.8
Percentage age 5-14	27	29.2	27.7
Percentage age 14-64	51.7	46.9	50.1
Percentage age 65 and over	3.8	2.9	3.4
Percentage of women age 15-49	45.3	40.8	43.6
Median age (years)	17	14	16
Median age at first marriage			
Male	23	22	23
Female	18	18	18

Table I.2- Demographic survey of the West Bank and Gaza Strip. (Source: Palestinian Central Bureau of Statistics, 1997).

B- ARCHITECTURAL AND URBAN CONSERVATION IN PALESTINE:

Although the Palestinian territories are very rich in historic buildings and areas, there seems to be no awareness of this. Loss of heritage is taking place day after day. The master plans inherited from the occupation were destructive and caused much loss of historic buildings. At a non-governmental level, the only conservation centre that was established is '*Riwaq*' in the West Bank in 1991. *Riwaq* has achieved good results both in the documentation of some of the West Bank's historic fabric and in other conservation activities. There are also conservation studies done by Palestinian scholars of some cities in the West Bank. Unfortunately, nothing has been done in Gaza, neither research work, nor any practical steps taken, except for some historical studies by individuals.

Four years ago, as a head of the Planning Department at the Municipality of Gaza, I initiated a project of a co-operative network with the municipality of Brescia- Italy, the municipality of St. Dennis- Paris and the Municipality of Agadeer- Morocco. It was one of the aims of this network is to put forward a method to conserve the historic city of Gaza. The activities of the network were financed by the European Union that froze the activities of the networks after a while of initiation. The only achievement was training workshops and an exchange of knowledge. Consequently, this research is considered a pilot study in the field of architecture and urban conservation in Gaza. Architectural and urban conservation is of a vital importance to Palestine in general and to Gaza in particular for the following reasons:

B.1- CULTURAL IMPORTANCE: Arabic Palestinian culture is evident in art and architecture and highlights the importance of the role that buildings and townscapes play in maintaining cultural identity. Cultural identity is one of the most important issues raised by the people of the area. Edward Said states that most conflicts have cultural causes[2]. Consequently, the comprehensive protection of our heritage and the scholarly examination of the theories and techniques that were behind the evolution of this heritage and could conserve it are of a major importance to our culture's future. The cultural aspects of a conservation strategy will be discussed in chapter 1.

B.2. SOCIO-ECONOMIC PROSPERITY:

Despite its limited resources, the Palestinian Authority is trying to build up all aspects of life in Palestine. There are two possibilities regarding the priority for architecture and urban conservation. The first possibility is to consider conservation a secondary priority after the basic needs of rehabilitation in the territories are achieved. The second option is to consider architecture and urban conservation as an asset rather than a burden. The built heritage could be considered one of the socio-economic resources. This is happening in Tunisia, Egypt, and Morocco. Fitch argues that recognition is growing that the old cores of central cities, with all their huge investment in infrastructure, are to be regarded as assets, not liabilities[3]. He exemplifies this argument with successful examples of Paris, London, Charleston and others. The potential for understanding historic buildings and areas as socio-economic resources seems to be reasonable in Palestine. This is because of Palestine's location and its historical and religious importance. Conservation could be one of the limited resources that benefit the country. Conservation could also help to solve some social problems such as unemployment and the lack of social facilities. Therefore, architecture and urban conservation could make a major contribution to the economic and social welfare at Palestine as will be discussed in Chapter 1 (section 1.3).

B.3. CONSERVATION ACTIVITIES IN PALESTINE:

No serious or comprehensive efforts are being made towards the conservation of historic buildings and areas in Palestine. There are, however, some individual efforts that deserve to be mentioned. One of the most important conservation efforts is the project for the development of the old city of Hebron, the West Bank. The Committee for the Rehabilitation of Hebron that includes interested local citizens and non-government organisations has taken the initiative to upgrade historic buildings of the old Hebron. This part of the city is mostly abandoned (about 85% of historic buildings are abandoned)[4]. The major works of the committee are maintenance works for historic buildings and provision of basic facilities such as water and electricity supplies. These works aim to attract residents to settle in this part of the city that is affected by political conflict between the Palestinians and the Israeli settlers.

The Hebron project won the 1998 Aga Khan prize for architecture. The report of the Aga Khan stated that the work in Hebron is unique because it was done in very

complicated conditions and it gave life back to the abandoned old town of Hebron[5]. Mrs. Amiry[6] said that the Committee for the Rehabilitation of Hebron attracts people to live in the area by implementing and financing preservation works and paying the lease for a period of five years. After the end of this period, the lessee is supposed to pay under the supervision of the Committee.

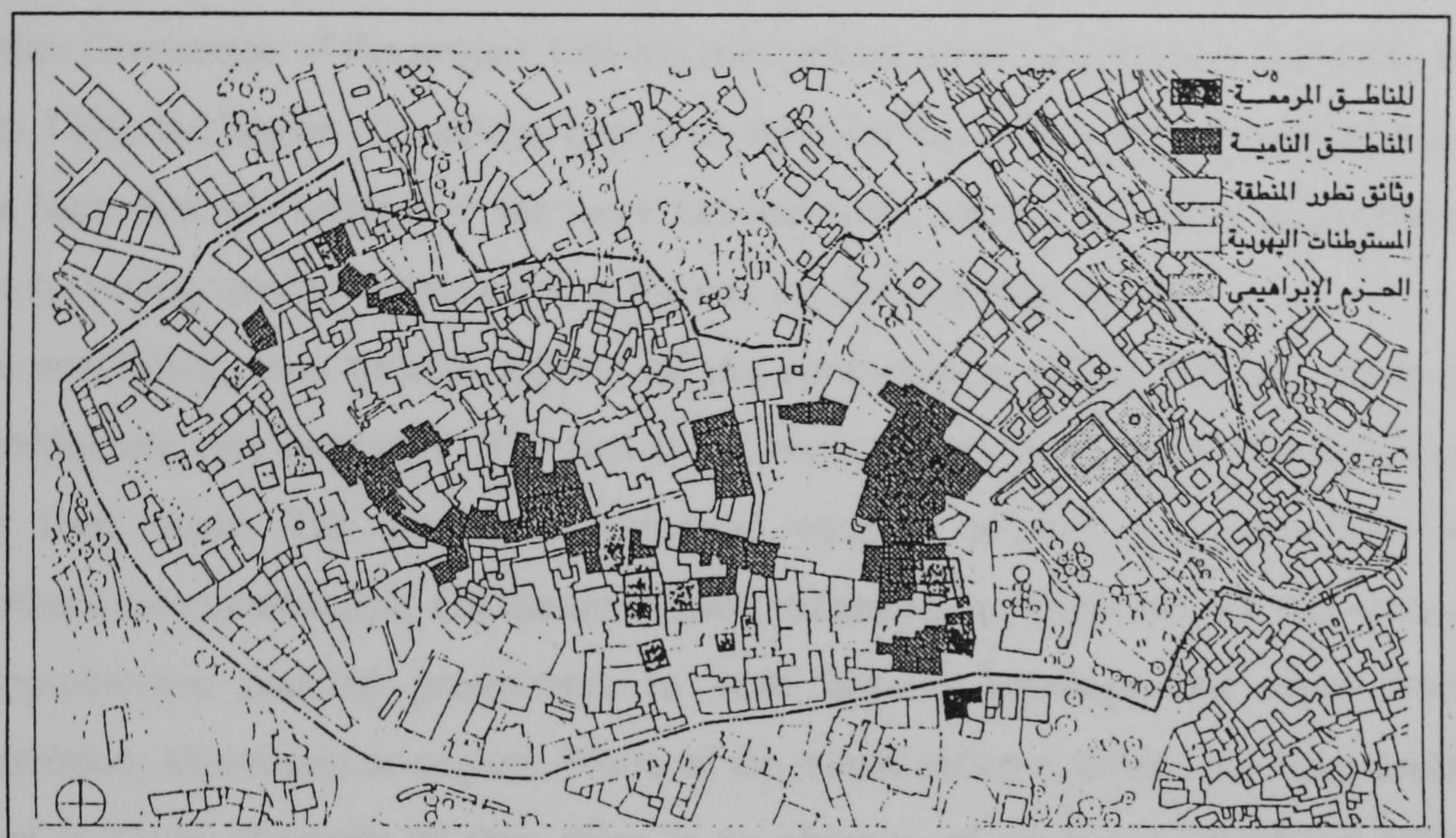


Fig I.3, The layout of the old town of Hebron showing the preserved buildings. (Source: Alam-Albina'a, no. 205, Sep./Oct., 1998, p. 15)

Other important conservation activities in Palestine are conducted by the Centre for Architecture Conservation "*Riwaq*". *Riwaq* has implemented some conservation projects in the West Bank. One of these projects is the Jerusalem project. The Welfare association (International aid) has financed a number of small rehabilitation projects for selected houses inside the old city of Jerusalem. *Riwaq* was responsible for preparing architectural reports, drawings, cost estimate and site supervision. *Riwaq* also has made restoration works for selected historic buildings such as Sakakini cultural centre and the Memory Museum[7]. Parallel to the restoration activities, *Riwaq* used to organise conservation workshops to upgrade the technical knowledge of Palestinian professionals and to build capacity within the Palestinian administration. *Riwaq* also participates in international conferences on conservation. Besides the yearly production of a calendar on Palestinian architectural heritage, *Riwaq* produces an annual newsletter.

Another conservation project in Palestine is the Palestinian Cultural Resources Surveying Project. This project was started in Feb. 1999. The project is financed by the World Bank through the Palestinian Economic Council for Development and Reconstruction (PECDAR). The budget assigned for the project was about 720,000 US Dollars. The main aim is to document historic and archaeological sites in the Palestinian Territories of the West Bank and Gaza. I was invited to participate in the Higher Committee of the project that has met several times to supervise the work. In May 1999, the Higher Committee approved the form that will be used to collect data. The team that will implement the work has had some training for filling in the form. The surveying works in some parts of the country have already started.

In conclusion, two parallel aspects of the conservation efforts that are made in Palestine are very important. The first is the conservation of some historic buildings and their reuse. The second is increasing people's interest and know-how in architectural conservation. On the other hand, conservation works do not represent a comprehensive planned programme to save historic buildings and areas from demolition, alterations or neglect. None of the conservation activities has been taken place in Gaza. Because of this; there is an absence of studies, research or other conservation activities.

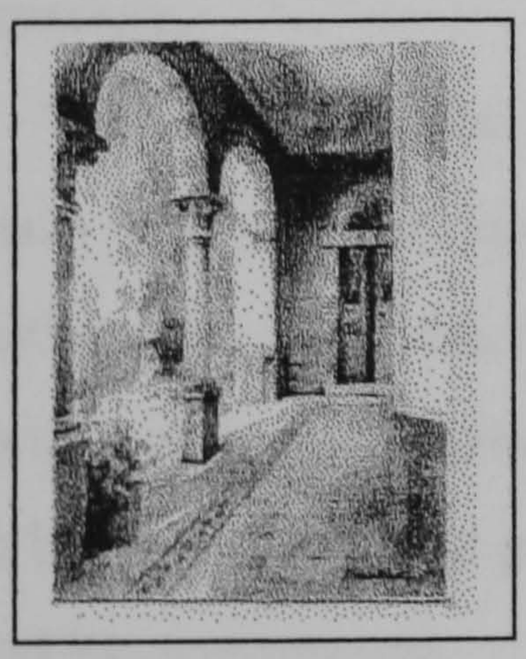


Fig. I.4, Riwaq by Elizabeth Harden. (Source: Riwaq Newsletter, No. 1/98)

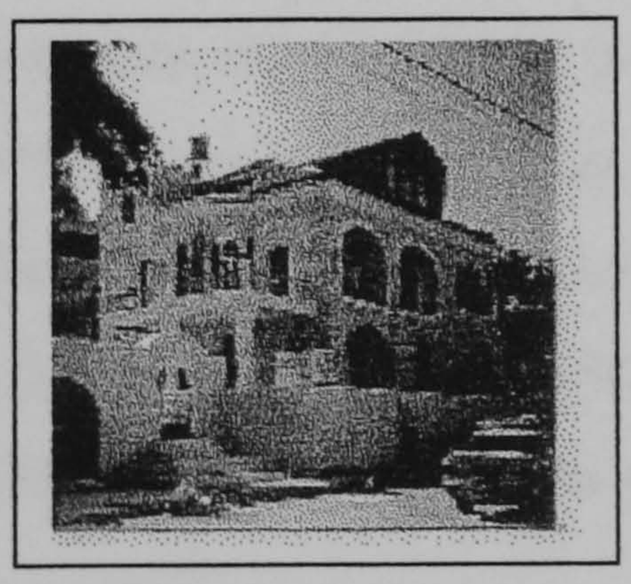


Fig. I.5, Sakakini Cultural Center.

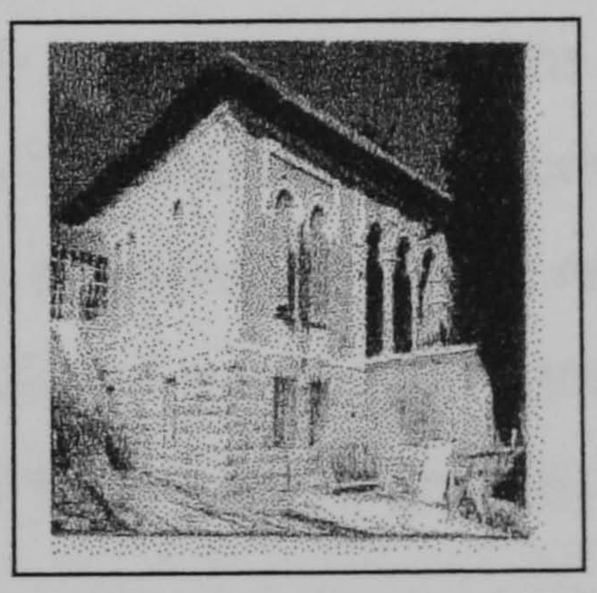


Fig. I.6, The Memory Museum.

C- RESEARCH OBJECTIVES:

There are two main objectives for the research. The first objective is a general one that aims to find out the role of conservation legislation in the initiation of architectural and urban conservation strategies. This is especially important where there is a continual loss and neglect of historic buildings and areas. The second objective aims to help the city of Gaza, Palestine to save its historic buildings and areas.

The continual loss and neglect and the lack of any planned steps to save the historic buildings and areas of Gaza demands a serious research which tries to pave the road for sound architecture and urban conservation initiatives. The analysis of the aspects of a conservation strategy for Gaza must include the identification of the aims of such a strategy. This includes two major aims. The first is to protect historic buildings and areas from loss and to preserve them as a symbol of cultural pride and identity. The second aim is to consider the historic fabric an essential element that contributes to socio-economic prosperity.

There are many aspects to the conservation of historic buildings and areas in Gaza. They include cultural, socio-economic, technical, legal and other aspects. **It is not the aim of this research to put forward a complete strategy for conservation in Palestine. Rather, it is to point out the major factors in the design of such a strategy.**

The choice of Gaza as an area of interest was made for many reasons. The city of Gaza is the biggest city in the Palestinian territories both in population and urbanism. Although it is not the richest of historic fabrics; it has an interesting history reflected in its built heritage. Gaza is also my field of interest, where I was born, live and work in both academic and professional jobs. This gives me better knowledge of its reality and its requirements.

Finally, the prevailing absence of literature about architecture and urban conservation in Palestine in general and in Gaza in particular means that the first part of the research will examine different attitudes to conservation. This study will take place in chapters 1,2 and 3. Chapter 4 will deal with defining research problem and methodology. The following chapters (5,6,7,8 and 9) will include an extended study for the case of Gaza and other relevant case studies. The analysis of the mentioned

studies will lead for a description to a comprehensive conservation legislation model for the case of Gaza and similar cases, according to the framework of the research shown later in this introduction.

D- FRAMEWORK OF THE STUDY:

Many aspects are taken into consideration in the initiation of conservation strategies in cities where there is a continual loss of historic buildings and change in character of their historic areas. Some cities have concentrated on the documentation of their historic artefacts. "There is a need for a comprehensive surveying of historic built heritage as a basic tool for the conservation of such a heritage" say the recommendations of the Organisation of Islamic Capitals and Cities, Iran conference, 1997[8]. Other cities have raised different programmes to increase public awareness towards the conservation of historic buildings and areas. Dr. Ibrahim states that public awareness is essential to facilitate the duties of conservation, technical and administrative teams[9]. The establishment of government and non-government organisations has played a particular role in the initiation of conservation policies in many cities around the world. Britain is a good example of active conservation groups at a national and local level (about one hundred and eleven). "Modern publicity methods were employed to awaken the country to the continuing loss of interesting and potentially useful buildings" says Pearce[10]. In addition, many cities around the world have preserved individual buildings and areas without a comprehensive conservation strategy, as happens in some cities like Cairo and Hebron.

One of the most important aspects for the initiation of conservation strategies in cities where there is a continual loss of historic fabric is a conservation legislation initiative. This is either at national level such as Town and Country Planning Acts in Britain, the Malraux Act in France, Old Archaeology Act in Egypt and *Nizam Alathar* in Saudi Arabia, or at a local level, like conservation planning regulations in Manama, Tunis and Jeddah. "To be effective, conservation policy must be integrated with wider planning policies" says Sir Desmond Plummer[11].

Legislation is not an aim, but rather a tool for an appropriate conservation strategy. There are many places around the world where there is a continual loss and neglect of historic buildings and areas in spite of the existence of

conservation legislation. Examples of this are Gaza and Cairo. There are three reasons behind this deficiency. **The first** is that conservation legislation is not guided by specific aims and objectives for the area in which it is applied. "The continuing lack of any generally accepted ethic or philosophy of conservation will remain a problem" says Larkhman[12]. **The second** reason behind the inability of existing conservation legislation to protect historic buildings and areas is that existing legislation and the legislative frameworks is difficult to implement. **The third** reason is that legislation can not be implemented because it does not have an administrative mechanism to guide the conservation initiative. H. McCoubrey describes this by saying that: "Administratively the problem is found, as it is in most developing countries, that the administrative expertise and infrastructure tends not to exist at the periphery to an extent sufficient for the adequate implementation of detailed regulation which means that such regulation, even where appropriate in its original form, cannot be applied efficiently"[13].

Conservation legislation has a very important role in the initiation of conservation strategies for cities where there is a continual loss and neglect of historic buildings and areas. To be effective, conservation legislation should be comprehensive. A comprehensive conservation legislation model must fulfil three aims:

-Oriented legislation that fulfils targeted aims and objectives of the conservation strategy. "The value of an awareness of the past is beyond doubt, but the reasons why we conserve are not so clear- there is little research about this aspect of our daily lives and yet to preserve effectively, we must know what is being preserved, for whom, and why" says Parkes and Thrift [14]. Conservation policies might concentrate on targeted aims such as cultural aspects, technical aspects, socio-economic prosperity aspects, specific building and area conservation attitudes,...etc.

-Conservation legislation should be derived from an active legislative framework depending on the existing legislative system. This would make it easier and more affordable to implement. This aspect includes legislation establishment, amendment, grades and succession of legislation at different levels.

-Conservation legislation must enable an appropriate administrative framework to be responsible for conservation policy making and implementation. This framework depends on existing institutional structures.

"Conservation of our built heritage should be based on a multidisciplinary approach with a central body financed by government to represent all aspects ranging from town planning with the preservation of historic buildings to prevention of damage to their contents by control of their internal environment" says Feilden[15]. This aspect includes responsible institution/s, parties involved, duties, relationships, management, etc.

In conclusion, conservation legislation needed to guide conservation strategies in areas where there is a continual loss of historic fabric would be comprehensive if it includes the afore-mentioned aspects. A comprehensive conservation legislation model would be able to guide conservation strategies and help them fulfil their aims without gaps either in policy or implementation. The following diagram (Diagram I.1) shows the components of a comprehensive conservation legislation model and the relationship between these components. Finally, diagram I.2 shows the plan of work that will guide this research.

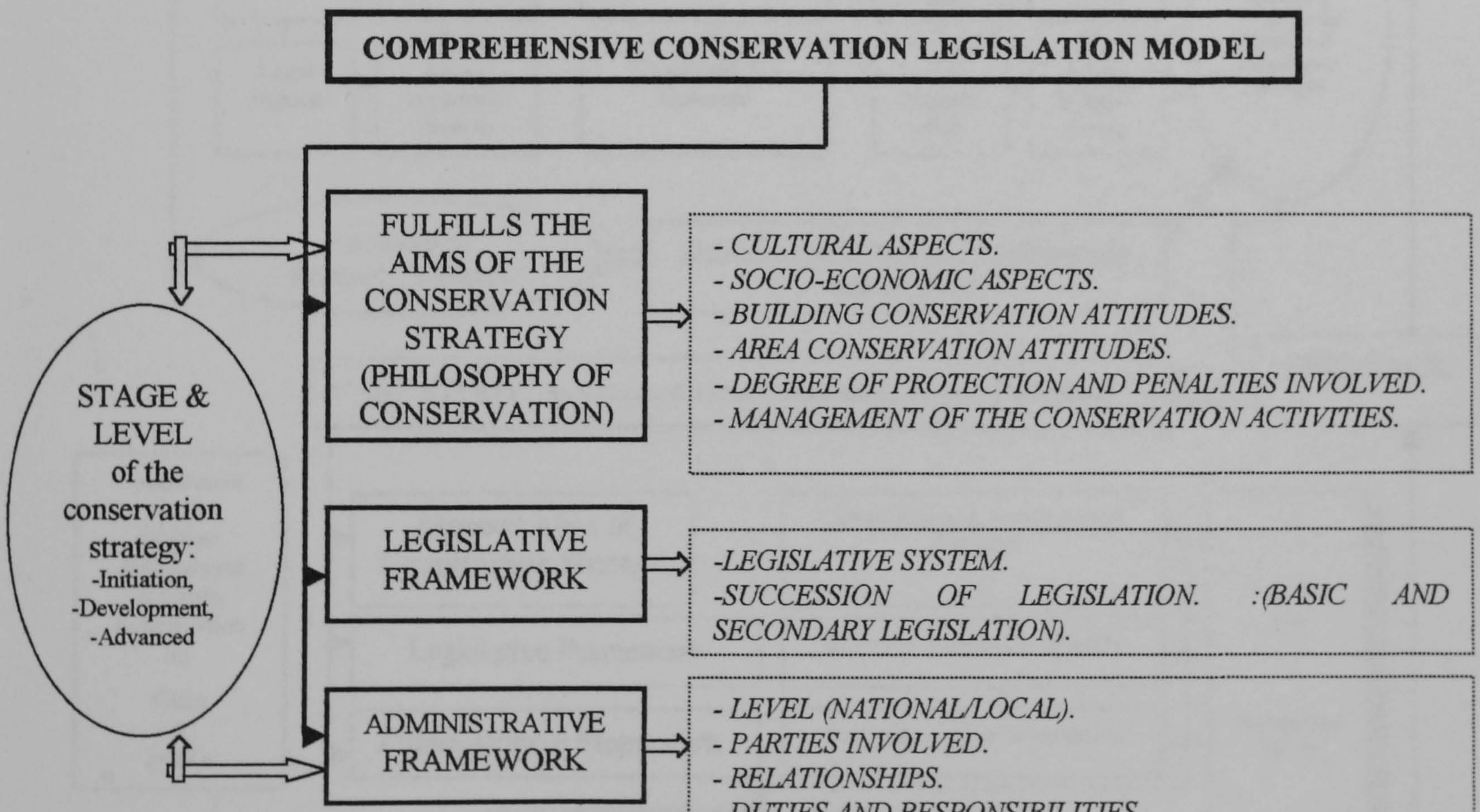


Diagram I.1, Components of the proposed comprehensive conservation legislation model. (Source: The author).

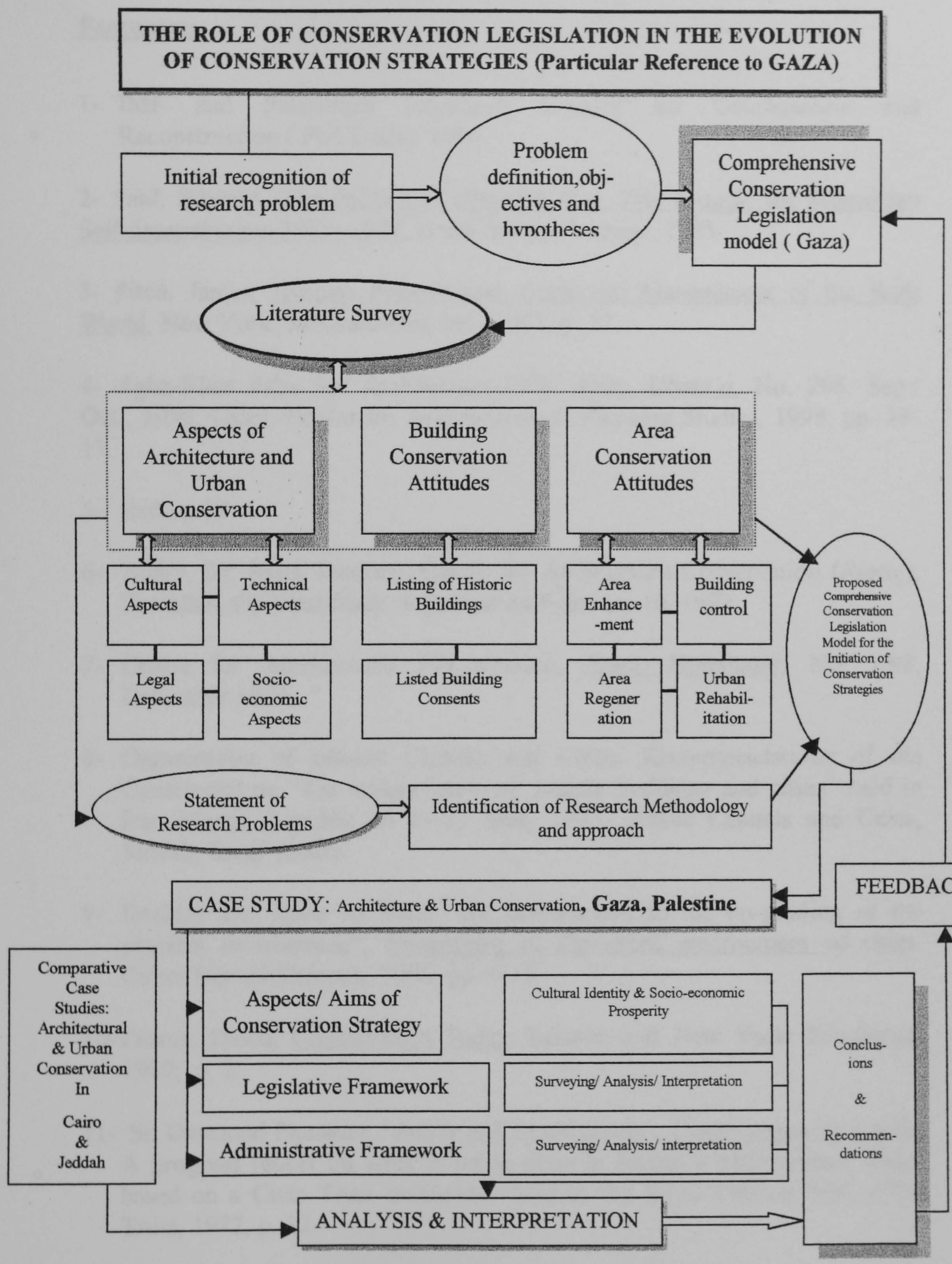


Diagram I.2, Plan of work. (Source: The author).

Footnotes:

1- IMF and Palestinian Economic Council for Development and Reconstruction (PECDAR), 1996.

2- Said, Edward, The Politics of Dispossession; The struggle for Palestinian Self-determination 1969- 1994, Great Britain: Vintage, 1995.

3- Fitch, James, Historic Preservation: Curatorial Management of the Built World, New York: McGraw-Hill, Inc., 1982, p. 37.

4- Agha-Khan Prize for Architecture-1998, *Alam Albina'a*, No. 205, Sep./ Oct., 1998, Cairo: Centre for Architectural & Planning Studies, 1998, pp. 14-17.

5- Ibid., p.17.

6- Amiry, Dr. Suad, Director, Centre for Architecture Conservation (*Riwaq*), Ramallah, the West Bank: Interview on February 10, 1999.

7- Centre for Architectural Conservation, *Riwaq* Newsletter, No. 1/98, December 1999.

8- Organisation of Islamic Capitals and Cities, Recommendations of the Conference on "The conservation of Islamic buildings and cities" held in Iran Islamic Republic on 21-23 June, 1997, Islamic Capitals and Cities, Jeddah, Saudi Arabia.

9- Ibrahim, Dr. Abed Al Baqi, "An introduction to the up-grading of the physical environment", Up-grading of the urban environment of cities, Cairo: Dar-Al-Shorouk, 1986, pp. 9-12.

10- Pearce, David, Conservation Today, London and New York: Routledge, 1989, p. 2.

11- Sir Desmond Plummer, "Policy and Participation", Conservation in Action: A progress report on what is being done in Britain's conservation areas, based on a Civic Trust conference held at the Royal Festival Hall, Civic Trust, 1972, p. 12.

12- Larkham, Peter, "Conservation in action: Evaluating policy and practice in the United Kingdom", Town Planning Review, vol. 64, no. 4, 1993 Oct., p. 351.

13- McCoubrey, H., "The English model of planning legislation in developing countries", Third World Planning Review, vol. 10, no. 4, Nov. 1988, p. 379.

14- Hubbard, Philip, "The value of conservation: a critical review of behavioural research", Town Planning Review, vol. 64, no. 4, 1993 Oct., p. 361.

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CHAPTER 1

ASPECTS OF A CONSERVATION STRATEGY

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There are many aspects which affect conservation strategies such as cultural, socio-economic, technical, legal and others. These aspects include many variables that play a role in the initiation and evolution of conservation strategies. Therefore, conservation strategies should be guided by aspects appropriate to their context. The guiding aspects, however, have to fulfil aims and objectives of any conservation strategy laid for a particular place.

Rapidly developing nations in the Middle East find themselves under strong pressure to introduce change in their physical and cultural environments. This makes the introduction of a conservation strategy an urgent priority. Consequently, architecture and urban conservation can not be viewed as a peripheral research exercise. Hubbard says that it should rather be regarded as central to urban studies[1]. He justifies this because of its role in economic and social performance and the substantial effect it has on the built form of cities.

On the other hand, there are concerns which emerge from conserving too much. Feilden argues that there is a danger of going too far and trying to turn historic town centres into museums by adopting a strategy of conservation at any price[2]. A conservation strategy should not be a scientific experiment in which every component is measurable and brings specific solutions as described by Earl. He describes the conservation strategy as not being a mechanical activity controlled by hard and fast formulas that if applied will produce demonstrably correct solutions. He argues that the decisions that have to be made daily by the practitioner raise philosophical questions at every turn[3].

All these opinions seem to exaggerate the issue but at the same time they show how important it is to define and re-evaluate our way of perceiving the historic fabric and how we deal with it both from historical and cultural perspectives and socio-economic concerns. Larkhman stresses that the basic 'philosophical argument' should be developed into a more widely accepted conservation ethic, dealing with the constraints upon, and opportunities for, coping with change in historic areas[4].

Consequently, any conservation strategy should be appropriate to its location. No two places are likely to sort out their strategies in the same way. Accordingly, there should be an analysis of the decisive factors of the conservation strategy in each case. An analysis of successful similarities in the existing literature also helps to define the aspects of the conservation strategy. In the case of Gaza, the most decisive factors are the cultural, socio-economic, technical and legal aspects. This chapter will highlight these aspects and the role that they play in saving historic buildings and areas.

1.1- CULTURAL ASPECTS

The cultural values of any society, whether social, legal, or religious, are of major importance to the conservation of the heritage of that society. Those values should, in an ideal situation, involve the awareness of the magical power of the past. This does not lie only in the intrinsic beauty of what is being preserved, but above all lies in the identity and survival of a cultural heritage. It is noticeable, however, that despite the economic disadvantages, historic conservation claims a high place in the priorities of most nations and sometimes in surprising circumstances. Graeme Shankland comments that:

> I believe, however, that the desire and determination to maintain the fabric of historic towns, villages and buildings draws on very deep psychic sources in national consciousness, and on psycho-social forces in a nation's culture that are only partly conscious[5].

The conservation of historic towns and monuments around the world has often been considered as a nostalgic dream of romantics. This was to some extent true

when conservation was mainly concerned with facades and the town's most important monuments and squares. The approach became more realistic and practical when the rehabilitation of old towns and the urban environments became more human and habitable. As Piero Gazzola comments: "The operation must not be simply skin deep but be social and cultural as well"[6].

The importance of cultural values which lie in historic buildings has many aspects. One of them is the relationship between civilisation and culture. In Palestine, and maybe in most developing countries, there is a psychological feeling that to be civilised is to import other cultures, especially the Western one. In his all-encompassing examination of civilisation, Lord Clark suggested that civilisation could be defined as "a sense of permanence", and that a civilised man " must feel that he belongs somewhere in space and time, that he consciously looks forward and looks back."[7]. Various studies in environmental psychology, particularly those of P.F. Smith, strongly suggest that this " looking back" is psychologically very important[8].

Hubbard summarises some of the psychological arguments in a review of behavioural research and conservation attitudes[9]. He assumes that the conservation of the familiar is of value in, for example, stabilising individual and group identities, particularly in times of stress. This is important; Larkham argues that experimental psychology has shown that although familiar townscapes and buildings are highly rated, so too are some modern structures[10]. The degree of intervention is explained by Fitch: " The comprehensive protection of such monuments and artefact and the scholarly examination of the theories and techniques which produced them, is of central importance to our cultural future"[11]. This shows the importance of exploring the cultural aspects of the entire artistic heritage, with special attention to folk and vernacular forms.

A third cultural aspect is the relationship of conservation with place and environment. Throughout the world, development plans are now to be environmentally led, not only to reduce the elements that negatively affect the

environment, but also investing environmental resources by integrating them into development schemes. The role that the environment plays in the everyday life of Gaza is very crucial. Individuals and groups proudly stamp their environment around them with meanings and symbols as a part of their culture. This makes it apparent that the value of the historic buildings and areas -which are considered an environmentally scarce resource- does not merely reside in use, but rather in the meaning that becomes associated with it over time.

In Gaza, as well as in other Palestinian territories, people face a strong cultural challenge and debate. The previous plans that were prepared by non-Palestinian planners under occupation didn't only ignore environmental and cultural values but rather they helped to destroy the remaining culture.

Some people around the world deny the cultural identity of the Palestinians because they do not belong to a place. They try to describe them as “refugees” or "“minority” or in an “identity crisis”. Edward Said analyses this subject by saying: "The identity crisis solicits above all a recognition of disruption. And to have this recognition one needs a very clear idea that some thing has been left behind in order that a new development based on a stronger identity might become possible."[12]. The reason behind these cultural crises in Palestine relates to the discontinuity of development and to the continuity of occupation. But that does not mean that at any time we have no culture associated with our land. True, Palestine has been under different occupations for a long time, but in spite of that, its Arab inhabitants referred to themselves as Palestinians and made distinctions between themselves, the Syrians, Lebanese, and others. Said says that: " Despite the fact that we are without a territory of our own, we have been united as a people largely because the Palestinian idea has a coherence to which we have all responded with positive enthusiasm"[13].

This idea is rooted strongly because Palestinian Arabs grew together as a community during the interwar years. When we talk about Palestinian culture we talk about the structure of the society, village and family identity, customs, folklore,

dialect, distinctive habits and history that even as a colony, the territory had always been their homeland, and they formed a people, explains Said[14].

It should be mentioned here that the Palestinian identity not only is related to the Arabic nation, but also to its relation with the Islamic and Christian religions. Faith is one of the characteristic features of the Palestinians.

The importance of keeping our built heritage is as a tool to keep our cultural identity. Some people, however, go further and asking to highlight cultural features in contemporary architecture and planning. In the summary report called 'Conservation as Cultural Survival' the Agha Kahn observes:

> The degree to which modern buildings, constructed by Moslems and primarily for the use of Moslems, should incorporate design principles and aesthetic considerations which are specifically Islamic remains unclear. In what way should they, or can they, become intrinsically different from those architectural styles adopted by other societies and other faiths in non-Muslim parts of the world?
>
> I am not speaking here of factors such as climatic conditions, physical environment or the availability of land. Any moderately competent architect would take these limitations into consideration during the design stage of his project. I am looking for something much harder to define. It is an evocation partly of our faith, partly of our culture, partly of our history and partly of our aspirations. Our history is firmly rooted, our culture evolving and our faith strong and permanent; surely these have an impact on our modern lives and sensibilities. Should they not be reflected in a happy and harmonious way in our buildings, in the different environments which make up the cities, towns and villages of modern Islam?[15].

Still the problematic question that is posed all over the world is how to achieve this. The relationship between past and modernity is a relative equation that needs more research. It could be concluded that the richness of cultural qualities of the scarce heritage of Gaza puts pressure on conservation at least for saving what exists today for the future generations.

1.1.1- Cultural Change:

Understanding cultural and value changes is fundamental to the development of environmental upgrading and conservation. The relationship between cultural change

and physical environment is very close. The environment itself plays a role in the development of human attitudes as John Holliday explains:

> The environment itself provides one means of influencing individual and social change and if the designer is to be of any value he must lead rather than follow. Although we must beware of assuming that improved environment will result in improved social wellbeing, we must also be aware that improved wellbeing partly depends upon improved environment[16].

Accordingly, the designer should aim to achieve a satisfactory balance between the rates of change in the environment and the culture. However, there are some factors behind the escalation of the rate of change in the physical environment. These factors are the external impact of technology, world economy, or disasters. In the redevelopment of city centres in the 1960s and 70s the change led to the destruction of much old property around the world. The problem arises from the condition of the area and its fitness to meet new requirements of technology and changing use such as the car, the supermarket and the office. In most cases, this destruction was followed by a cultural change represented in the increase of cultural awareness towards historic buildings and areas. This awareness was reflected in the establishment of legislation needed to protect this heritage.

Another factor affecting cultural change is education. Education is of major importance in increasing cultural consciousness and positive change. Feilden has outlined some of the challenges faced by architectural conservators in developed countries. The most fundamental challenge for Feilden relates to education:

> Children are taught to be 'numerate' and 'literate', to read poems and novels, but they are not taught to 'see' and understand what they see. When children can read an elevation of a building like a poem and follow a street, reading it like a novel, we will get true environmental consciousness. History should be taught to give perspective and judgement. If, when these children become citizens they can each leave their own town a little better place than they found it, they will have fulfilled their duty to posterity. The challenge is for us to do our duty and manage our cultural heritage beneficially[17].

While education is mentioned as the most fundamental challenge in developed countries, as Fielden outlines, one can raise the role of the media as an important

challenge. Dr. Ibrahem explains the roles of the media in any urban development programme to be a basic tool for public consciousness[18]. Michael Hunter explores the role of the media in contemporary times saying:

> An important factor in the growth of consensus was the popularisation and vulgarisation of an interest in the past, part of a broader spread of education and leisure in the eighteenth and nineteenth centuries. One can trace a rise of tourism, of a more or less well-informed curiosity about sites and buildings, beginning in the Renaissance period, spreading among the fashionable in the seventeenth and eighteenth centuries, and becoming genuinely popular in the nineteenth. Antiquarianism likewise became first genteel and then popular in the nineteenth century, as reflected in the growing market for books on historical topics, the spread of museums, and the proliferation of historical societies. By the nineteenth century more people were susceptible to the intrinsic interest of the relics of the past than ever before, and this is a trend accelerated by the mass media in the twentieth century[19].

Media could be adopted by different kinds of stimulation in accordance with the level of literacy of the people targeted for change. John Holliday stresses that these simulations need to show the bad as well as the good effects of change[20]. There is great criticism about the type of media that is effective to promote the desired cultural change. The most commonly known are the radio, the television, the movies and the newspapers. Fitch criticises the efficiency of this mass media by saying:

> What we have invented is in fact a new "privatized" cultural form and a new kind of audience that is public only in a statistical sense. It is an audience of isolated individuals, thinly scattered before living room TV screens, or listening to radio broadcasts on beaches and ski runs, or watching distant cinema screens through the windshields of parked cars in drive-in movies. Here every dimension of the traditional relationship between artist and audience, audience and cultural artefact, has been seriously distorted.[21]

At the same time he points out the importance of the theatre as a result of a triangular current: the actor's effect upon the audience; and the audience's collective response to the actor. To some extent it is true that the theatre is the most electrifying of all cultural forms that's why "the Greek city-state of Euboean Eretria made theatre attendance compulsory on certain high hollidays, it was merely acknowledging this potency", comments Fitch[22].

In describing the role of the different kinds of media in cultural change and development, the above mentioned attitudes deal with the subject as if it could be applied universally. I think that the kind of media which should be encouraged and used for such an aim should depend on the society's orientation. For example, the majority of people in developing countries, especially those who live in historic areas, do not read newspapers daily, and can not attend theatre shows. In such a case, special and appropriate kinds of media should be developed such as personal contact programs, local advertising, exhibitions, seminars and conferences and mass media. These would help develop cultural attitudes towards conservation.

Another issue of cultural change which should be mentioned here is the sequence of change. Cultural change and public awareness should be developed in parallel to each other. Dr. Hazem Ibrahim explains the importance of this, calling it "gradual development"[23]. This is very helpful, especially in developing countries where lifestyle is incompatible with modern technology. Since the process of change and renewal in our towns and cities never stop, cultural awareness of heritage importance should be continuous in order to make possible the implementation of conservation strategies.

The awareness of the value of heritage is a worldwide tendency, especially in the developed world after World War II. Earl refers to this as intensification of general public interest in the preservation of old buildings accompanied by a broadening of the spectrum of buildings considered worthy of preservation[24]. Reviewing the development of conservation legislation reinforces this fact. The conservation legislation establishment was most of the times preceded by a growing public awareness. On the other hand, Larkhman expresses his concerns towards this increase[25]. He argues that the increase of amenity societies makes it difficult to understand who is involved in the process of conserving the townscape and how and why they become involved.

In conclusion, there should be a continuous cultural change parallel to the changes in the physical environment. This change, which could be evolved by education, media

and other factors, must be oriented towards the increase of public awareness of historic buildings and areas. This argument gives another perspective to the absence of public awareness towards conservation in Palestine. The continual neglect of our built heritage and the absence of amenity societies reflect the size of the problem. This puts pressure on how to increase the awareness of people on both the governmental and public levels towards the historic fabric that is part of their culture.

1.1.2 – Ideological Aspects:

One of the most important influences on culture in Islamic countries is religion. In this part of the study, the effect of Islamic religion will be analysed since the majority of the population in Gaza are Muslims (99%). The conservation of historic sites and monuments in any Moslem settlement cannot afford to ignore the principles of the ideology of Islam for two related reasons. First, most of these sites and monuments were built by Moslems and for the use of Moslems, so, they are greatly affected by Islamic ideology. Secondly, Islam is a religion that is considered not only to be practised for worship and for spiritual needs, but that also governs all aspects of Moslem society, whether social, economic, or physical. It should be mentioned also that during the period when most of the historic buildings were being built there was also a significant Christian minority

While it is not the purpose of this study to write the history or the development of Islam, it would be useful to describe precisely some of the significant characteristics of Islamic culture:

- The five main obligations of Muslims are the confession of faith -there is no God but *Allah* and Mohammed is his prophet-, the five times a day prayer -*Salat*-, charity -*Zakat*-, the fast, one month a year -*Ramadan*-, and the pilgrimage to Mecca by whoever can afford it -*Hajj*-.

- The basic fundamentals of the Islamic faith are *Allah's* words -*Quran*-, the habits and sayings of the prophet -*Sunna*-, the accord of the faithful -*Ijma'a*- and for

contemporary issues, which did not exist at the time of the prophet, is the equivalent measures -*Qias and Ijtihad*-.

- Islamic religion has developed in many different countries and backgrounds and a coherent culture, distinct from others, developed through this religion and its Arabic language.

- The Islamic concept, which is derived from *Quran* and *Sunna*, as S. Quttub emphasises[26], is built on a real and strong belief which Moslems should apply to all aspects of their life. This concept also builds a positive relationship between man and *Allah*, man and fellow men and man and his environment. Everything is lawful unless a prohibition is mentioned in the sources of Islamic faith. Finally, the Islamic concept strongly encourages lawful acts -*Halal*- and at the same time, strongly restricts and prohibits unlawful acts -*Haram*- .

THE ISLAMIC CONCEPT OF ARCHITECTURE AND URBAN CONSERVATION:

Islamic architecture, as other physical and metaphysical aspects of life, was drawn to serve and to be applicable to the Islamic concept. According to *Quran* and *Sunna*, Muslims must not over-emphasise architecture but rather it should be in accordance with the human, social and natural context. The mosque is considered the first and the most important building in any Moslem settlement. Islamic architecture strongly emphasises privacy in all aspects of planning and design. Since Islam prohibited the use of images of creatures, the art which is applied in architectural works is geometric and abstract. Finally, Islamic architecture was dominated by functional and utilitarian needs rather than by the intention of permanence or symbolic eternity. Consequently, the identity of Islamic architecture does not emerge from mere functions or forms, but from a holistic concept of the human being, the universe, and life[27].

The Islamic concept of architecture conservation is not rigid. Conservation should be guided by the Islamic concept and should not contradict the moral cause of Islam. Throughout Islamic history, two different concepts of conservation can be seen:

Firstly, there is a marked respect towards religious buildings. This could be because the mosque should not be changed to any other use. This respect is also extended towards non-Islamic religious buildings. *Khaliph* Omar Ibn Alkhatab, the second caliph after prophet Mohammed, refused to pray in the Church of the Holy Sepulchre in Jerusalem when it was under Moslem rule because he feared that Moslems would follow him and turn it into a mosque afterwards. This respect, however, does not mean in any way the prohibition of the intervention in historic buildings, as many such buildings have been subject to additions and alterations during different Islamic eras. Secondly, Conservation, as any other aspect of life, should not disturb human well being or private ownership.

In conclusion, architecture and urban conservation is encouraged where it delivers benefits to the Islamic concept and Islamic society. If neglect of historic buildings causes a harmful effect -*Haram*- on society or people; conservation becomes a necessity since there must not be any *Haram* accepted by Islam.

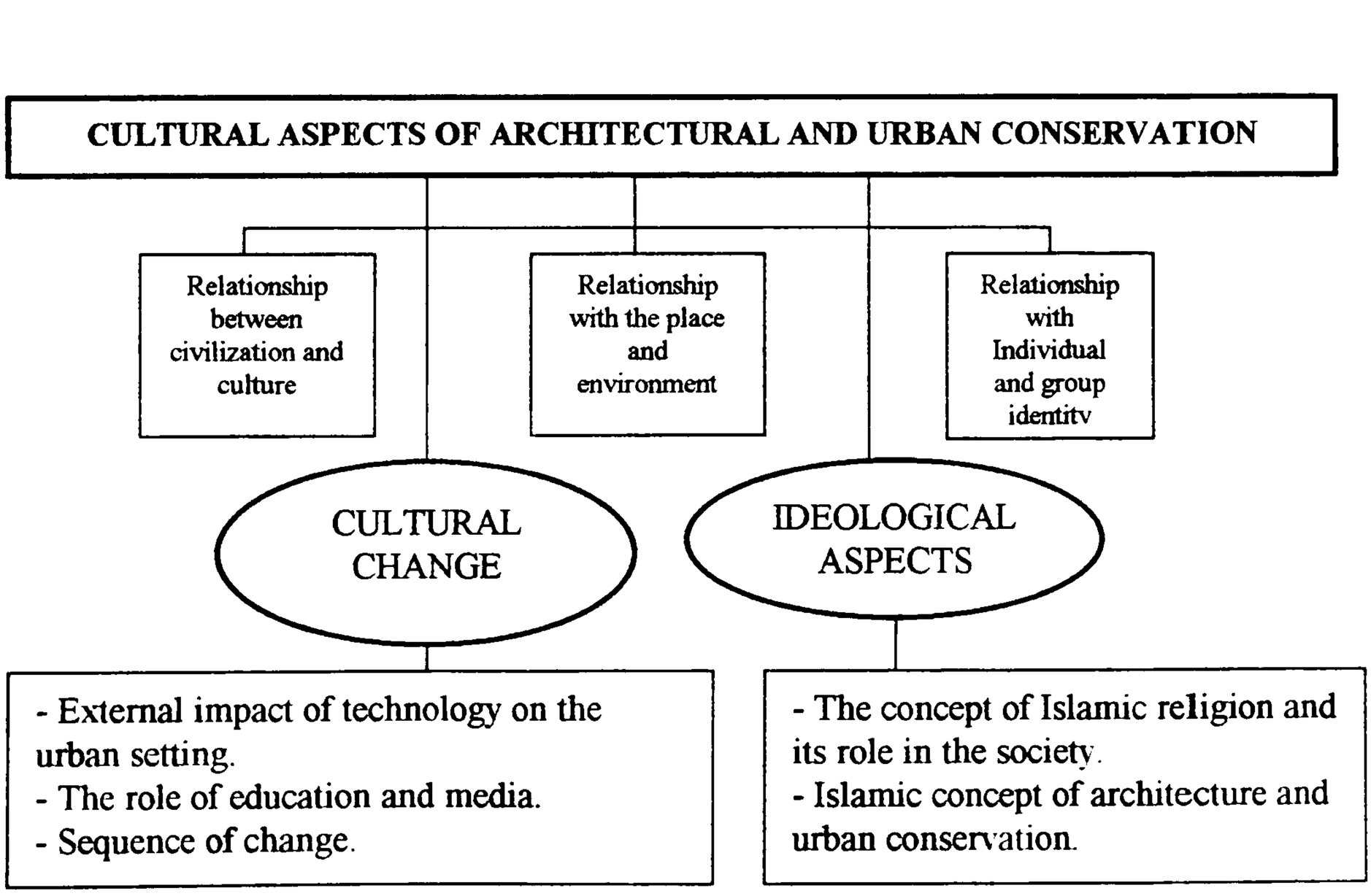


Diagram 1.1. Cultural aspects of architectural and urban conservation. (Source:The author).

1.2- TECHNICAL ASPECTS

Besides the matching development of the philosophy and ethics of conservation, the term "conservation" has been adopted to refer specifically to the professional use of a combination of science, art, craft, and technology as a preservation tool. Technical aspects in conservation are varied and they differ from one place to another. They include the causes of decay of historic buildings, historic building materials and preservation techniques. Because of the differences in these aspects; some countries have set out technical guidance for preservation works.

International conservation organisations have recognised the importance of technical aspects in the conservation process. This importance is due to the fact that proper preservation helps to keep the historic character. UNESCO and ICOMOS have established technical charters for the preservation of the world's built heritage. Many countries depend on the international technical charters in the preservation of their historic buildings and areas, i.e., Cairo and Jeddah. Consequently, this section will highlight relevant technical charters and the causes of decay of historic buildings.

1.2.1-Technical Aspects in the International Charters:

There are many technical concepts recommended by international charters for historic building preservation works. The most relevant items to the preservation of historic buildings are as follows:

A- The Athens Charter for the Restoration of Historic Monuments, 1931:

-The conference noted that there predominates in the different countries represented a general tendency to abandon restoration in toto and to avoid the attendant dangers by initiating a system of regular and permanent maintenance calculated to ensure the preservation of the buildings.

-When, as the result of decay or destruction, restoration appears indispensable, it recommends that the historic and artistic work of the past should be respected, without excluding the style of any given period.

-The experts heard various communications concerning the use of modern materials for the consolidation of ancient monuments. They approved the judicious use of all the resources at the disposal of modern technique and more especially of reinforced concrete[28].

B- The Venice Charter –International Charter for the Conservation and Restoration of Monuments and Sites-, 1964:

-The process of restoration is a highly specialised operation. Its aim is to preserve and reveal the aesthetic and historic value of the monument and is based on respect for original material and authentic documents. It must stop at the point where conjecture begins, and in this case moreover any extra work which is indispensable must be distinct from the architectural composition and must bear a contemporary stamp.

-Where traditional techniques prove inadequate, the consolidation of a monument can be achieved by the use of any modern technique for conservation and construction, the efficacy of which has been shown by scientific data and proved by experience.

-The valid contributions of all periods to the building of a monument must be respected, since unity of style is not the aim of a restoration.

-Replacements of missing parts must integrate harmoniously with the whole, but at the same time must be distinguishable from the original so that restoration does not falsify the artistic or historic evidence.

-Additions cannot be allowed except in so far as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings[29].

The mentioned items suggest a technical strategy and a code of ethics for the preservation of historic buildings and areas. This is a useful guidance for preservation works. It would be more useful if it had been integrated with local conditions and needs.

1.2.2- Causes of Decay:

There is a belief among some people that historic buildings were not designed to cope with contemporary conditions. This justification for not conserving contradicts the fact that these buildings have survived for centuries. Dr. Mustafa explains that the analysis of different historic structures around the Arabic World shows that these structures were well constructed[30]. He adds that many construction details were taken in consideration such as appropriate mortar, pointing, stone works, waterproof...etc.

There are common factors of historic building decay which are summarised by Fielden[31]: Geographic factors, represented by climatic change, fire, earthquakes and floods. Biologic and botanic causes such as animals, birds, trees, plants, fungi, moulds, lichens and bacteria which causes decay in a direct or indirect way by

producing harmful chemical materials. Structural problems caused by the change of structural stability and the deformation of elements. This sounds to be an effect rather than a cause because the structural stability is greatly affected by decay.

The causes of decay of historic buildings and structures in Gaza seem to be varied. The most important factors are the damp and moisture, man-made causes and the lack of technical experience and craftsmen.

Damp and moisture are the worst enemies of buildings in Gaza. The major building material is sandstone that allows damp to get through. Damp also penetrates through the gaps and cracks of flat roofs, through walls, as the floors of most historic buildings are about two meters below contemporary street level, and through the subsoil by capillary action. This brings up solutions of nitrates and chlorides that are concentrated in the area. Damp and moisture attacks mainly mortar, plasterwork, wood and wall fillings depriving them of their strength and cohesiveness.

Another factor of decay is the changes of subsoil conditions due to changes in the underground water level and the large foundations of reinforced concrete in new development.

One of the main causes of decay in Gaza is man. The way people and institutions intervene in buildings has bad effects on both their historic character and stability. Dr. Mustafa attributes the major cause of decay of the great mosque in Saida, Lebanon to inefficient preservation[32].

Man-made causes of decay in Gaza take place at two different levels. First, at the institutional level, as is the case with *Alwaqf* -Religious Affairs- who owns all Islamic religious buildings and done maintenance works in an inefficient way. This has changed the character of very important buildings and lead to more problems. Secondly, at the public level, as people try to maintain their buildings. One example is the use of Portland cement mortar in repointing joints. As a solid material alien to the original lime mortar, it causes more problems.

The reasons for this behaviour are the absence of both theoretical and technical experience and preventive regulations. Another reason is the lack of conservation awareness both on the philosophical level and on the technical level. If there is awareness, at least regular preventive and efficient maintenance could save historic buildings. Fielden comments that: "Regular inspections of cultural property are the basis of prevention of deterioration. Maintenance, cleaning schedules, good housekeeping and proper management also aid prevention"[33]. On the other hand, this preventive maintenance, as Fielden explains, could have destructive effects and be more expensive if it is not properly done.

In conclusion, conservation strategies should be guided by technical issues relevant to their place of implementation. Technical aspects are issued either in the form of compulsory legislation or advisory guidance. The purpose of having technical legislation or guidance is not only to guarantee the preservation of historic buildings, but also to make sure that preservation works do not affect the character of these buildings. Most of the international conservation Charters recognise that proper preservation should fight causes of decay by regular maintenance. The Charters also recommend that, in case of intervention in historic buildings, great respect should be paid to original materials and techniques and the need for professional intervention.

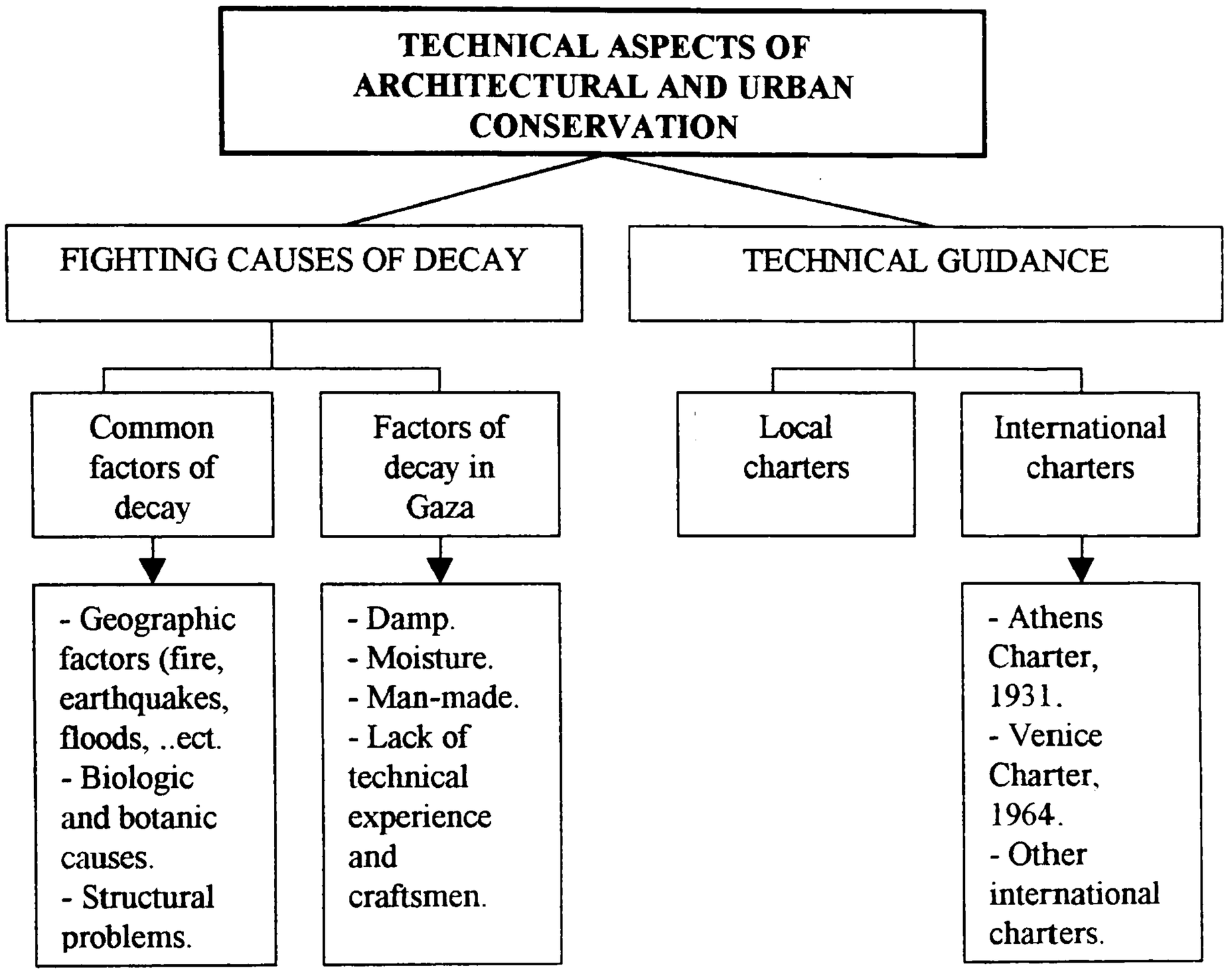


Diagram 1.2, Technical aspects of architectural and urban conservation.

1.3- SOCIO-ECONOMIC ASPECTS

One of the major aims of a conservation strategy for Gaza is to improve the socio-economic prosperity of the city. This aim refers to the scarcity of historic buildings that makes them valuable for expressing the area's culture. Therefore, the conservation of historic buildings and areas must contribute to social and economic development.

It has been said that "the built environment is a living record of a country's social development". This makes sense only as a part of a continuous process. Within that process conservation should play a major role. Palestinian cities, towns and villages are characterised by their richness of social and traditional values that are integrated and manifested in their physical heritage. So, any conservation strategy should play a role in the development of the socio-economic structure of the society. This would make this strategy acceptable to people and increase their awareness of the importance of the historic fabric. However, there are a group of problems that characterise the socio-economic system in developing countries in general and in Palestine in particular. What concerns me here are the problems that relate to architectural and urban conservation.

First, the noticeable rapid urban growth which does not always go along with economic prosperity but rather with a high rate of population increase (in Gaza 4%). This fact, besides taking place in a limited area of land, reflects the pressure for change. Urban change, that generally has occurred in developing countries over the last three decades, has drawn closer to the forces that shape western cities. The adoption of western styles of urban planning, building design, and consumption values have, therefore, begun to produce a truly global style in which central business districts are dominated by modern buildings with modern functions. Antoniou Jim highlights the factors shaping developing cities:

> The environmental problems facing Islamic countries are numerous and varied. Some problems have mainly to do with the impact of industrialisation and urbanisation leading to acute traffic conditions, pollution and noise. Others are due to social disintegration and demographic pressures and the absence of comprehensive planning . . . . Others still are due to foreign influences in promoting alien planning methodologies, as well as standards and regulations inspired by Western societies (e.g. landownership and speculation, new economic systems, emphasis on new towns and design concepts).[34]

One of the results is that people feel disoriented with a new environment that has changed so much and so quickly to a degree that cities may lose the close bond they previously had between their cultural and physical environments. Land prices have also escalated, threatening the traditional social class structure.

The second problem of the Palestinian socio-economic system which could be raised here is the current neglect of the heritage, especially the architectural one. Such neglect is a result of divorcing historic heritage from local culture through the performance of local institutions. It is widely believed that historic buildings can give nothing to a modern social and economic structure.

The third problem is the lack of local participation in decision making and in practice. There were some conservation activities practised in some developing countries, i.e. Egypt, for specific monuments which were led by formal conservation authorities. Technical problems were usually solved by foreign expertise or international intervention, while economic funds have been available through foreign donations and aid or loans to be paid through revenue from tourism. Therefore, the neglect of local participation has resulted in the continual absence of specialists and local expertise in conservation.

One of the major socio-economic problems is the loss of traditional skills. The generations which inhabited cities contributed to a large extent to their development. At the turn of the century, when industrialisation was still in its infancy, each city was characterised by the work of its craftsmen and artisans. One can argue that the major reason for the loss of traditional skills is the lack of encouragement. To be a craftsman or an artisan means to be poor and lower class in the society. The neglect of historic

buildings has caused craftsmen and artisans to be jobless and to look for other sources of income. Consequently, the continuity of a craft's inheritance and succession is lost, causing a gap in this tradition.

The last socio-economic problem, which I will address here, is depopulation. The fact that certain historic towns are losing population in favour of new developments in the city occurs all over the world. Piero Gazzola highlights some of the reasons behinds this: "Recent studies have shown that, if people leave it is largely because planners and authorities have not taken needed measures."[35]. Depopulation occurs also because of the lack of social facilities and failure to adapt and keep buildings in good repair. This problem is of less importance in Palestine for different reasons; the local tradition of keeping the family house by successive generation. All the sons and daughters have the right of inheritance even if their parents are opposed. In addition, if someone wants to leave he will be frustrated by the increased land prices in the new developments.

1.3.1- The Profitability of Conservation:

There is a question of whether or not conservation is considered a profitable activity. Conservation could be considered a profitable activity because of having three values. The first is the embodied energy of existing materials – the physical value of the historic structure-. The second are the non-monetary values such as benefits in the social domain, and the third is the value of change and reuse of historic buildings.

James Fitch explains the world's situation after the industrial revolution: "Under these new circumstances, the old artefact (tool, factory, town) began to be regarded as an intolerable restriction upon increased productivity. It seemed increasingly that it was 'cheaper to throw the old one away and get a new one'. This tendency was apparent everywhere in the industrialising West"[36]. This tendency is also apparent in

developing countries where economic development is divorced from the thinking of the past. Mentioning economic development, I refer to the definition by Jane Jacobs:

> If one wanted to define economic development in a single word, that word would be ' improvisation'. But improvisation is fruitless, so it would be more accurate to say that development is a process of continuinually improvising in a context that makes injection improvisations into everyday economic life feasible.[37]

Considering the benefits and revenues from conservation in the long run (as Jacobs defined development) results in viewing it as profitable. A.J.Y. Youngson modestly says: "In some circumstances it is possible that conservation will directly pay for itself."[38]. The Chicago architect who restored Sullivan's Auditorium Theatre, Harry M. Weese, supports this view by pointing out the importance of the existing energy in the old fabric which favoured recycling rather than demolishing:

> Another case for preservation is energy: important in the decision to recycle instead of rebuild. The residual value of energy built into old cities is enormous, packed into streets, utilities, and buildings: 1) time energy-manifold individual decisions over a period of development and use; 2) natural and human energy invested in materials and artisanship; 3) kinetic energy of construction and the fuel required.
>
> This is the energy content of a city. Energy is wasted when any old building is pulled down.[39]

Another support for the profitability of conservation is made by Tomback. He explains the survey by IPD of 2500 buildings owned by institutional investors as a positive result[40]. The survey found that listed office buildings performed as well or in some cases better than their competition as investments over a 12-year period. This reminds one of the 1967 reinforced concrete office building in Gaza which is called *'Aburahma* mall' which replaced a famous and important historic building called *'Khan Alzeit'*. *Khan Alzeit* used to be a hotel with commercial activities and stores in it. I think that if it had been well conserved it would have resulted in a better and a more economically valuable building.

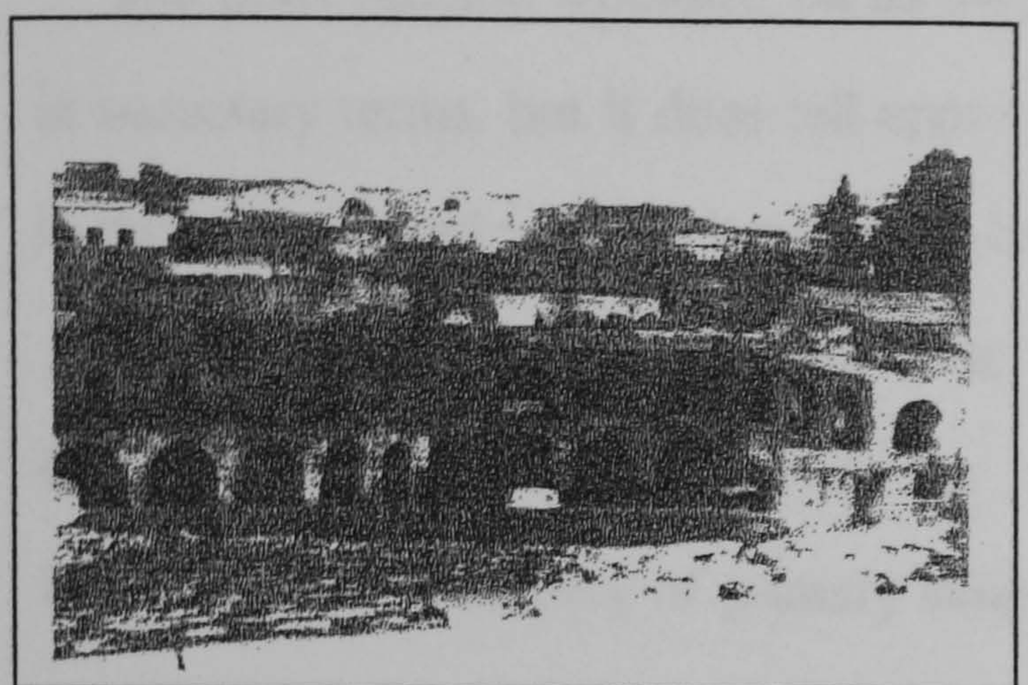


Fig. 1.1, Khan Alzeit, Gaza,(Source: Mohamed-Moain Sadek, Die mamlukische Architektur der stad Gaza, Berlin: Klaus Schwarz Verlag, 1991, p. 696).



Fig. 1.2, Aburahma Mall, (Same site) (Sourse: The Author)

There are non-monetary values that result from the conservation of historic buildings and areas. In his book, Theatres of Memory, Samuels Raphael[41] delights in the genuine popular interest of history, noting that, at a time of recession, heritage enterprises not only restore local pride and improve the quality of life but also generate income and employment. He also claims that the rise of the heritage industry coincided with the collapse of two-party class divides and is a direct reaction of the disorientating and destructive utopianism of the 1960s, as well as to other social and economic change.

Taking in consideration the non-monetary positive products of conservation in the field of social welfare raises the issue of 'Cost Benefit Analysis' (CBA). Economists have proposed CBA as a suitable framework for the assessment of projects in the public domain specifically the ones which accommodate non-monetary benefits as conservation does. Stocks reacts with caution to CBA saying:

> What a good C.B.A. does is to juxtapose the tangibles and the intangibles in such a way that the decision-taker can clearly see what level he must ascribe to them if he is to come down on one side or the other. C.B.A. is least successful where it is comparing investment or planning decision of dissimilar kind, or

where intangibles loom large on both sides of the decision. *Conservation is a subject loaded with intangibles*.[42]

The CBA method wouldn't, on its own, allow us to choose project A or project B in monetary terms, but it does tell approximately, what conservation is going to cost in the long run and whether it would be beneficial or not.

Finally, it is of benefit to summarise the ICOMOS study of 1993 (Conservation Economics: Cost benefit analysis for the cultural built heritage: Principles and Practices). The summary of primary benefits includes the prices paid for conservation goods and services, local visitor value, shares of consumer surplus appropriated by supplies, economic development impact, induced effect incomes, taxes paid and net job creation. The secondary benefits are varied. One of them is the improved aesthetics of the area, increase of arts and crafts employment, community image, more tourism, minimise disturbances in development and stronger neighbourhood association.

The third aspect of the profitability value of conservation is adaptive reuse. In our changing world every where there is a new way of handling historic fabrics that favours the concept of change to satisfy contemporary needs. Pickard points out the importance of flexible solutions devised to release economic values which may be hidden in a listed building or conservation areas[43]. Tomback tries to mention some of the potentials of change: "Most historic buildings can still be put to good economic use in, for example, commercial and residential occupation. They are a valuable material resource and can contribute to the prosperity of the economy, provided that they are properly maintained"[44]. Others are talking about change that can help motivate business interest and turn historic buildings into viable investments for the future. Lawrie argues saying that there is a need to facilitate necessary change to keep historic buildings in use[45]. Consequently, the process of conservation control should now allow a great degree of flexibility. The implication of this change in policy is

significant as it endorses the idea of flexibility. This issue will be discussed further in chapter 2 (Section 2.2.2).

In conclusion, conservation is considered a profitable activity if we measure benefits not only in monetary terms, but also in the potentials that conservation provides in cultural and social prosperity. To be effective and profitable, conservation must allow change, where appropriate, according to contemporary needs.

1.3.2- The Economics of Conservation in Gaza:

Where resources are very limited it could be argued that architectural and urban conservation could be a beneficial resource to socio-economic concerns in Gaza. This is because of two potentials of historic buildings and areas in Gaza. The first is the commercial value of the historic area and the second is tourism. These values, however, indirectly fulfil social values.

The old town of Gaza is located in the centre of the city. It is the major commercial centre, not only for the city of Gaza, but also for the whole Gaza Strip. There are many central commercial and administrative facilities located within or close to the old town, such as banks, marketplaces, post offices, municipality buildings and other facilities. The new master plan of the city has kept the current use of the old town. This commercial potential gives value to historic buildings and areas if they are properly conserved. In such a case, proper conservation means the adaptation of old buildings to new contemporary uses.

The second economic potential of the city of Gaza is tourism. Tourism is considered a very important economic resource that contributes to a socio-economic prosperity. Walken says: "The tourist industry could, I think, contribute more to help historic towns and buildings which are, of course, one of its chief assets"[46]. L. J. Lickorish points out the advantages of tourism from different perspectives:

> Tourism not only contributes massively towards national prosperity and national wealth but, unlike trades that may despoil the environment, brings powerful economic resources to the general aid of amenity. Tourism provides transport,

> catering, entertainment, theatre and other leisure and utility services which improve facilities available for the natives.[47]

Tourism also helps to bring in foreign currency and in developing cultural exchange and know-how.

On the other hand, one should be aware of the criticism directed tourism as Jim explains: "Where tourism is a significant activity, as in many cities in North Africa, the Eastern Mediterranean and the Far East, it poses severe problems in trying to reconcile the demands of visitors and environmental needs."[48]. A. J. Youngson also criticises tourism: "Tourism provides income, but it tends to be low-wage income, and may merely divert resources from other uses. Tourism also generates traffic, and this may threaten the character of the town, or prove expensive to deal with."[49]. But afterwards, Mr. Youngson also argues that the advantages which bring people into a specific town do help in general economic development.

Tourism constitutes a major part of the income of Egypt, and because people expect 'regional tourism', this puts Palestine, including Gaza, in an attractive central place because of its historic, location, religious and cultural importance. Through the ages Gaza used to be a passage of commerce. Its location, its moderate climate, its distinguished sea shore together with its historic structures make a good combination for different tourist's taste. The disadvantages of tourism mentioned by Jim and Youngson, however, could be minimised by proper management.

The commercial and tourist potentials of the old town in Gaza lead to other benefits. These activities have an indirect value potential through making places attractive to live, work and invest. Social values could also be achieved by providing different social amenities, by sustaining traditional crafts and by the educational values of this activity and its contribution to tourism industry and townscape. Economic activities also contribute to provide local employment as the rate of jobless is very high and provides community youth training programmes to train local people. Finally, these activities will provide a healthy living and working environment safeguarding the resources for future generations.

In conclusion, the conservation of historic buildings and areas in Gaza has considerable economic value. This is due to both commercial and tourism potential. Proper conservation programmes have to get use of these potentials both for economic and social prosperity of the city.

1.3.3. Funding Methods:

One of the important issues of conservation is funding methods. There are different sources for financing historic buildings and areas programmes. Public funds are usually limited and if available they would be raised for important national monuments. Local authorities also raise funds for the conservation of important historic buildings and areas. Grant-making Trusts play a major role in recycling the benefits to protect more buildings, as happens in Britain. Owners and occupiers can also play a major role in providing needed funds for conservation.

Another funding method is the use of voluntary organisations. Michael Talbot clarifies that "each local fund-raising campaign should be tailored to the resources of the organisers, the interests of local people and the character of the building in the area. It is a challenge to local imagination and ingenuity and has the valuable dual effect of raising money and of establishing the organisers' work as a community effort."[50]. Voluntary organisations of national or international levels could also assist in advisory work as mentioned in the T.P.I Study Group report:

> They can assist the conservation effort in many ways. For example they can stimulate public interest by carrying out surveys of historic buildings, writing booklets, making models and conducting tours of historic areas and buildings and by constant vigilance ensure that buildings are listed; damage noted; demolition prevented; and the design of new buildings kept up to an acceptable standard.[51]

Tourist boards are considered very important resources of grants and loans for conservation. International aid is also available, but for the most important monuments. This aid comes through conservation organisations such as UNESCO, ICOMOS and others. This has a good potential for the case of Gaza because of the

availability of international aid for different development projects. The upgrading of historic buildings and areas could be one of the projects which apply for international aid. This aid is not only paid in monetary terms, but also in the form of training and know-how.

In conclusion, conservation programmes could not be implemented without the availability of required funds. It is the role of the administrative framework responsible to investigate possible and relevant methods for funding. Possible ways of funding conservation programmes in Gaza will be explained in chapter 10 (Section 10.4.6).

In conclusion, while modernist planners believed that economic growth would come only with new developments, conservationists have proved through hard experience in some places around the world that sensitive strategies for old buildings and historic sites are a far more effective way of ensuring prosperity. Conservation should not be seen as preserving a lost golden age, nor as a tool for preserving architectural history, it is a practical, flexible philosophy for sustained economic growth and social prosperity. The conservation of historic buildings and areas in Gaza has both economic and social potentials if proper funding methods were used to implement conservation programmes.

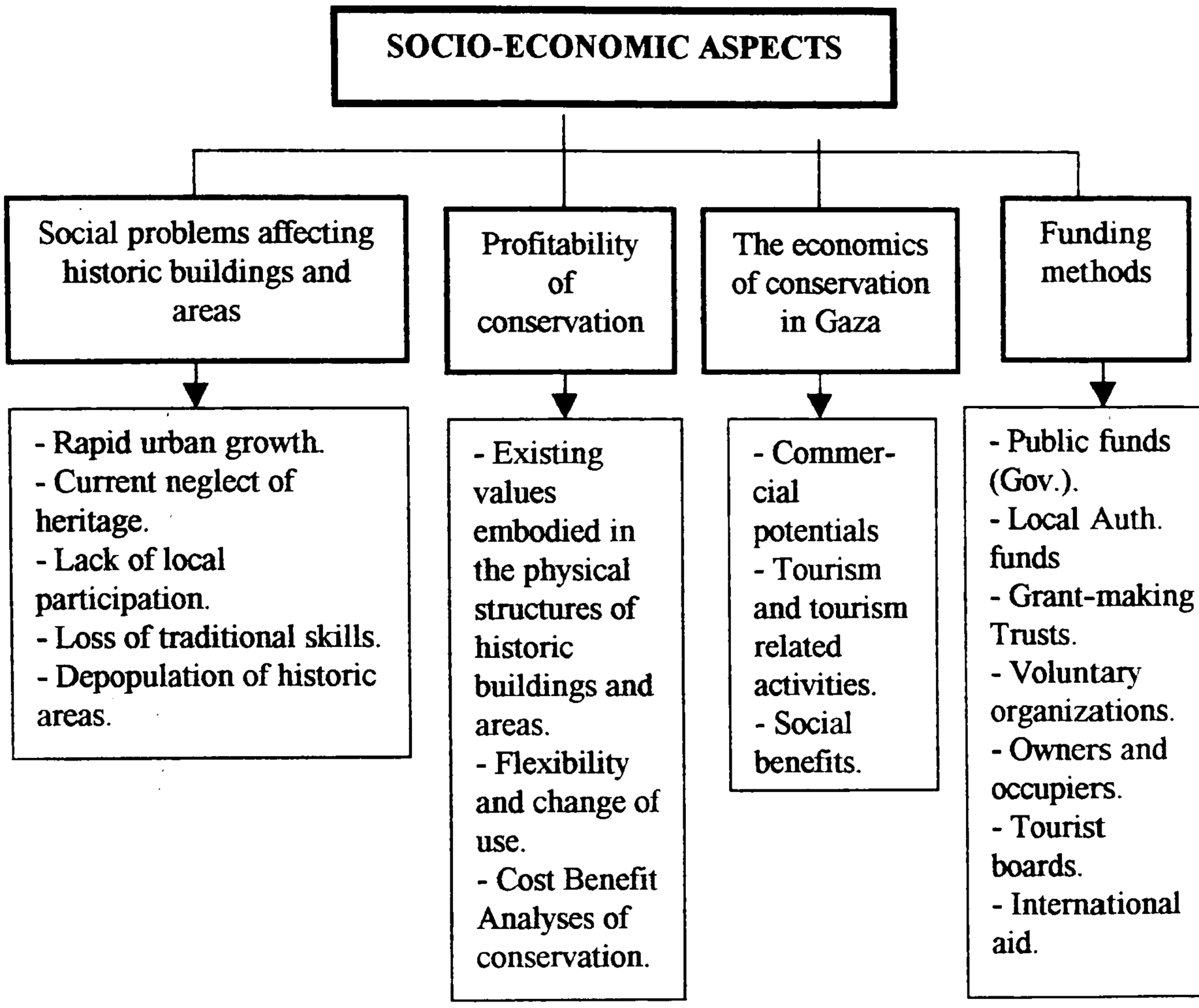


Diagram 1.3, Socio-economic aspects of architectural and urban conservation.

1.4. LEGAL ASPECTS

Legislation is one of the most important aspects of conservation strategies. Many countries around the world have established conservation legislation to protect their built historic heritage. Conservation legislation differs from one place to another according to the degree of protection, the provision of incentives, the delegation of responsibilities to an administrative framework and finally according to the degree of public participation in the conservation process.

Rapid development in terms of population and urbanisation is usually accompanied by social and other related changes. Naturally, this should be paralleled by the development of legislation systems to address the new emerging conditions. This seems not to be the case in Palestine where the active planning legislation was established in 1936 and the conservation legislation in 1929, during the British Mandate. Neither pieces of legislation include any protective measures to historic buildings and areas. A detailed analysis for the legislative system in Gaza and conservation-related legislation will take place in chapters 5 and 6.

A review of the architectural and urban conservation legislation (referred to as 'legislation' afterwards) around the world shows that an active and appropriate legal system can be of great influence to protect the heritage. Larkhman and Jones exemplify that in Britain where the most important areas of townscape have been preserved from major change and alteration by conservation area legislation[52]. Legal aspects are considered one of the most important aspects in drawing a conservation strategy. Legal aspects usually precede all other aspects, i.e. cultural, socio-economic, technical,..etc., and could affect them in a positive or negative way. In addition, legislation is very important in any newly established democratic political system. That is why the Palestinian Legislative Council was established through general elections in 1996 and at the top of its agenda is the establishment of Palestinian legislation which would governs all aspects of life in Palestine.

My point of interest here and in the following chapters is to highlight the role that conservation legislation plays in the evolution, administration and implementation of conservation strategies. This part of the study will examine most of the issues of legislation with main reference to the British system compared to other related systems. The British system is one of the strongest and has a long history which could be evaluated. It has developed enormously and integrated with different agencies, institutions and trusts. Also, the laws which still govern our lives in Palestine were mainly issued during the British Mandate, local people call it "British law".

1.4.1- The Evolution of Conservation Legislation:

A brief review of legislation shows that most of it was preceded by an active role of interested individuals and groups. Legislation has usually developed gradually and it was not a long before it began to play other roles than the protection of historic and ancient monuments.

One of the oldest conservation legislation is the British. Changes in legislation are notorious for usually following some way behind changes in attitudes and in society. The changing attitudes represented in the foundation of the Society for the Protection of Ancient Buildings (SPAB) led to the 1882 Ancient Monument Protection Act. The types of monuments qualifying for protection were few and mainly prehistoric[53]. In France, the authoritative body -*the Commission des Monuments Historique*- was established in 1837 and spent 76 years in listing significant buildings. This commission gave some measures of protection according to Kain[54]. In the United States of America (USA) there was the 1906 Antiquities Act, which protected archaeological sites followed by the 1916 Park Service Act, which created the National Park Service that helped protect key landmarks of historic and cultural value.

Early legislation had no enforcement power. Its principal achievement in many countries was the protection and the commencement of detailed inventories of

monuments at a time when the growth of nineteenth century towns threatened historic buildings.

At the beginning of this century, nineteenth century legislation was updated and strengthened. In Britain a series of Ancient Monuments Acts (1900, 1913, 1931) were enacted. In France, monuments were listed under the 1837 system until this became a law in 1906. Although weak and difficult to enforce, this law represented an important extension of the principle that restrictions could be imposed, in the public interest, on the free use of private land, comments Sutcliffe[55]. In 1901, a bill was enacted for the classification of historic landscapes.

After World War II, conservation underwent what could be interpreted as a cyclic process of change. The rise of a widespread consciousness of history or, perhaps more recently, heritage, has led to a rapid broadening of conservation-related legislation. This period is so important in the evolution of legislation policy, that, it will be addressed in more detail:

A. Britain: the rapid growth of the number of local environmental and amenity groups affected the evolution of legislation. Lowe and Goyder argue that these bodies were formed to put pressure on local authorities particularly following the formation of the Civic Trust in 1957[56]. The period of particularly rapid social, economic and physical change resulted in more comprehensive and protective legislation. This was represented in the Civic Amenities act of 1967 that extended consideration from individual buildings to the conservation of entire areas.

This is considered the beginning of effective urban conservation in Britain which was integrated into the planning system through the 1971 Town and Country Planning Act (TCPA 1971). TCPA[57] was followed by different amendments and related acts without major changes. Beside legislation Acts, there are relevant non-legislative publications such as Government Circulars. These Circulars advice local authorities from time to time. They are issued by the Department of the Environment and contain a number of directions, which have the force of law even though they are not

approved by Parliament. Moreover, since conservation became integrated more in the whole system of society the conservation-related legislation comes through Local Government Act, Finance Act, Housing Act, Inner Urban Areas Act and others.

The British legislation's philosophy is to protect as much as possible through the listing of buildings and the designation of conservation areas. At the same time, it allows consents for demolition, alterations or interventions throughout a specific process. "...if a person executes or causes to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, and the works are not authorised under [subsection (2)of this section] he will be guilty of an offence" (TCPA 1971, 55(1)). This - *character as a building of special architectural or historic interest*- has never been defined. This is a problematic issue in terms of practice. Another problematic issue is that there is no general obligation to keep a building in good repair. In Belgium there is a 'positive' obligation to repair enforced by law[58]. Bruce Watkin sets a comparison study as follows:

> While this listing usually prevents the demolition of historic buildings without notice, it rarely ensures their survival in good repair. In France and in Norway and Sweden, regular maintenance is required by law of all listed buildings, but it can not be enforced in the United Kingdom or many other countries such as Switzerland. In the United Kingdom if we wish to ensure maintenance we have to acquire the building. Some form of compulsion to maintain a listed building would now seem to be universally desirable.[59]

Conservation legislation in Britain delegates great responsibility to local authorities for doing urgent repair work. David Pearce highlights the positive powers local authorities have to preserve listed buildings in the United Kingdom:

> Under section 101 of the 1971 Town and Country Planning Act (section 97 of the Scottish Act) urgent work can be carried out on neglected listed buildings or those in conservation areas provided that they are unoccupied, and in 1986 the provisions were extended to unoccupied parts of occupied structures. Such technical modifications of legislation can be of considerable effect.[60]

A review of the 1971 TCPA shows the power that local authority or the Central Government has regarding neglect. Where a building is listed or in a conservation

area, an authority may carry out urgent repairs (TCPA 1971,ss 101 and 101A). Where a listed building is not properly maintained, the authority may seek to compulsory purchase it (TCPA 1971, ss 114-17). Where the building is of historic interest, the authority may seek to acquire it by agreement (TCPA 1971, s119).

This shows the insistence of protection in the British Legislation. On the other hand, legislation gives sympathetic treatment to historic buildings. This comes in the shape of special tax relief and exemptions. Tax relief is very limited and not compulsory, and only the approved alterations to protected listed buildings are zero-rated. A historic building may in many cases, be the only or principal residence of an individual private taxpayer. Where this is so, capital gain tax (CGT) is not payable on its disposal (CGT Act 1979, ss 101-4).

Besides tax relief, the British legislation allows different sources of finance. Grants and loans may be given towards the cost of restoring individual historic buildings of outstanding interest by English Heritage (EH). Finance also may be available for other individual historic buildings by local authorities. Mynors argues that EH grants are only paid for the repair and maintenance of a building which appears to be of outstanding historic or architectural interest[61]. The local authorities' responsibility lies in any listed building in or in the vicinity of its area (Local Authorities (Historic Building) Act 1962, s1 (1)(a)), amended by TCPA 1971), or any other unlisted building of architectural or historic interest in its area. Finance is also available through Heritage Lottery Fund.

One of the most criticised issues is the fact that in some cases economic factors were crucial in making a decision for historic building consents. The lack of financial viability on conservation for re-use of a listed building is a criterion which might lead to a consent. On the other hand, if the cost of reinstatement is similar to that of erection of a new building, it seems that the consent will not be granted. Financial support in Britain is every limited. This is considered one of the disadvantages of legislation. British Property Federation (BPF) director Richard Kanntze says:

"Ignoring the financial implications of listed buildings could create 'economic sterilisation"[62]. Accordingly, Larkhman argues that legislation itself tends to be largely permissive, allowing local authorities to designate conservation areas, but is not useful in the provision of finance for conservation work. He also explains that the conservation grants are available under the Local Authorities Act and 1972 TCPA Amendment Act of 1971. Yet the total finance thus provided is minimal[63]. Moreover, he also mentions some figures of the total amount spent on building conservation in 1994-5. That was between £3-3.5 million and at present the total viable per listed building is under £50[64].

The British legislation system is a comprehensive, and protective for as many monuments, buildings, sites, areas, gardens as possible. On the other hand, consents are available although it is rather complicated process as will be discussed in chapter 2. This makes it difficult for flexibility and change.

B. France: in France, the Law of 1913 consolidated the older procedures of listing monuments. Groups of buildings are eligible for protection under the law of 1930, but it was not until 1958 that finance was specifically allocated for the restoration of buildings. The 1962 "Malraux Act" was designed to protect older urban centres from the emerging urban development pressures. However, this law ensured only the survival, not necessarily the restoration of the historic urban fabric. The French conservation legislative system is characterised by its encouragement to the rehabilitation of historic buildings and areas. Attention has turned away from the spectacular but limited schemes to more general rehabilitation programmes. Kain argues that social criteria are beginning to match those of architectural and historical values in French rehabilitation[65]. The famous rehabilitation project '*Marais*' in Paris is a product of such legislation. The French law of 4 August, 1962 (Malraux Law), not only completes the French system of protecting historic and artistic buildings and sites, but also it represents the first practical experience of the full co-operation of

town planning, housing and historic monument organisations in the rehabilitation of whole historic towns.

C. The USA: Cullingworth's brief survey suggests that the US approaches to historic preservation have also changed dramatically after public concern over the destructive effects of urban renewal and highway construction became evident[66]. The basic legislation in the USA is the 1966 National Historic Preservation Act. According to Newcomp, the Federal conservation legislation after the 1966 Act runs into three periods: The first between 1966-1979 characterised by a comprehensive pro-conservation activity. The second from 1976- 1979 characterised by an emerging preoccupation with financial rewards, as efforts were made to produce an effective legislative programme with tax incentives. This was represented in the Tax Reform Act 1976. The third phase according to Newcomp is from 1980 onwards where financial restrictions for conservation work arise as a result of national recession[67].

The US conservation legislation is characterised by its provision of tax incentives. Tax incentives take the form of tax relief on the profits or income of an organisation or individual applied at a national level, or property tax concessions for historic buildings which may be used by local authorities. Whichever form is adopted, there must be a mechanism for ensuring that financial support is only given in cases where the actions of building owners are in accordance with public policy. The form of legislation in Britain which imposes restrictions on the owners of historic buildings, would be regarded in the US as interference with the right of private ownership. There are some local restrictions in the US since different states can issue their own legislation.

Generally, there is nothing in the legislation to prevent radical alteration or even demolition of historic buildings in the USA. Contrary to what happens in Britain, permission is not required for alterations as applications to tax credits would be made at any stage even after the completion of works. As a guidance for these works, the Secretary of the Interior established the 'Standards for Historic Preservation' which

are a set of rules which determine the eligibility for tax credit explained in Chapter 3 of this research (Section 3.3).

An analysis of the American conservation legislation shows that it consists of two aspects: The first is the flexibility of the legislation to adapt to socio-economic requirements. The second is the way this flexibility is applied through tax incentives. This makes it irrelevant and not an adequate tool to protect from demolition and severe alterations. Although Feilden describes it as an advantageous tool saying:

> By charging Value Added Tax on repairs to historic buildings as happens in Britain, government takes away with one hand what it gives with the other. The tax relief given to owners of historic buildings in USA is, in my opinion, a far more effective way of simulating conservation, especially as it is controlled by standards and guide-lines which are exemplary.[68]

This highlights a further problem which may be indicated in relation to the Value Added Tax (VAT). Approved alterations to listed buildings are zero rated whilst all other works of maintenance and repair are not. In the same instance Yeomans clarifies the importance of tax relief in the financial provision for conservation: "The simplest way seems to be the provision of grants for the cost of conservation work undertaken, but tax incentives may prove equally effective."[69].

In conclusion, the evolution of legislation in the mentioned examples shows how the dominant socio-economic and political ideology has adopted conservation in a variety of different cultural contexts. In the majority of cases, original legislation was gradually and slowly passed, was merely permissive; only identifying a small number of ancient monuments. Later refinements to legislation emerged a new one, greatly broadened the scope of legally constituted conservation-wider definitions, for example, historic and architectural values, historic areas, introduction of grants, aid, ...etc. However, recent legislation suggests that the dominant strategy is -at least in part- guided by particular aims that legislation must recognise. Among these are the use of conservation in other deciplines such as cultural identification, socio-economic regeneration and significant economic changes.

1.4.2- Administrative Legal Framework:

Powers given to implement legislation are varied. Conservation administrative framework could be either at local level (Local Authority), or at national level (Government institute). In Britain, there is less central scrutiny of the application of legislation than in the USA. In Britain powers are delegated to local authorities under planning regulations and national TCPA. The administrative system in the USA is more centralised as the National Park Service is responsible for the conservation of historic buildings and areas. The French Law of 1962 presents a full co-operation between town planning, housing, and historic environment organisations, but the major responsibility lies with the Ministry of Cultural Affairs and Works.

Conservation legislation must delegate responsibility to particular administrative frameworks to be responsible for guiding conservation strategy. The choice of an appropriate framework is essential for success. At the same time, conservation legislation must give power to administrative frameworks to be able to implement conservation strategies. Yeomans supports that by saying "to be effective in achieving its aims, historic building legislation must give to those charged with its administration adequate powers and funds and a clear guidance on how to apply general policies in particular situations"[70].

It is of great importance to give power to local authorities as a part of towns' overall planning programmes. One of the advantages of this is the integration of conservation with other cultural, physical and socio-economic developments. Local Authorities in Britain play an important role in the conservation of historic buildings and areas. This role is delegated by legislation. At the same time, there are national formal institutions supervising conservation works and drawing up national strategies, such as English Heritage and Historic Scotland.

Recent conservation trends strongly recommend the adoption of conservation strategies through local development plans. This is done successfully in Britain,

France, the USA, Tunisia, San'a, Manama and Jeddah. In those cases, conservation programmes, however, are issued in the form of successive development plans and associated planning legislation. The planning procedures are usually represented in development plans and associated regulations at acceptable intervals of time. One of the very important aims of these plans is to reconcile the conservation of unique historical qualities with the continuation of their role in urban and regional patterns. Graeme Shackland comments that: "Finally, we must remember that a conservation policy must, to be successful, deal with areas and not just with buildings"[71]. Larkham stresses that the most extensive introduction of conservation strategy is contained in local plans and structural plans[72]. The report of the T.P.I. Study Group explains some of the advantages of the overall planning to conservation:

> This emphasises the need to bring urban conservation planning into a full working relationship with rural and recreational planning via some effective form of regional planning machinery- e.g. historic towns and villages will often be key elements in National Parks, areas of outstanding natural beauty, or the Planning Advisory Group's suggested areas of special landscape and recreational policies. Together with the major ancient monuments for example, historic towns are often important nodes in the recreational pattern.[73]

Another advantage of integrating planning systems is that the work is a continuous collaboration of research involving archaeologists, sociologists, economists, lawyers, historians, medical health representatives, museum curators, environmental protection representatives, planners, and architects according to the size and type of the planning work. Every one of them is considered an expert in his field.

It should be mentioned here that the planning system and it's related national planning law in some developing countries is derived from the British planning system during the time of colonisation. The model of planning legislation adopted in former British territories naturally varies considerably but they generally follow the 1932-1946 pattern, comments McCoubrey[74]. He also argues that such a 'model' has all too often proved not to be very appropriate[75].

Palestine was one of the countries in which the British model was applied. This model, with its technical complexity, urban focused, modern economy oriented and assumptions about availability of professional experience was in most cases alien. This fact has handicapped the planning legislation and made it difficult to be appropriately applied. The 1936 planning model Act in Palestine was derived from British planning acts. So, it is characterised by its inflexible instrument of control, especially since an amendment could be introduced only through the creation of a new scheme. This fact has imprisoned legislation, as it was not easy to have new schemes in fluctuating political situations. Another problem could be the lack of trained administrative staff to understand this model. In most of developing countries, the administrative expertise and infrastructure tends not to exist at the periphery to an extent sufficient for the adequate implementation of detailed regulations, comments McCoubrey[76]. For a long time, neither the head of the planning department nor any member of the local planning committee was an architect or planner in Gaza.

One example that could be mentioned here is the contradiction between the Western ideas of land use and land parcellation system against the local indigenous customary control of land use and land inheritance system. It is not the aim of this research to discuss the planning system but rather to identify what McCoubrey describes about the Indian, Malaysian and African countries experience[77], and what Omotola explains about the Nigerian experience[78]. The Nigerian experience is relevant. After independence, the received Town and Country Planning Law remained the basic instrument of land use control through the device of a rigid planning scheme. The result, he argues, has not been satisfactory. He adds that the planning infrastructure has not been able to cope with these social changes.

The conservation administrative framework should be trained to be able to understand different conservation issues. At the same time, legislation should be clearly written and detailed. This will help not only the administrative staff, but also it

will help conservationists, architects, owners and occupiers for better understanding.

Architecture Today's article 'Liability' states that:

> All architects will agree with the principle of protecting our heritage against vandalism, abuse, and neglect, but the way in which listed building legislation is increasingly being used often goes against this principle. The problem lies in deciding whether work to a listed building actually constitutes alterations which would affect its character and therefore require consent. This is a matter of `fact and degree` to be determined in each case -ei by the courts following prosecution. In other words an architect instructing any works to a listed building without consent may have to justify his actions in court....
>
> How can all this be resolved? A change in the law is needed to allow architects to exercise their professional judgement in the repair and adaptation of old buildings without risk of unjust criminal prosecution. Without this architects will avoid listed building commissions and our architectural heritage will be left to those lacking the sensitivity, experience and training to deal with it.[79]

The reason for that is the vague sections in the Act under which some architects are put to trial. Alan Parnell identifies the problems common to most British legislation. His criticism is summarised by " Knowing the legislation" and what legislation- if any- applies to a scheme or building[80]. He adds: "Unfortunately, architects find the legislation equally confusing and they do not all have the sort of detailed understanding of it that is often needed if its effect on a historic building is to be minimised."[81]. Afterwards Parnell proposes a system of regulations rewritten in plain language with drawings and diagrams to explain the requirements in a clearer way.

In conclusion, the administration of conservation strategies is legalised at different levels. The first is at national level where one of the Government ministries or institutions supervises conservation strategies. The second is at local level where local governments take administration responsibility. The third is a co-operation between different institutions at different levels. The implementation of legislation also requires two basic conditions. The first is existence of trained staff at the administrative level and the second is the ability of legislation to be understandable by the people implementing it.

1.4.3- Public Participation:

Public participation in the process of conservation legislation evolution is under debate. Supporters for participation argue that the consultation of the public is needed to guarantee the success of policy implementation. On the other hand, some people oppose that because of the risk that some owners, after finding out about a policy, might dispose of their properties before the enforcement of legislation.

Traditionally, existing British legislation does not give the right for the public to participate in the listing process. It is not statutory for local authorities to consult the public and they can designate conservation areas without any prior notice- although this usually happens-. Once the listing or an amendment has been signed by the Secretary of State, a copy is immediately sent to all the local authorities covering the area concerned (TCPA 1971, s 54 (4)). In addition, letters are sent by the Department of the Environment to the Owner/ Occupier of every building newly listed. Lists must also be kept for inspection by the public at reasonable hours, free of charge, by all local authorities (TCPA 1971, s 54 (8)). All this indicates the absence of public participation in decision making. On the other hand, the public should be consulted regarding enhancement schemes where proposals must be submitted to a local public meeting, theoretically within the actual conservation area itself. "Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate; and the local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting" (TCPA, 1971, s 277B (2)).

Recently, there are new trends for more public participation. This was represented in a Green Paper –government consultation documents which precede legislation- that represents a new policy introduced by Heritage Minister Dorrell in 1995. He asked the public including building owners, for their view on listing following the recommendations of English Heritage. Mr. Dorrell stressed that this proposal didn't

signal any weakening of intent to support conservation[82]. Despite the Minister's assurance, however, the Architect's Journal clarifies that there is concern among architects that public opinion is unlikely to support EH's view that statutory protection should be given to many buildings on the list[83]. This policy could lead to demolition by owners before decisions have been made, unless other protective measures are put forward.

British Property Federation President Roger Cary argues that there should be a right to appeal against a listing decision at the time of its announcement rather than upon refusal of listed building consent[84]. He also adds: "Occupiers, as well as owners, must be given every opportunity to make representations before a listing decision is made"[85].

EH's head of public affairs, Beth McHattie, emphasises that there is no place for "emotional responses" in public consultation in listing. She says: "This is not a straw poll. By law only architectural and historical values can be taken into account, but it is useful to talk to someone who worked in a building in the early days or helped to design it because they can contribute useful points to the argument"[86].

Three issues could be concluded regarding legal aspects. First is the characteristics of conservation legislation. Legislation might be protective having compulsory regulations, or it might be flexible allowing alterations and providing incentives. In all cases, to be successful, legislation must be comprehensive. Comprehensive conservation legislation includes rules for the initiation, administration, finance and the implementation of conservation policy. Second, an administrative level responsible to implement conservation initiatives must be identified. Development policies incorporated within a local planning system are adopted in different places around the world and proved efficient. Third, local public participation is a workable tool not only because it brings up different interpretation, but also it makes the public familiar with the process.

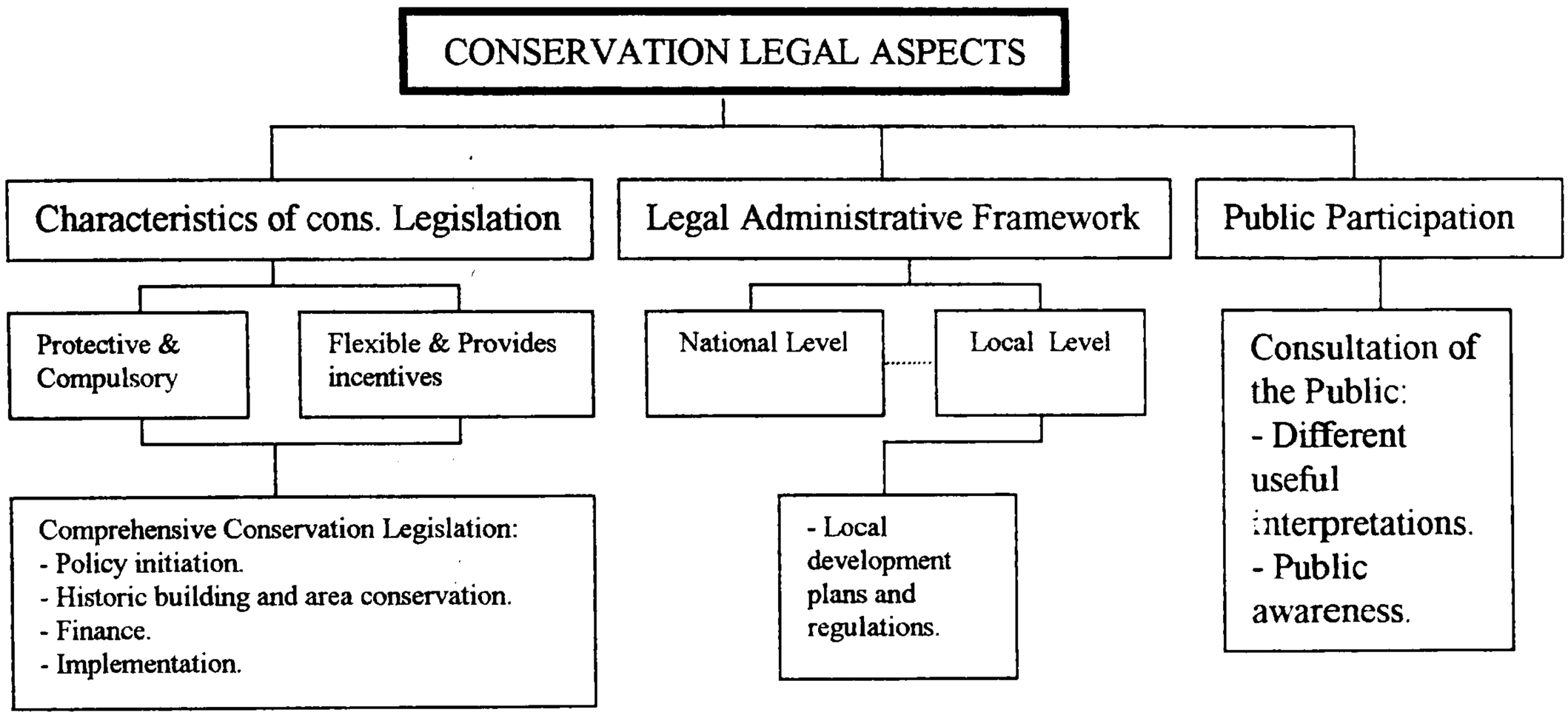


Diagram 1.4, Legal aspects of architecture and urban conservation. (Source: The Author).

1.5- SUMMARY

The conservation of historic buildings and urban areas is connected with all aspects of life, whether physical or cultural. This seems reasonable since the process of conservation deals with the history, culture, society, the economy and the physical environment as well. Conservation must be seen as only one facet of a much wider dilemma. To be effective, conservation strategies must be integrated with wider planning policies especially at the local level. Besides, those policies should be integrated to Housing, Local Authority, Finance and other related authorities. Strong and comprehensive legislation should be put forward to protect the historic heritage or at least the selected fabric. Of course conflicts occur when the retention of historic character makes rehabilitation more difficult or more expensive and historic building legislation needs to recognise the inevitability of such conflict.

The existing political, cultural, socio-economic, technical causes of decay and legislative conditions in Palestine are all important aspects affecting the establishment of conservation strategy. This strategy could acknowledge the fact that where the resources are scarce, architectural and urban conservation should be considered as an asset rather than a liability. To afford that and at the same time to protect the heritage, flexible and protective legislation should be established based on public participation. Special criteria should be established to define the different values of historic buildings and areas based on cultural, ideological and socio-economic values. At the same time, this strategy should build up a strong institutional body at particular levels, especially the local authority level. This process needs an efficient training for a staff who understands the values of conservation and the legislation.

These aspects of a conservation strategy could be applied on a single structure or on a whole area of special interest. Each of them has different philosophies and attitudes as will be discussed successively in chapters 2 and 3.

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CHAPTER 2

BUILDING CONSERVATION

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Historic buildings constitute a major part of the built heritage. Most conservation legislation around the world includes specific rules and regulations for the conservation of historic buildings which includes criteria to define a historic building, listing of buildings, listed building consents, preservation works and other relevant aspects. Historic buildings generally include buildings, structures and monuments.

There are many attitudes around the world to different aspects of the conservation of historic buildings. These aspects include building restoration, adaptive reuse, documentation of the heritage and other preservation principles such as reconstruction, replication, preservation of the skin only and the conservation via moving. Therefore, conservation legislation should be in accordance with targeted aims and objectives of building conservation. This chapter will highlight different attitudes to the conservation of historic buildings.

2.1- LISTING OF BUILDINGS

The listing of buildings is a procedure in which buildings of special interest are registered in a list for their protection. Any demolition, alteration or intervention in the building needs listed building consent. The following shall be treated as part of the building according to the British legislation (TCPA 1971, 54(9)):

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.

The building's furniture should also be protected as a part of the whole composition. Some people argue that a system of partial listing must be introduced for the most important features of the building. Building Design's article 'Partial Listing Urged for Greater Freedom' says: "The BPF –British Property Federation- wants

scope for specific elements rather than the whole buildings to be listed, especially in cases of commercial buildings which may have been listed for the exteriors. This, says the Federation, would leave the owner free to carry out internal changes without needing listed building consent."[1]. This debate is irrelevant to cases where the number of listed buildings is limited as the case of Gaza. It is also irrelevant because buildings were designed in an organic way with full integration between the exterior and the interior of the building.

Criteria for Listing: The Town and Country Planning Act, 1971 recognises that certain buildings have to be identified as being of 'special architectural or historic interest'. The Secretary of State is thus under a duty to compile a list of such buildings. Works to these buildings are then subject to listed building consent. The criteria for selection, however, vary. Circular 8/87 explains the principles for selection which currently applying to pre 1914 buildings:

- Before 1700: all buildings which survive in anything like their original condition are listed.
- 1700- 1840: most buildings are listed, though selection is necessary; and
- 1840-1914: Buildings of definite quality and character are listed and the selection is designed to include the principal works of the principal architects. Alan Dobby summarises the main criteria for listing as follows:

1- Works of art- the products of distinct and creative minds.
2- Architectural curiosities and freaks.
3- Buildings which are part of a chain of architectural development, that would be broken if they were lost.
4- Outstanding compositions of fragmentary beauties welded together by time and good fortune.
5- Examples of technological developments.
6- Examples of a lost way of life having sociological aspects.[2]
7- Buildings associated with great people or events.

Within these general guidelines, three grades of listing exist in Britain: I, II*, and II in England and Wales; in Scotland A, B, and C. As follows:

- The first Grade I or A is given to buildings of outstanding interest.

- The second Grade II* or B is given to buildings that are particularly important. They are not quite so outstanding but still excellent.
- The third Grade II or C is graded to the vast majority of buildings that are of " special interest".

The criteria are still vague. Neither legislation nor Dobby's summary could include everything, for example, the value of an urban composition. This leads to a more detailed discussion about the decisive factors upon which the special architectural or historic interest relies. Those factors contain historic, architectural, socio-economic and locational values.

Each building or group of buildings has a historic character that resides in features or attributes unique to that building or structure. **Historic character** resides in the recognisable attributes of the building, the materials of its construction, its overall proportion and its details like windows and doors. The historic character may be the surrounding of the building. Some might argue that the historic significance might reside in the activities that are contained or typology, whether a railway station, a mosque, a *hammam* - public bath-, a market place or others. The significance of some buildings lies in their historical associations, i.e. their association with a historic era like the successive Islamic eras or the association with a person or event or institutions that they housed.

Patrick Faulkner, in series of lectures to the Royal Society of Arts[3], points out that the significance of a building may reside in the fabric itself, it may subsist in its design or its value as a symbol. On the other hand, a new approach to conservation that has emerged is that buildings document our social history, provide evidence of the way of life of a group of people. Pearce stated that: "The challenge of conservation is to preserve the meaning of the way of life which buildings represent to those who have worked and lived in them, as well as the more abstract and formal qualities based on knowledge of architectural history."[4].

The disadvantage of only keeping the historical values of historic buildings lie in converting the area to a museum show of the built environment rather than considering the role that it plays in everyday life of the inhabitants. Although major restorations will always remain necessary to keep the historical value of a building, this practice has been criticised as Philip Hubbard says: "In particular, the dangers of basing conservation solely on architectural and historical criteria are pinpointed, as such approaches largely ignore the important role that townscapes play in maintaining cultural identities."[5].

Jane Jacobs also argues that, although cities need old buildings, they shouldn't all be, museum piece old-buildings, but a good many plain, ordinary, low value buildings[6]. Since the conservation process in Gaza is not a familiar one, buildings shouldn't be preserved merely for their historicity alone. This makes them odd and separated from the physical and social context around them.

Besides historic value, historic buildings have also **architectural value**. Yeomans explains that the architectural value of buildings lies in whether they are vernacular buildings and exemplify the style of a region, whether they contain examples of fine craftsmanship or whether they are examples of a particular style or the work of a particular architect[7]. An important architecture character which is not mentioned by Yeomans is the design qualities in terms of space and form, the details such as ornaments and other building elements and the structural system that plays a major role in determining building shape.

Another factor that may affect the listing decision is an economic one. Dr. Eria'n defines the economic importance as the "existing state" of the building, the cost of maintenance needed and the availability of grants[8]. This quantitative approach seems to be a superficial one as it ignores the economic potential of the building after conservation. The Architect's Journal raises this question by saying:

> Another question arises over whether the Heritage Secretary should be allowed to consider the financial, personal or economic factors in listing, in

addition to the present arrangement, where she only considers building's historic and architectural merit.

The spokesman said: ' There are 5000 listed buildings in England alone and they are some of the finest in the world, but they also must be alive to the changing demands of modern world'.[9]

One of the values that historic buildings might have is the **building's location**. Some buildings do not have historic or architectural values on their own. On the other hand, these buildings constitute a major part in the character of the area in which they are located. This is because of the group value which the building plays in reinforcing the character of adjacent buildings, square, terrace or a whole area.

Finally, it is important to identify a criteria for selection, as the failure to be clear about our attitudes to conservation leads to some muddled thinking about appropriate strategies.

2.2- LISTED BUILDING CONSENT

A listed building consent is required for any proposed change which might affect a building's historic or architectural character. The analysis of listed building consents include both the degree of intervention and the procedure to apply for consents.

Listed building consent is needed for the demolition of a listed building (TCPA 1971, s 55 (1,2)). Listed building consent is also required for any alterations or extensions to a listed building if they would affect its character as a building of special architectural or historic interest (TCPA 1971, s 55 (1)). Accordingly, consent is required for every work to the building from demolition to painting.

Two issues are raised regarding historic building consents. The first is that consent applies to all listed buildings although there is a great variety in the degree of importance of different elements. The existing classification of buildings in Britain (I 'A', II* 'B', II 'C'), however, usually relates to the availability for grants rather than the eligibility for consents. It would be valuable if this classification meant different degrees of consent requirement. The second issue is the procedure for consents which depends on the legislation concerned. While the application for tax incentives to the

National Park Service could be done at any stage of intervention in the USA, any intervention may not be done to the building before a consent is issued in Britain. Also, the procedure itself is rather complicated and decision making is centralised. Grade I and II* or A and B buildings' applications are applied to local authorities then to English Heritage or Historic Scotland respectively. The rest are delegated to local authorities to decide.

Consent applications are usually processed in a special procedure according to the structure of the legal conservation administrative framework. In Britain, consent applications are applied to local planning authorities who notify different conservation societies to make comments and recommendations. Local planning authorities also notify the Secretary of State who may call-in the application and determine it on the advice of a Reporter after ply or written submission. Local planning authorities may negotiate with the applicant and determine application. The applicant can appeal to the Secretary of State against application refusal. The mentioned procedure shows the complexity of decision making regarding consents. This 'complexity, is justified so that buildings of national and regional interest are not judged at local level. The process could become easier if only buildings of national interest are subject to such a procedure. The applications for other listed building consents could then be determined at the local level.

2.3- BUILDING CONSERVATION STRATEGIES

Since the degree of intervention is not determined in legislation and since the architectural and historic value is a relevant and dependent issue, different attitudes towards building conservation emerge throughout the world. Attitudes to conservation are adopted according to the conservation-related aspects of life. Two similar architectural examples would not bring up a similar attitude to conservation if they differ in history, politics, economy, social activities, or any other aspect. The number of attitudes towards building conservation in the world is enormous. They are

universal in general terms but vary in the way they are applied from one region to another.

Consequently, the following parts of the chapter will examine different building conservation attitudes. Every direct or indirect intervention to a historic building embodies an attitude which, if relevant, will be examined against observations related to Gaza City. These attitudes will be categorised according to degree of intervention. They are, however, different in the degree of relevance to Gaza. This depends on each individual building and its value and importance.

For conservation attitudes relevant to the case of Gaza, an important example will be addressed to examine the degree of relevancy to that particular building. This example is Al Omary mosque which is also called –The great mosque of Gaza.

Al Omary mosque is considered the largest and the oldest mosque in Gaza City and is located in the centre of the historic area. There are some problems facing the mosque especially in its structure, water and damp penetration and the building of new reinforced concrete and metal buildings very close to it.



Fig 2.1. The state in which Al Omary mosque exists.

2.3.1- Building Restoration and Anti- Restoration:

Building restoration is a practice which has been carried out for a long time. The word "restoration" defines three major approaches to conservation. The first is the approach which was practised by Viollet Le- Duc. The second is what called "anti-restoration" which is opposed to Le-Duc's principles of restoration. The third approach is the "maintenance" of historic buildings and areas. The following is an explanation of these different "restoration" attitudes.

A distinguished attitude for restoration is the one which was adopted by Viollet Le-Duc who was one of the busiest restorers in 19th Century France. Le-Duc defined the word "restoration" as follows: "To restore a building is not just to preserve it, to repair it, and to remodel it, it is to reinstate it in a complete state such as it may never have been in at any given moment"[10]. This approach to conservation has been practised for a long period of history, although it has been heavily criticised. It included the restoration of cathedrals, castles and ancient towns.

Restoration, according to this principle, means that the style of a building that is defined as "correct" is what has to be conserved. This approach fails to reflect an understanding of the building's history. It depends mainly on individual intervention according to the restorer's principles.

Another approach to restoration, which is practised, is described by Samuel Johnson in his dictionary of the English language. He says that restoration means: " The act of replacing in a former state. To give back what has been lost or taken away". This means that a building is restored according to a specific style or according to the state of the building at a particular time, regardless of the alterations that happened afterwards. This attitude requires a high degree of historic accuracy, based on historic research. Finally, despite the criticism for this approach to conservation, There are many contemporary examples such as George Town, Washington D.C.

It was long time before the critical attitude against the restoration activities guided by art historians took place. This has resulted in what is called 'anti restoration' against the falsification of history on one side and the responsibility to the past in relation to the coming generations on the other side. This attitude was inspired by John Ruskin's theories in the "Seven Lamps of Architecture, The Lamp of Memory" :

> Of more wanton or ignorant ravage it is vain to speak; my words will not reach those who commit them, and yet, be it heard or not, I must not leave the truth unstated, that it is again no question of expediency or feeling whether we shall preserve the buildings of past times or not. *We have no right whatever to touch them*. They are not ours. They belong partly to those who built them, and partly to all the generations of mankind who are to follow us. The dead have still their right in them.[11]

This attitude is derived from Ruskin's reactions against what he had seen in the practice of restoration. He says: "Restoration, so called, is the worst manner of Destruction."[12]. He simplifies the contradictions of choosing the material or the style: "For, indeed, the greatest glory of a building is not in its stones, nor in its gold. Its glory is in its Age, and in that deep sense of voicefulness, of stern watching, of mysterious sympathy, may, even of approval or condemnation, which we feel in walls that have long been washed by the passing waves of humanity"[13]. That means the smallest and most careful degree of intervention is required. Scott tries to make it more clear by saying: "No scraping or tooling of the surface of the stone should take place under any circumstances."[14]. He also adds: " The whole of the old work should be preserved and exposed to view, so as to show the history of the fabric, with its successive alterations, as distinctly as possible."[15] :

A comparison between Viollet Le-Duc and Ruskin' approaches to conservation shows marked differences. They both admired Gothic architecture, but they practised their faith in very different ways. In his writings in the Lamps of Architecture, Ruskin admires historic buildings as alive with the life given by the people who designed and built them. Viollet Le-Duc, in his extended explanation for the word "restoration" in his dictionary, admires the designer for his concentration on the logic of rational

construction. Therefore, on the contrary to Le-Duc, Ruskin considers every historic building element has a value that must be kept by keeping this element as it is found.

Another approach to restoration is the "maintenance" of historic buildings. No building can withstand the effects of neglect and consequent decay. Thus, the demand for maintenance against decay is required against all manner of deterioration. Even anti-restoration critics don't deny the importance of maintenance as Scott points out: "I could almost wish the word '*restoration*' expunged from the architectural vocabulary and that we could be content with the more common-place term 'reparation'."[16]. He also quoted Ruskin's declaration that " it is better to take proper care of monuments, because then there will be no need to restore them."[17].

Continuing maintenance is crucial to the effective conservation of an historic building. Maintenance could be applied when needed or it could be scheduled or both. Bernard Feilden discusses this issue saying:

> All historic buildings should be inspected regularly at five-year intervals, in order to establish maintenance plans. Such preventive maintenance should in most cases forestall the need for major interventions, and it has been proved that it reduces the cost of conservation of a nation's stock of historic building.[18]

Repair means the structural consolidation of the building and the prevention of all factors of further deterioration such as damp. Repair work should be carried out in a simple and honest manner, matching existing materials and methods of construction or by accepted techniques appropriate to historic building. The essential prerequisite is that the special character of a building is not jeopardised. R.D. Pickard supports this: "Selective repair work should be carried out over time whenever possible through maintenance rather than full-scale treatment at one point of time."[19].

In some cases and within the repair process some new addition and removal of materials are required. R.D. Pickard proposes the removal of any new additions saying:

> The removal of additions may be acceptable but only where they play no significant role in the commulative architectural or historic interest in a building. For example, a mid-twentieth-century addition to an early nineteenth-century building erected in a compromising manner before the building was listed may

merit removal, whereas additions to a Norman building of Romanesque style made in the thirteenth century in Gothic style will form part of the overall interest in a building[20].

It could be stressed that the whole of the old work should be preserved and exposed to view so as to show the history of all the fabric, with its successive alterations, as distinctly as possible. According to this definition, the materials used in maintenance should be identifiable.

Some attitudes to restoration are relevant to the case of Gaza. There are many reasons that make the "anti-restoration" and "maintenance" approaches relevant. There is a lack of documentation of historic buildings that makes it difficult to have an exact description for the building at a particular time. The history which the city had also caused buildings to be subject to alterations by successive occupiers. These reasons besides the scarcity of historic buildings in Gaza make it more logical to restore buildings as they are without referring to any particular style. This includes the requirement of consolidation and fighting causes of decay. To avoid the attendant dangers it is better to initiate a system of regular and permanent maintenance according to a plan, except in circumstances where it may be appropriate for buildings to remain without intervention.

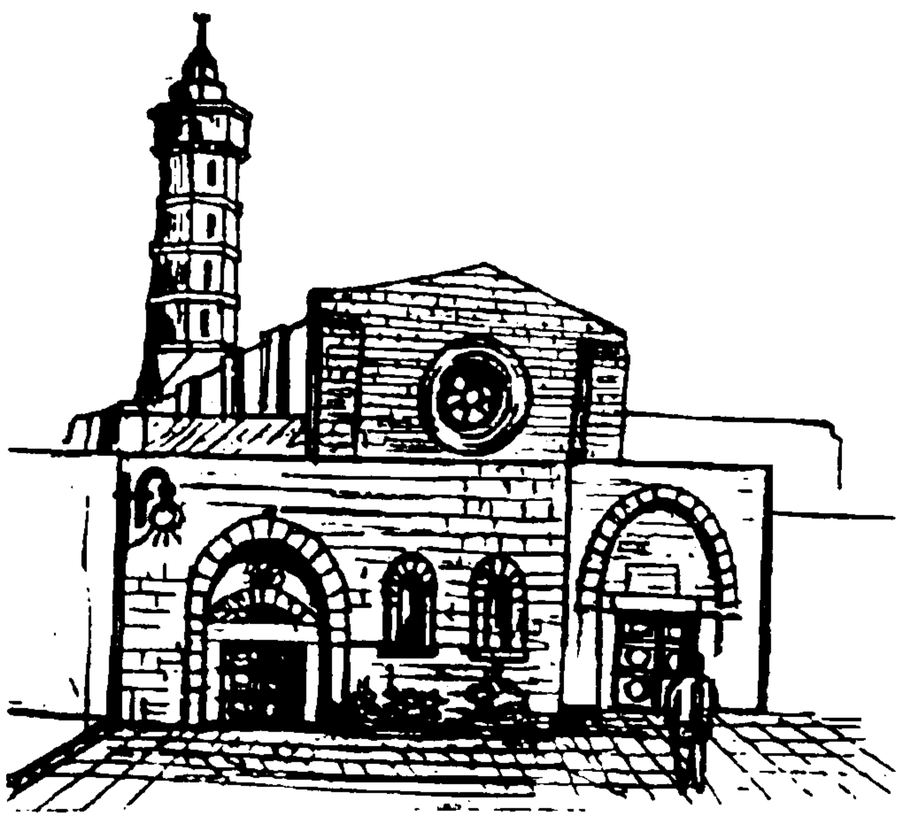


Fig. 2.2. Restoring Al Omary mosque in a specific style which may never have existed at any particular time.

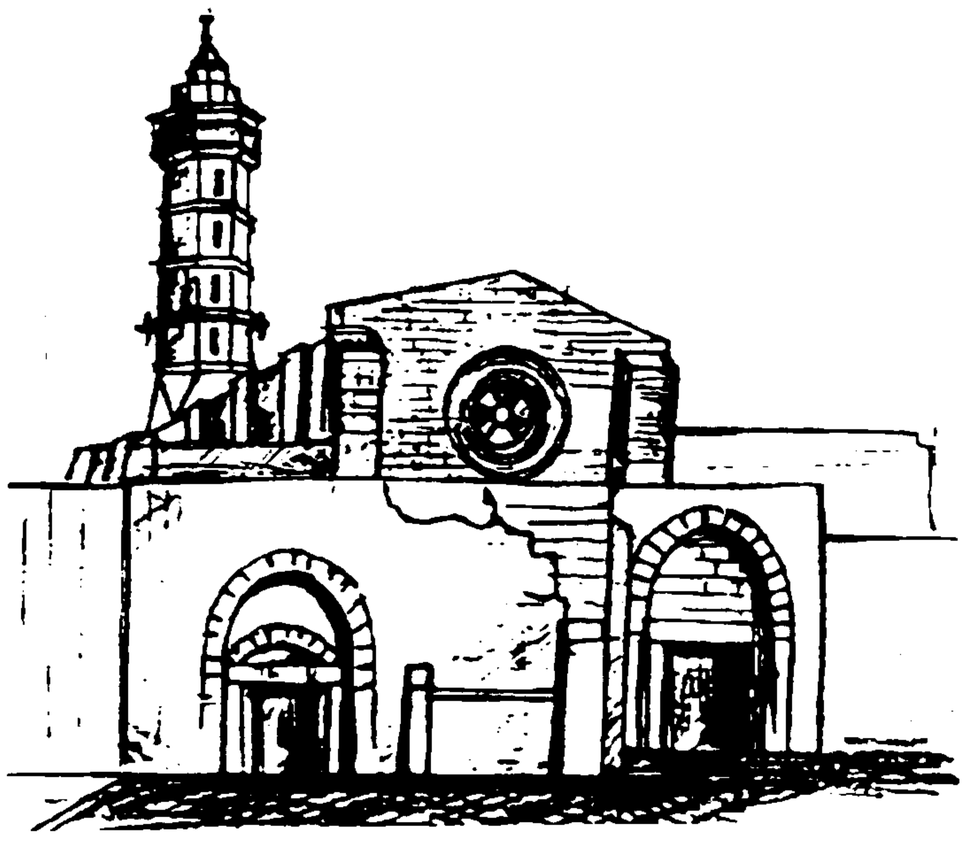


Fig. 2.3. The historic building is frozen as it is found with the least consolidation needed for the buildings' fabric.

2.3.2. Adaptive Re-Use:

Finding viable uses for buildings of historic interest is very important to justify their continual existence in the town's everyday activities. Conservation practice around the world shows that it is difficult to save historic buildings for purely museological purposes. Therefore, the trend for change is an accepted phenomenon, especially the adaptive re-use of historic buildings. The choice of new uses for historic buildings is an important issue because it affects the character of the building. Besides the restoration strategy mentioned earlier, stabilising the historic fabric may allow for long-term use either for the purpose for which it was designed or for a new use which may be appropriate to its character.

Adaptive re-use of old buildings is a contemporary practice which emerges from economic concerns. While the city is changing and the areas near historic buildings gain different uses and where the new local and world markets require flexibility and different standards than those which applied before, adaptive re-use of old buildings offers many advantages. James Fitch mentions that:

> Not only do recycled projects generally require less capital to start and take less time to complete, meaning less money tied up for a shorter period before rents start coming in, but they are by nature labor-intensive projects, relying less on expensive heavy machinery and costly structural materials ....
> .... These structures have thick walls, windows which open, high ceilings and other amenities not found in new buildings. Also, these buildings were designed to use natural light and ventilation, often being natural energy savers. In sum old buildings provide more interesting and varied environments for people to live, work, shop, and eat.[21]

He adds that after studying thirty-five recently completed adaptive-use projects, the Advisory Council report makes a number of general observations. The data confirm that, although adaptive use is not always cheaper than new construction, the cost of adaptive use falls within the range of new construction costs especially when you consider the new systems of lighting, air conditioning, telecommunication and others required for the historic building.

Much of the literature on conservation stresses that the key to preserve old buildings often lies in adapting them to new uses. Legislation began to recognise this advantage although it comes as advice and is not statutory: Planning authorities have therefore been urged to relax controls over land use allocation, density, plot ratio and daylighting and to apply building regulations and fire safety legislation sensitively and sensibly where this could enable historic buildings to be given a new lease of life (Circular 8/87, Para. 19).

Bernard Feilden highlights the importance of this issue saying that adaptive use of buildings such as utilising a medieval convent in Venice to house a school and laboratory for stone conservation, or turning an Eighteenth Century barn into a domestic dwelling, is often the only way that historic and aesthetic values can be saved economically and historic buildings brought up to contemporary standards[22].

In support, English Heritage chief executive Chris Green says: "The biggest challenge we face is creative re-use. There is not much point in listing half-a-million buildings if we cannot keep them in use."[23]. This attitude contributes to developing the socio-economic potential of historic buildings and brings them up to the contemporary competent standards.

Change of use has some restrictions. New uses introduced to old buildings could be either sympathetic or in contradiction to the original use. For example, some churches were converted to sympathetic uses such as libraries, convention halls, university multipurpose halls and museums. Others were subject to radical changes as they turned into alien uses such as residential houses and others. RIBA Journal comments:

Keeping buildings in active use is seen as the best way to preserve them. The aim is to identify the optimum viable use compatible with the fabric and setting of the building. PPG 15 says that the best use will " very often" be its original use (as opposed to the term " obviously" in 8/87), but the original use will " certainly" be the first option for consideration, although in some cases it will now be less compatible with the building than an alternative.[24]

Interventions for adaptive use will ordinarily be more conservative externally than internally, as the insertion of new systems requires greater changes. The same attitudes to restoration and repair could be applied here.

In the introduction to this research I posed the importance of socio-economic prosperity as one of the aims of historic buildings and area conservation in Gaza. Finding viable uses for buildings of historic interest is very important to justify their continued existence in the town's everyday activities. It is said that 'Tradition does not mean preserving ashes, but keeping a flame alight'. This could be applied to the revival of a traditional way of life or a revival of handcrafts. In addition to its symbolic meaning, conservation could be used to attract tourists as the traditional way of life and handicrafts in Gaza are usually considered attractive. Besides, it is a good practice to preserve handcrafts industries which had deteriorated over time. Finally, Islam prohibits the change of use for mosques. Consequently, the mentioned example -Al Omary mosque- could not be changed to any other use. The use adapted to adjacent buildings should not also be of any contradiction with the faith of Islam.

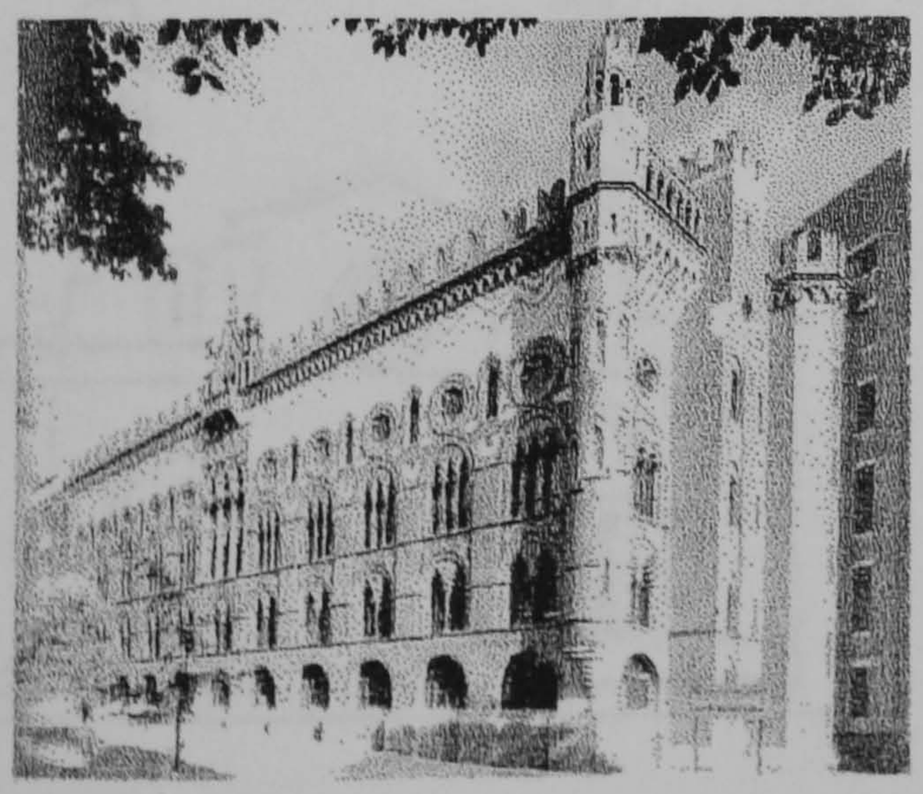




Fig. 2.4, Templeton Factory, Glasgow Green, Glasgow, UK, a carpet factory turned into business centre. (Source: Sherban Cantacozino, Re/Architecture, Thames and Hudson, 1989, pp. 162,163).

Most old buildings are in danger precisely because the original users for whom they were designed no longer inhabit them. It is difficult to save them for purely museological purposes except if they are of national importance. Hence, new uses must be found for them. New uses and activities should be compatible with the character of the historic building. Adaptation of these buildings to contemporary life requires the careful installation or improvement of building facilities.

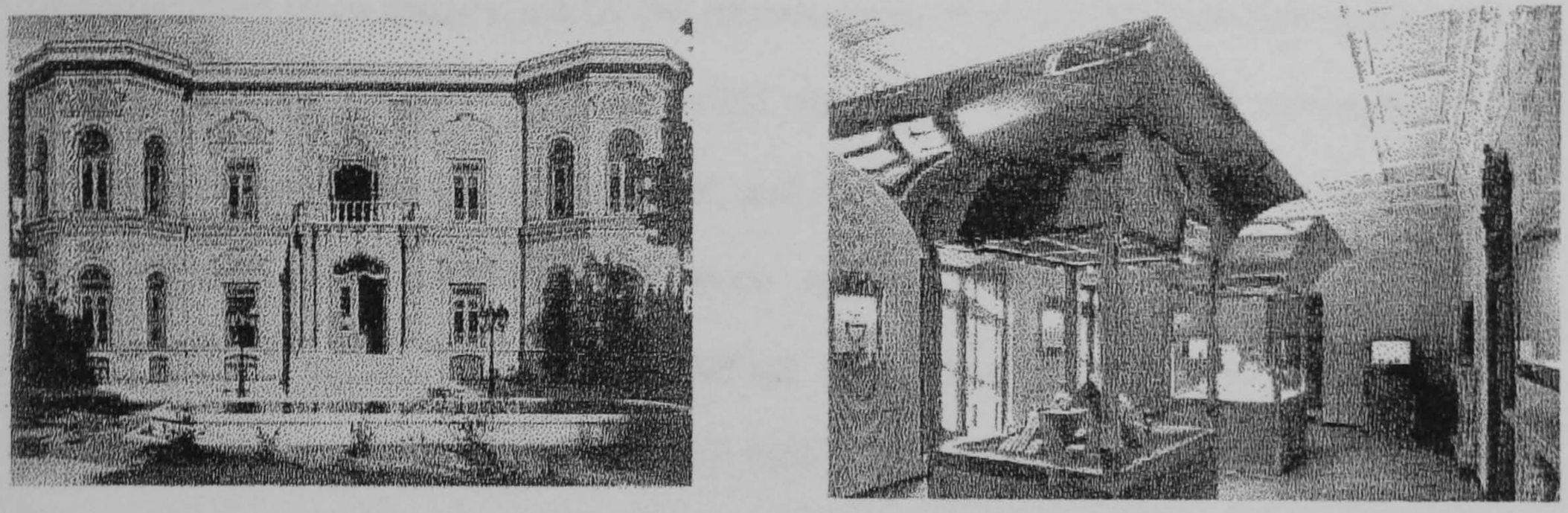


Fig. 2.5, Qajar Palace, Tehran, a palace turned into museum of glass and ceramics. (Source: Sherban Cantacozino, Re/Architecture, Thames and Hudson, 1989, p. 74).

2.3.3 – Reconstruction and Replication:



Fig. 2.6, Recreation of a vanished building or of missing parts of a building (Reconstruction)

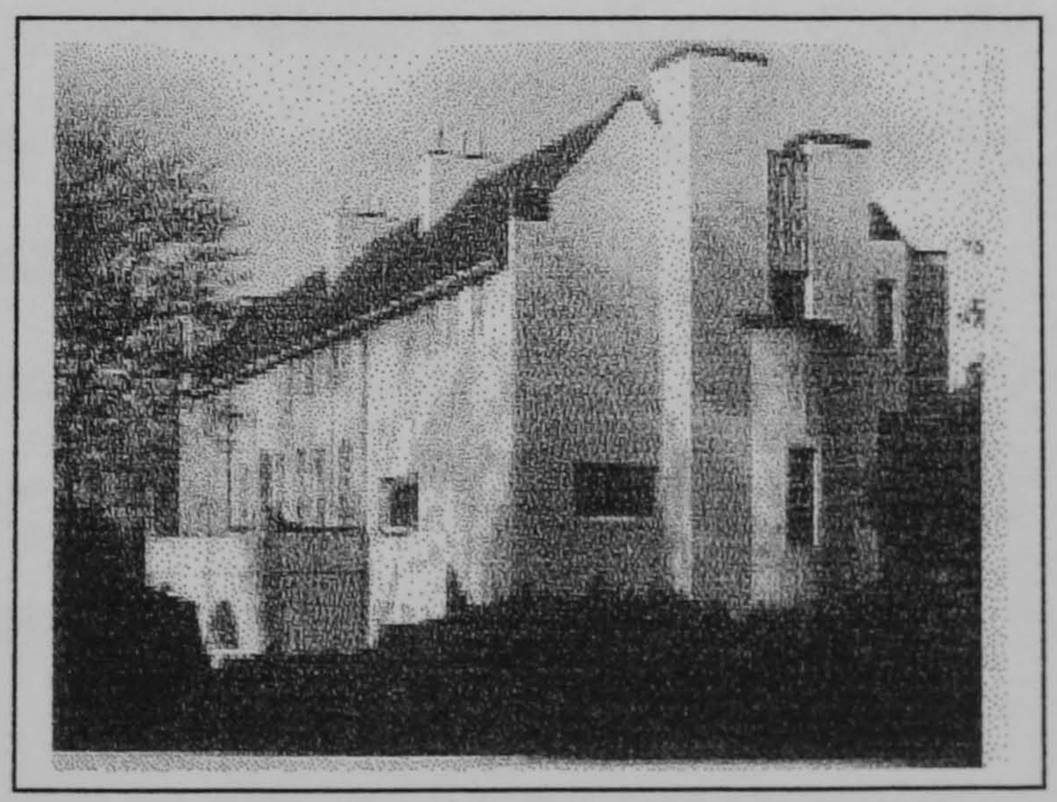


Fig. 2.7, Art Lovers House, Glasgow. Contemporary building (1996) of a 1901 competition design by C.R. Mackintosh.

Another approach to conservation is the reconstruction and replication of historic buildings and artefacts. Reconstruction is usually made for vanished buildings while replication is the copy of a still existing building or artefact. Both reconstruction and replication, however, are subject to strong criticism because of their negative impact on the historic value of historic buildings.

Reconstruction of vanished buildings or vanished elements of a building is distinguished from restoration by the introduction of additional materials and elements where loss has occurred. The physical structure of the element reconstructed is established by archaeological, archival, and literary evidence to minimise conjecture.

This attitude conservation has been subject to much criticism and suspicion considering that if all historic buildings were reconstructed there would be no evidence left of the true and original soul of the building. The greatest glory of a building is not in its stones but rather in its age. James Fitch criticises the reconstruction of historic buildings saying: "This is one of the most radical levels of intervention. It is also one of the most hazardous culturally : all attempts to reconstruct the past, no matter what academic and scientific resources are available to the preservationist, necessarily involve subjective hypothesis."[25]. It is not only the matter of the availability of resources, as Fitch argues, which justifies works where evidence exists, as in the Art lover House, Glasgow. Rather it is the matter of age, the difference of materials and technology, the absence of the original designer and the craftsmen. The whole process amounts to falsification.

Ruskin who even opposed small interventions in historic buildings, describes this process as: "False, also, in the manner of parody, -the most loathsome manner of falsehood... Do not let us talk then of restoration. The thing is a lie from beginning to end."[26].

Some people argue that reconstruction may be appropriate if it is essential to the function or understanding of a place, if sufficient and documentary evidence exists, as in the case of the reconstruction of the Royal Palace at Warsaw forming one entire

side of an important square in the Stare Miasto. R.D. Pickard explains positive side of reconstruction:

> While SPAB continues to argue against reproduction of 'worn or missing parts', even where there is archaeological evidence for their replacement (except in the case of the very small-scale items), official advice accepts the view that particular items which are crucial elements of the original design or of structural significance may be reinstated provided sufficient evidence exists for accurate replacement. Speculative reconstruction is unlikely to be justifiable.[27]

Another approach to building conservation is the reconstruction of the meaning or the symbol of a building. In this case, the contemporary materials and technology are used to construct a symbol of the historic building using its proportion, shape, function, or image. Fitch describes this policy as practised for the Franklin Homesite in Philadelphia :

> The entire complex of houses which Benjamin Franklin erected for himself during the 1780s had long ago been demolished to make way for other structures. After the purchase by the federal government in the 1940s, the entire site was cleared and archaeologically investigated down to undisturbed soil. Originally, it had been planned to reconstruct all of the vanished buildings, but it was decided, in the case of Franklin's own house, that visual evidence was simply inadequate to justify a reconstruction. Therefore, it was decided to cover the excavations with a concrete slab (converting that space into a subterranean air-conditioned museum): the outline of the house, garden, and outbuildings are marked in various stones on the upper surface of the slab. The volume of the house itself is traced out in a simple metal skeleton so that it reads as a sort of outline or diagram. Considering the abstract nature of design, it yields a surprisingly moving experience.[30]

Replicas are the construction of the shape and sometimes the symbol that the original building represents. It is not a common phenomenon in architecture because of the difficulty to replicate a building in full scale (easier practised in paintings, sculptures ...etc.). It is possible to propose a replica of the original, which for the purpose of the continuity of the streetscape or the retention of an important landmark may merit some consideration.

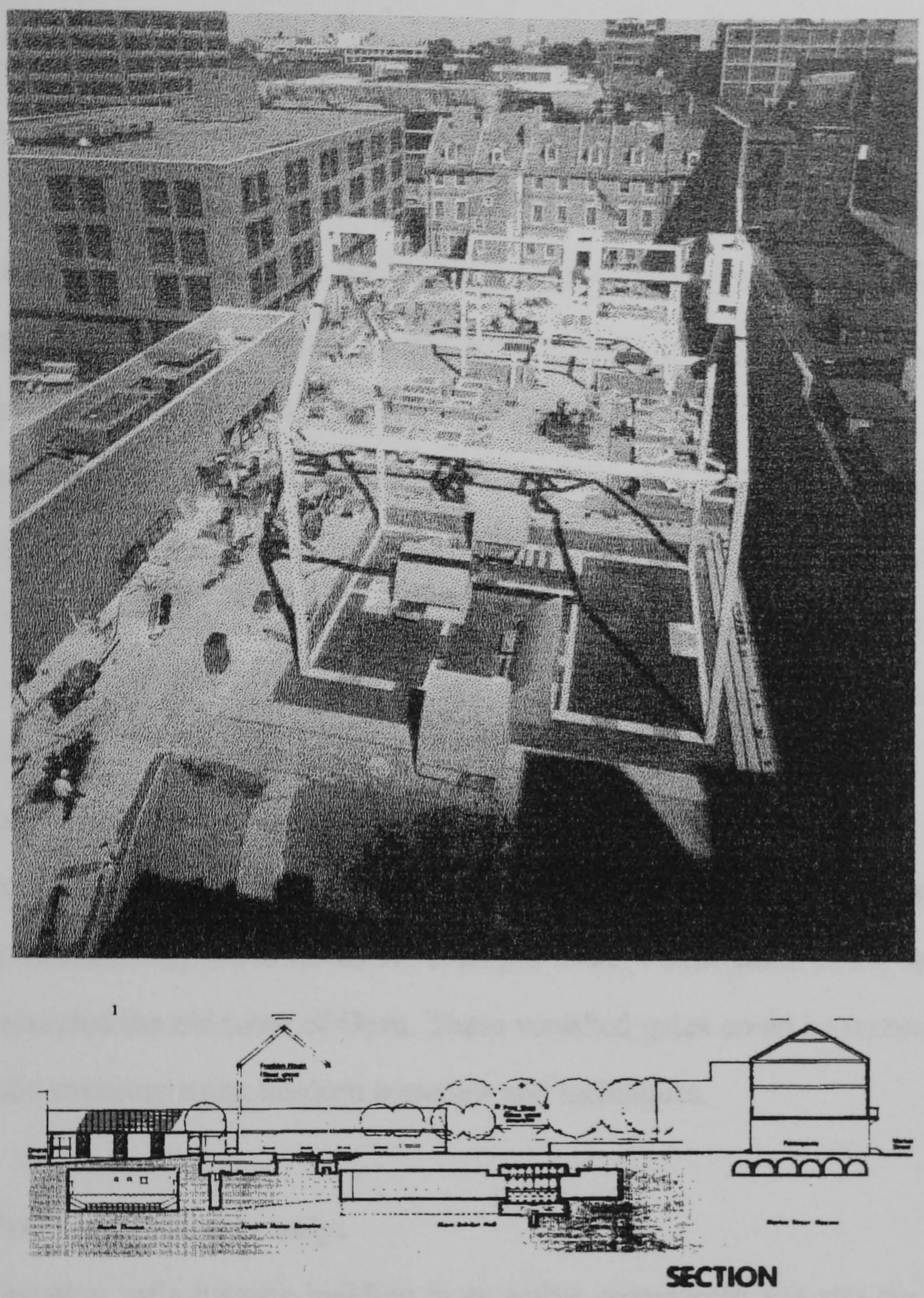


Fig. 2.8, Benjamin Franklin's home in Philadelphia: The outline of the house is marked in various stones while the volume of the house is traced out in a simple metal skeleton. (Source: Fitch, J., Historic Preservation, The university Press of Virginia, 1995, pp. 302,303).

In all cases, replica might keep the architectural interest but never keeps the historic interest. In addition, the copy of a still existing building is the worst false case of conservation. James Fitch describes it as : " By its sheer presence in quantity, the replica can coarsen and corrupt public appreciation of the prototype."[28].

Replication is discouraged in all artistic and architectural fields. Thanks to the growth of international expertise and scholarship in works of arts, the circulation of fakes is increasingly restricted, although it is practised in specific cases.

The increasing impact of environmental pollution upon traditional building materials, however, makes it necessary to move distinguished works to safer places, as happened to the sculpture of David by Michelangelo in Florence when it was moved indoors into a museum and its place outdoors taken by an exact replica. This intervention has kept the original sculpture from decay, and at the same time, has kept the character of the place in which it was standing.

Fitch argues that the use of replicas in architectural or urbanistic settings involves the removal of small, discrete, and fragile decorative elements from exposure to the natural environment of the site, to the controlled environment of the museum or art gallery. He adds that the increasing need for such substitutions is recognised around the world."[29].

Reconstruction is not relevant to the case of Gaza because of the lack of historic evidence for historic buildings. On the other hand, symbolic reconstruction could be used for vanished key monuments. An example would be the gates of the ancient wall that surrounded the old town of Gaza. These vanished gates could be reconstructed in a symbolic structure using modern materials and techniques.

2.3.4- Preserving the skin only:

The location of a historic building in an active commercial site and the economic pressure to adapt the building for totally new uses may require a radical change inside the building while preserving and keeping the facades in order to respect the urban setting. This aspect of conservation, that is not always approved by urban historians, involves preserving the authentic facade or external shell of a building, but extensively modifying the interior. Gerard Burke explains the advantage of such intervention: " But retention of good facades, and recreating damaged or missing parts, can usefully combine styles of former times with accommodation needs of today."[31].

The organic unity of any building provides the continuity between outside and inside. While the required functional interventions are justifiable in order to introduce new systems, radical intervention makes the building a piece of exhibition in the urban setting. This intervention could be justified where the interior does not contribute to the historic interest. In the article titled 'DNH Proposes Listed Facades and Removing Crown Immunity' the Architect's Journal highlights: " The Department of National Heritage has published a consultation paper which proposes allowing just the facades of buildings to be listed, leaving their interiors open to major change."[32]. It also adds: " A spokesman for the department admitted that listing facades alone could be a problem, however, in that it might lead to a larger number of applications from listed building's owners applying for the new measures and a debate on what constitutes an exterior or an interior wall."[33].

This approach to conservation is widely practised in different places around the world. The merchant city area of old Glasgow, Bath and other cities in the UK have many examples where the outer skin of buildings is still standing despite the radical changes to the interior.

This attitude is an irrelevant one to Al Omary mosque and other historic buildings in Gaza. The structure of these buildings is composed of cross vaults on large piers that makes it difficult to separate exterior from the interior.

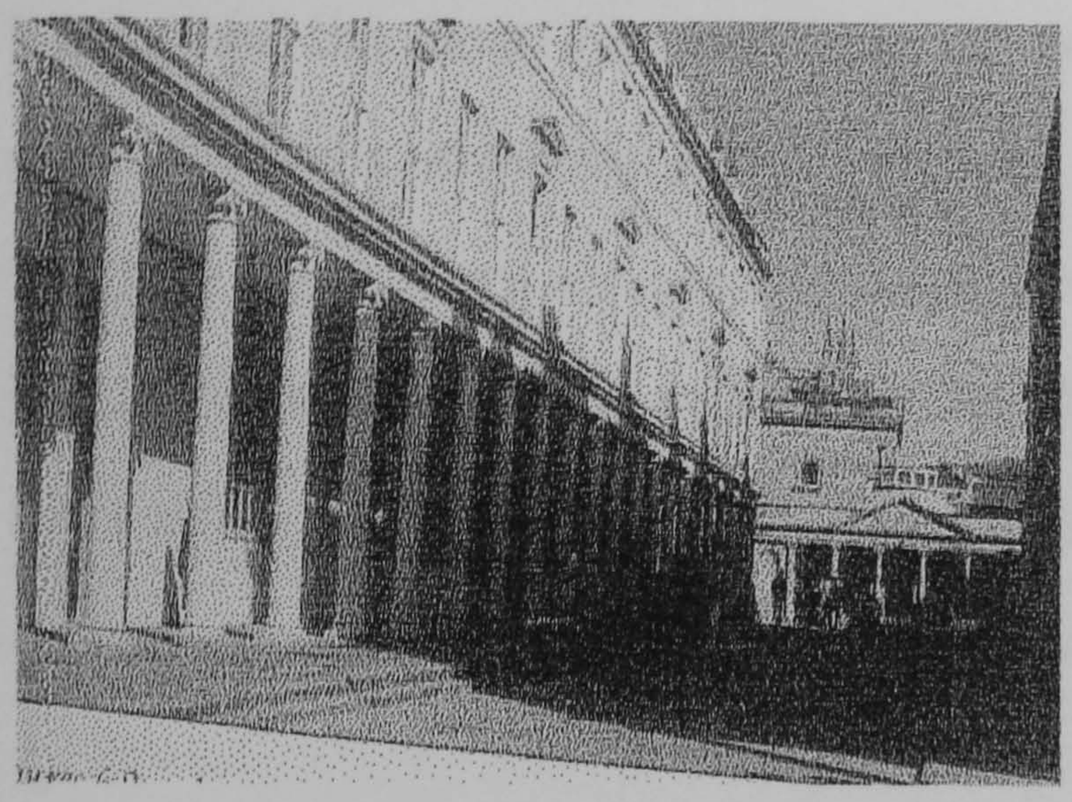




Fig. 2.9, The Colonnades, Bath, a 1980s three-level shopping centre built behind the eighteenth-century, Grade I listed façade to Bath Street. (Source: Context: New buildings in historic settings, Oxford: Architectural Press, 1998, p. 69).

2.3.5- Conservation via moving:

A further policy of conservation is the removal of a building from its site where it is no longer appropriate to another location because it gets in the way of the construction of specific projects or because of environmental aspects. This policy was practised mainly for conserving light timber framed structures. A few of brick or stone buildings have been relocated, as happened to the church of St. Mary Alderbury which crossed the Atlantic from London to Missouri. Also, the temple of Abu Simble was relocated to escape the rising waters of the artificial lake at Aswan, Egypt. "In considering whether to grant planning permission for development which [affects a listed building or its setting] and in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building[or its setting] or any features of special architectural or historic interest

which it possesses" (TCPA 1971, s. 56 (3)). It looks like a vague section but at the same time dismantling of buildings is allowed in special cases according to legislation. Bernard Feilden says: "The moving of entire buildings to new sites is another form of reconstruction justified only by overriding national interest. Nevertheless, it entails the loss of essential cultural values and the generation of new environmental risks."[33]. The largest and the most important loss lies in the original setting of the building in question, that is often impossible to recreate.

There are different aspects affecting decisions taken to move an entire building or special parts of a building to another site. The nature of construction, the weight of the artefact, and logistics of the move all affect the building to be moved intact or cut up into manageable parts and reassembled on a new site.



Fig. 2.10, Church of St. Mary Aldermanbury, originally built in 1181 was dismantled and shipped to from London to Fulton, Missouri where it was reconstructed in 1966. (Source: Fitch, J., Historic Preservation, The University Press of Virginia, 1995, p.157).

2.4- DOCUMENTATION OF THE HERITAGE

Historic buildings are subject to deterioration, and possibly demolition, if they are not preserved. They are also subject to interventions as explained in the attitudes to building conservation. Therefore, documentation is required to keep a record of historic buildings. It is also essential before, during and after any intervention. This section will highlight different methods of documentation.

The documentation of the heritage is considered an important procedure that allows the establishment of a data bank for historic buildings and structures. Although a lot has been done to document the heritage around the world, Fitch argues that it is a remarkable fact that the process has not been completed in any country on earth[34].

To pass true information to future generation, accurate and professional documentation is required. Maps and documents are one of the resources for documentation. Archaeology is another source despite its problems of the need for proper supervision, finance and availability of specialised personnel. The ICOMOS Charter for the Conservation of Historic Towns and Urban Areas specifies that: "Knowledge of the history of a historic town or urban area should be expanded through archaeological investigation and appropriate presentation of archaeological findings."[35].

One of the most important methods for the documentation of historic buildings is the full survey. The survey consists of collecting data on existing buildings, establishing reconstruction drawings for them or both. The most important issue is what to survey and how to do it. The C.B.A. Study Group report explains the survey procedures as follows:

Historical buildings are documents. If we can learn to read them, they will tell us things about historic towns that were never put down on paper. Reading a building means answering as many as possible of these questions:

When was it built?
Who built it?
Who paid for the building?
What was its function?
What was its plan and design?

What materials were used?
Why was it sited where it was?
What alterations has it undergone?[36]

In the same context, M.F. Sorlin explains the documentation process in France[37] which takes place after the historic centres are designated as "protected areas". He points out in the report that the information targeted in the surveying process is the following:

- Architectural interest of each of the buildings and state of preservation (buildings or parts of buildings to be restored or buildings ready for demolition; soundness of fabric).
- Sketches of the elevation, taken from photographs so that the appearance of the whole grouping is obtained.
- An analytical index, building by building, showing the approximate construction date, materials used, subsequent alterations, open spaces, original gardens, and any particular features such as cellars, ramps, balustrades, woodwork, ironwork, interior de'cor, etc.

The survey form prepared by "Riwaq" in the West Bank of Palestine, that was used to document historic buildings of some towns, included the description of some facts about historic buildings. They include building location, name, original owner, present owner or occupier, present use, history and evolution of construction, existing statement of the building, description of the building: Number of storeys, materials, openings, roof, ceiling, ornament, and elevation. On the other side of the form a space was left for drawing the site plan and a description for the surrounding area and any additional notes. A 3.8/3.6 cm space is left for a photograph.

This form, used in the West Bank, provides no information about the interior which is an integral part of the building or about the problems that the building faces. It does not show if the building needs any urgent preservation works. Another problem of the form is the photography of the building. The area left for photographs is not big enough to include a complete image of the building or any details. A great

space is left for the site plan of the building which could be described on a separate map. This documentation could be perfect, however, if it included reconstruction plans, sections, elevations or any special detail significant for its architectural or historic interest.

The methodology of implementing survey work is likely to be standardised around the world. Survey teams in the field employ a printed form for each individual building or monument. Those forms include all or most of the information mentioned earlier. They usually call for a photograph of the principal facade and a plot plan showing the buildings location. Included in the forms there is usually a space for some written descriptions.

Since this process is both expensive and time consuming, several measures have been developed to maximise its effectiveness. A degree of accuracy is required and because of that it is difficult to use verbal forms. They are difficult to evaluate and difficult to store or retrieve in a computer bank. For that the use of a graphic system is desirable. James Fitch comments that: "A graphic rather than a verbal system of identification is desirable."[38]. He explains in the same source the inventory form developed by Meredith Sykes for Parks Canada, which includes small-scale line drawings of all the characteristic elements of Canadian buildings (Fig 2.13). The surveyor needs only to match these elements visually with the appropriate diagram. It could be observed from the comparison between the verbal forms (Figs 2.12), and the diagram form (fig 2.13) that the latter guarantees that a minimum of subjectivity enters into the description, and that this data can readily be computerised.

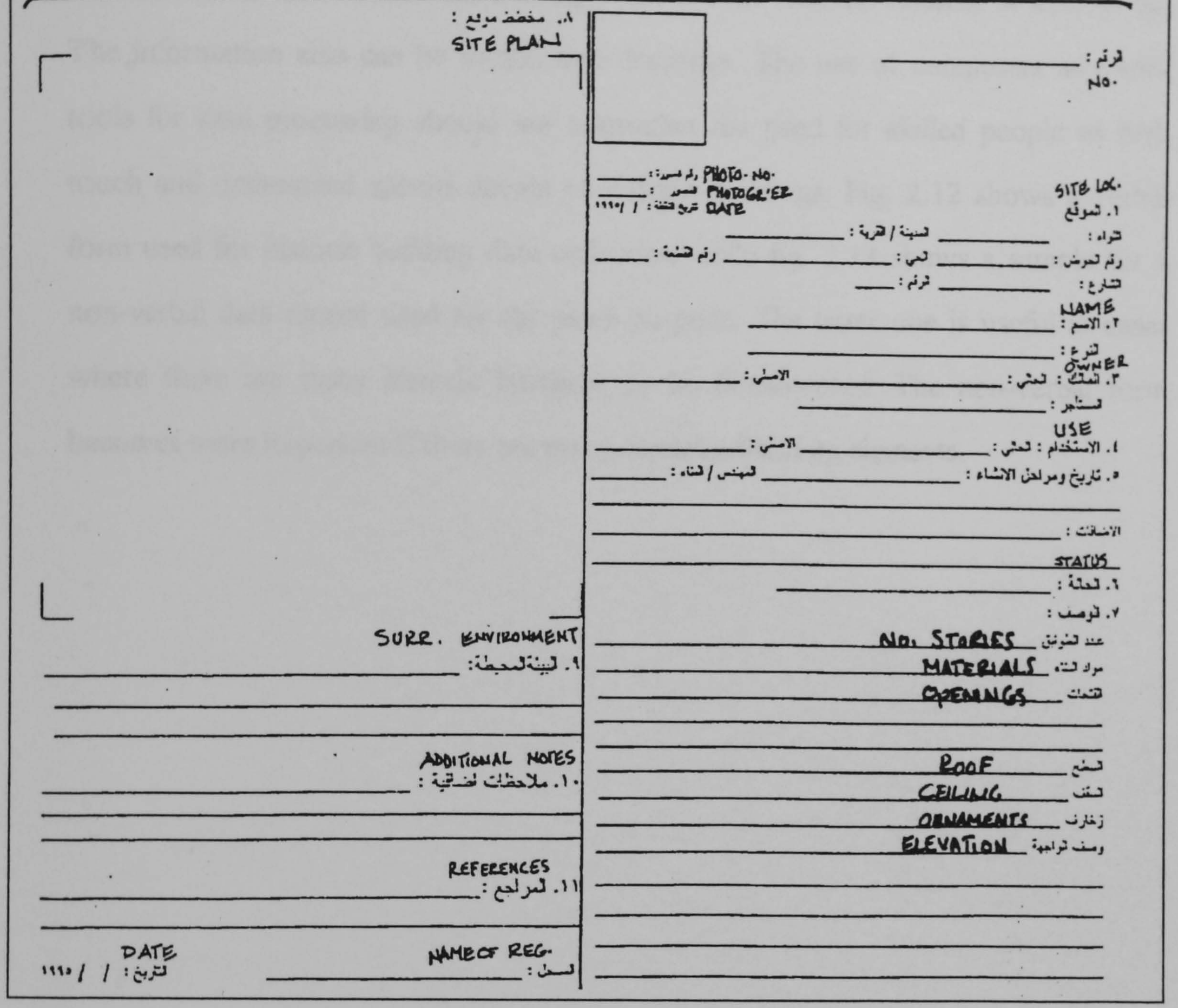


Fig. 2.11, The form used by "Riwaq" for the documentation of historic buildings in the West Bank. (Source: Centre for Architecture Conservation "Riwaq", the West Bank).

Unlike Fitch's comment, the diagram method is an irrelevant one. The great variety of details and features in historic buildings make it difficult to include features in a standard format. It is of a vital importance to have a written description for some features that could not be done by a standard form, as the Meredith.

Computers have enabled many practices to develop their own databases, says Kelley, of Chicago's Wiss, Jannery, Elstner Associates Inc.[39]. His firm's analysis of the facade of the Nebrasca State Capitol in Lincoln, for example, included the creation of

a database with an entry for each stone, comments Andrea Oppenheimer[40]. The article mentions, however, that the use of computers as a contemporary tool allows an accurate evaluation in coming years of how well the material is weathering. The information also can be turned into drawings. The use of computers as useful tools for data processing should not contradict the need for skilled people to feel, touch and understand special details of historic buildings. Fig. 2.12 shows a verbal form used for historic building data collection while fig. 2.13 shows a sample for a non-verbal data record used for the same purpose. The latter one is useful in cases where there are many historic buildings to be documented. The non-verbal form becomes more important if there are many common building elements.

CHESTER

HISTORIC TOWN SURVEY
ASSESSMENT OF PROPERTIES

Date 16/2/67 | Street Watergate St. | Inspected by AF

Time(s) 10.30 am st. level, 11.00 am row level | Number(s) 14,16 Street level, 12, 12A, 14 row level | Exterior ✓ Interior ✓

OCCUPIED BY: tenant(s) / owner(s) / empty

BUILDING UNIT: extd / subdvd from 12 / as orignl / combd wth

CONSTRUCTION orignl 13 rebl 17th
DATES: addns 16 alterations 20

BUILDING ELEMENT:

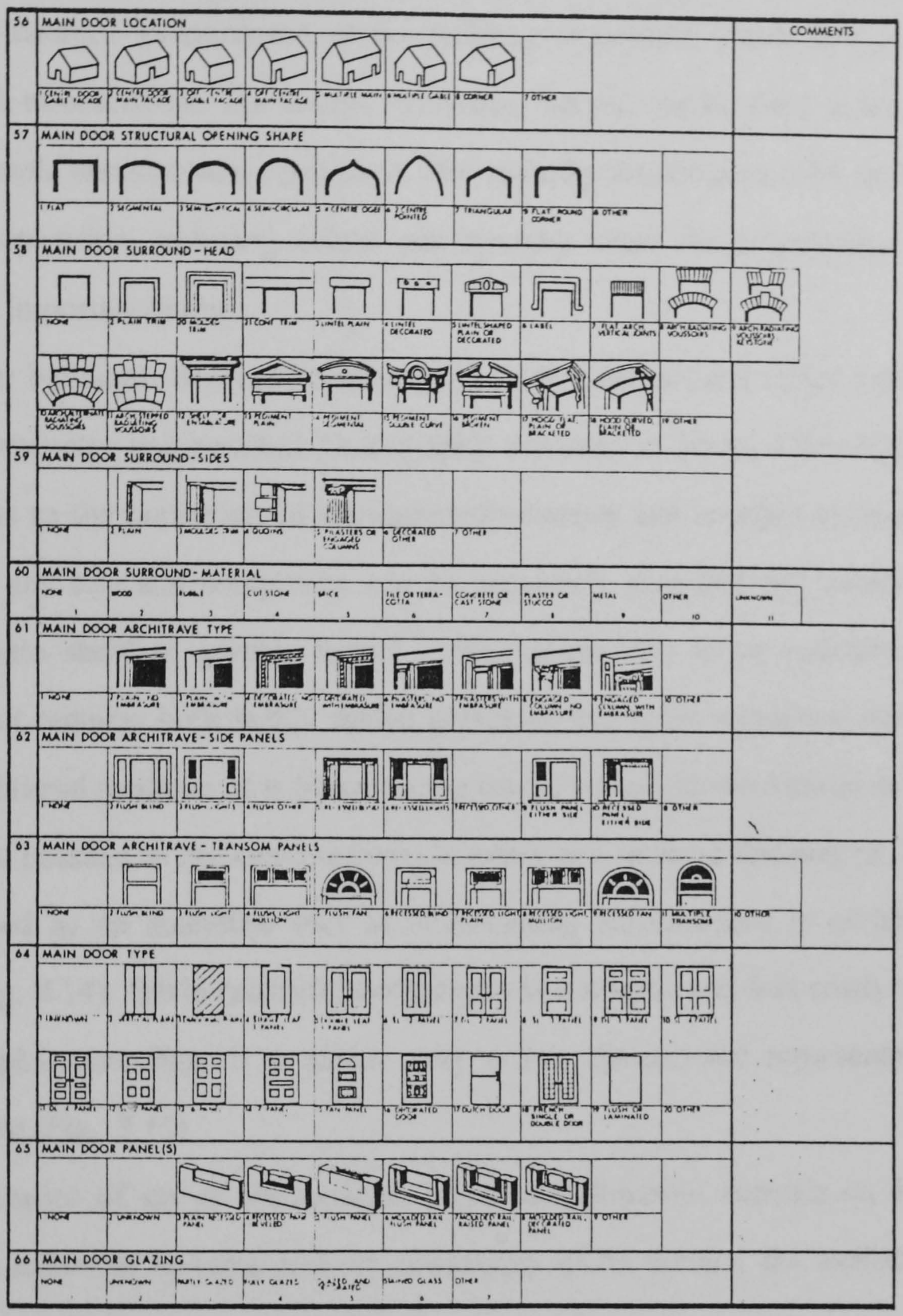
Check List: Exterior: front; ~~rear~~; rear; roof; addns.
Interior: cellar; ~~basmt~~; gd fl; R&W fl; 2nd fl; ~~3rd fl~~; attic; ~~sheep~~.

	1 ARCHITECTURE: quality, structure	2 CONDITION: A=urgent repairs B=soon, C=long term		3 PLANNING: use and fitness
Exterior front	4 storey 2 bay bk. with parapet and stone cornice. Doric cols. E C.I. balustrade at row level. Mod. shop fts. st. level (18) shop row level. Sash w/ws above with g.b. and orig. crown glass. bk. chimneys & slated roof.	Settlement R.H.S. - watch some bk. decay esp. in parapet. Cornice in bad condition upper w/ws. poor Several slates slipped roof poor	C B A A A	low beams at row level former access to row now blocked Incongruous mod. shop fronts.
R.H.S., L.H.S. rear	party walls in terms bk work. motley assemblage with rear additions	bulge at 2nd floor level much bk. decay	C B	
Interior street level	mod. shop at front with med. rib vaulted cellar, partly rock-cut at rear	back of cellar rather damp wet rot in rubbish on floor	B	Shop well used, but fine med. cellars only as stores
row level	shop at front with rear. 2 med. timberwk. large central hall w. (18) cross stair. Room at rear w (17) plaster frieze and firepl. long rear addtn	fairly well maintained, but rear additions poor and neglected — remove?	B	shop at front staff room at rear + W.C. additions empty
2nd floor	good front room with (18) panelling + doorcase 2 rooms at rear with good stone fire places. Cross stair contained with large open well.	damp thro' ceilings and in party walls. some f.b. in floorboards window frames decayed	A B A	fine rooms now used only as stores for shop.
3rd. floor	(18) Chinese Chippendale screen at top of stair. Circular rooflight over.	water pouring through roof + parapet gutters. DRY ROT in floor next L.H.S. party wall. Rooflight leaks	A A	all empty and neglected.

SUMMARY				
1 ARCHITECTURE	Anchor bldg / Major s/scape	Minor s/scape / Group value / Location value	Indispensable / Keep if poss. / Dispensable	MOHLG grade III Recommended listing: II *
2. MAINTENANCE	Good / Average / Poor	Distant prospect shy. Disuse + neglect of upper floors	Grant aid poss; H.B.C. ✓ / County Impmt. ✓	Estimated cost of repairs: A£ 4,000 / B£ 2,500 / C£ 2,000
3 INTERNAL PLANNING	Good / Improveable / Poor	Rec. changes (incl. use) Remove rear additions. Fire escape reqd. at top to use upper floors.	Replan (wthn bldg) / " wth other " / " " new extn.	Estimated cost: £ 3,000
ADDITIONAL COMMENTS AND RECOMMENDATIONS	Potentially a fine building, under-used and suffering from resulting neglect. Good med. cellar and (18) features should be preserved. Upper floors could make attractive flat. Rear access required.			
	Further visit? (Yes) No. Made		Special photos? (Yes) No. Made	

Donald W. Insall & Associates, Architects & Planning Consultants, 44 Queen Anne's Gate, London S

Fig. 2.12, Specimen of form used by Donald W. Insall Associates for survey of historic buildings. (Source : Ward, Pamela, Conservation and Development in Historic Towns and Cities, p. 144).



15.1. ***Historic building inventories*** furnish the basic data on which all preservation activities are based. But the standard survey forms have several inherent limitations. Data are all recorded in verbal, not pictorial, form—a necessarily imprecise means for communicating the visual characteristics of the building. In addition, questionnaires compel value judgments ("What style is the door: Federal? Greek revival? Queen Anne?"), which can vary widely even among experts. But the most severe limitation of such verbal descriptions is that they cannot be quantified for computerized storage and retrieval. This paradox is overcome by the inventory system developed by Meridith Sykes for the Canadian Inventory of Historic Buildings. Forms provide graphic descriptions of every variant of each architectural component. The suveyor checks off that diagram which most closely resembles the building being surveyed. Since each item and subitem is coded, information can be readily put on punch cards for computerized storage and retrieval.

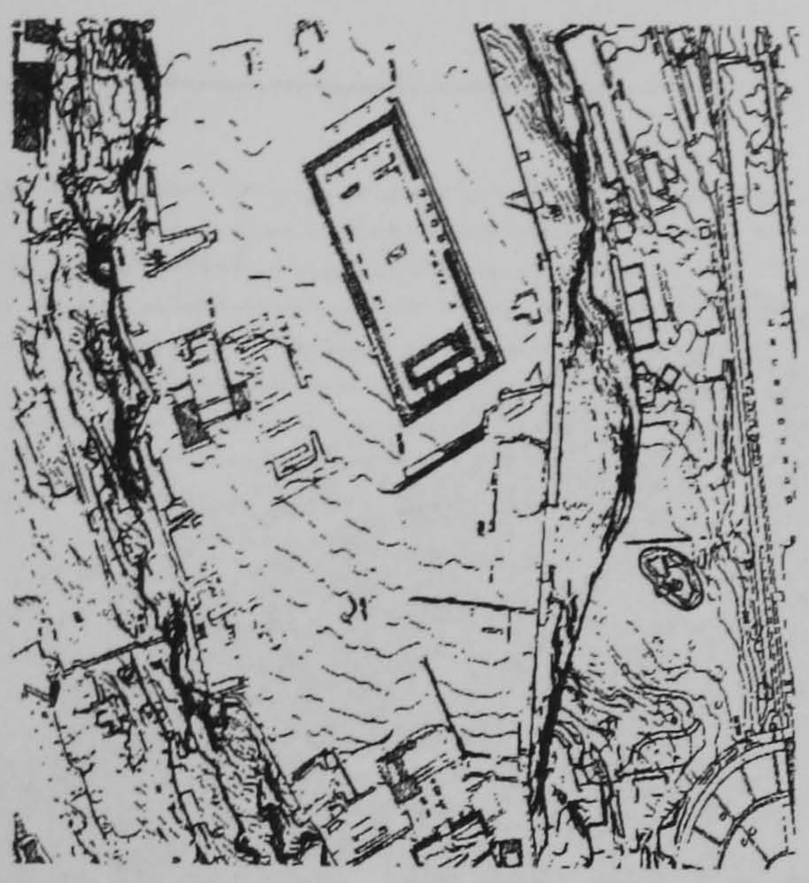
Fig. 2.13, The use of non-verbal data records. Pictorial and elevation drawings are used in data collection. (Source: Fitch, J., Historic Preservation: Curatorial Management of the Built World, p. 309).

One of the basic stages in the preparation of drawings for record is to make a very accurate and detailed measurement of the building or artefact. Some processes are used for such measurement: For simple structures, the job can be done quickly by a team with simple measurement equipment. Photography should always be an integral part of the operation, including colour photography when the polychromy of the artefact is an important feature.

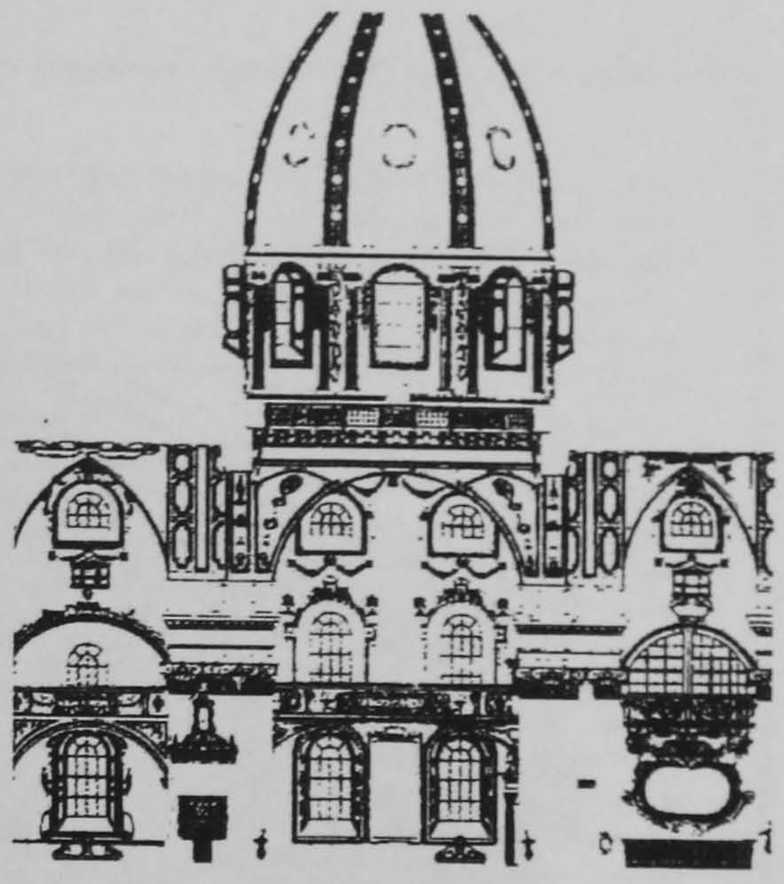
For larger buildings, the traditional ways are not sufficient and rather expensive. So, photogrammetry and rectified photography are used as James Fitch highlights: "Now, thanks to the perfection of steriophotogrammetry and rectified photography, buildings of any size and complexity can be accurately recorded and subsequently transcribed into standard graphic form."[41]. Photogrammetry is an optically simple procedure but requires both highly skilled personnel and more expensive machinery than the traditional methods. It is based on the use of paired photos viewed in stereo. This makes it possible to get measurements in either two or three dimensions. It also could be used as an analytical tool in investigating deformations in architectural elements (Fig. 2.14). While rectified photography is a simpler and less costly method of photographic recording. It produces only a two dimensional representation at specified scale (Fig. 2.15).

The application of any of the methods mentioned, however, depends on different factors. The nature of building and the complexity of its texture, the availability of funds and time and the manpower available.

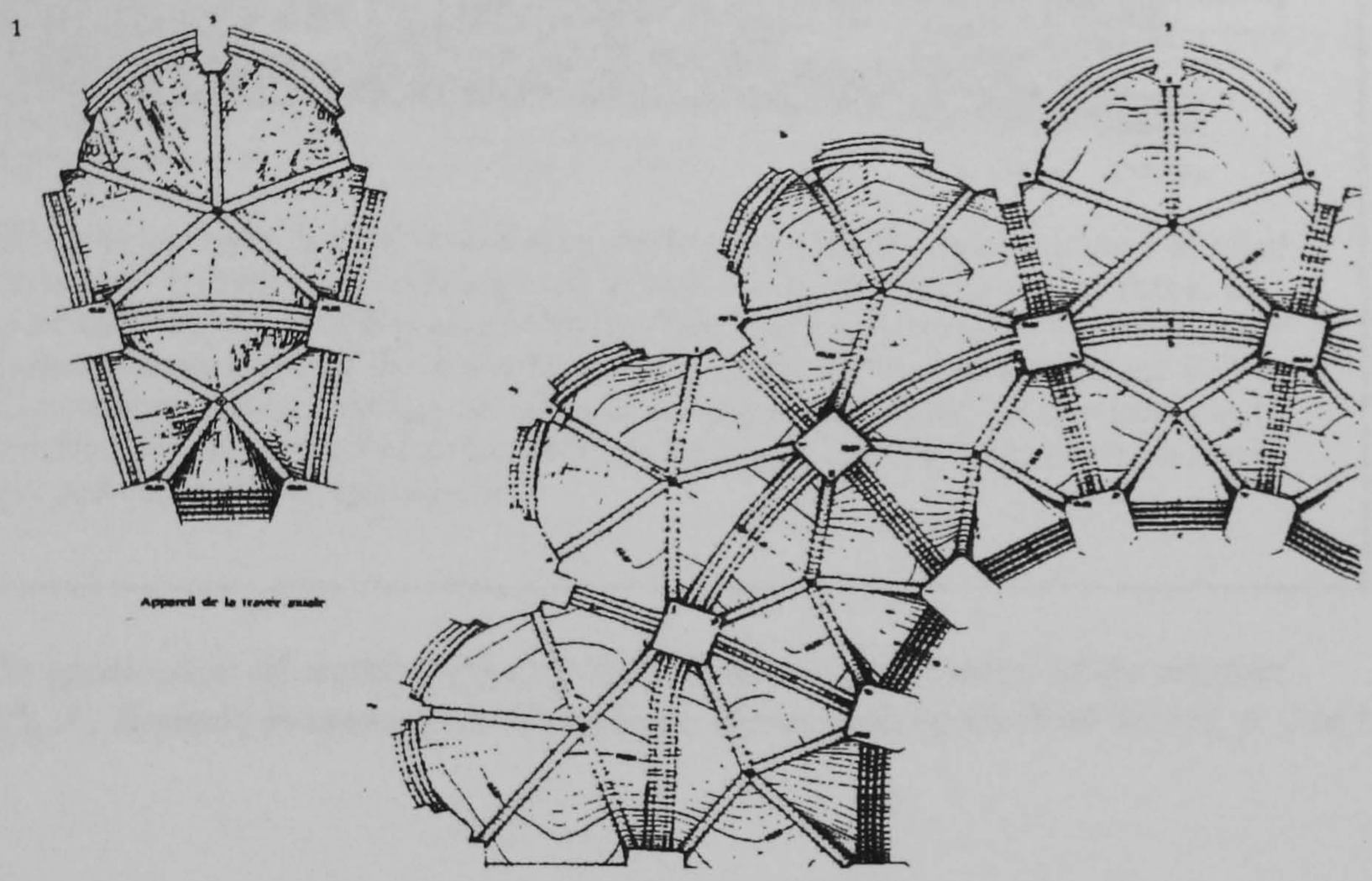
4



3



1



Appareil de la travée axiale

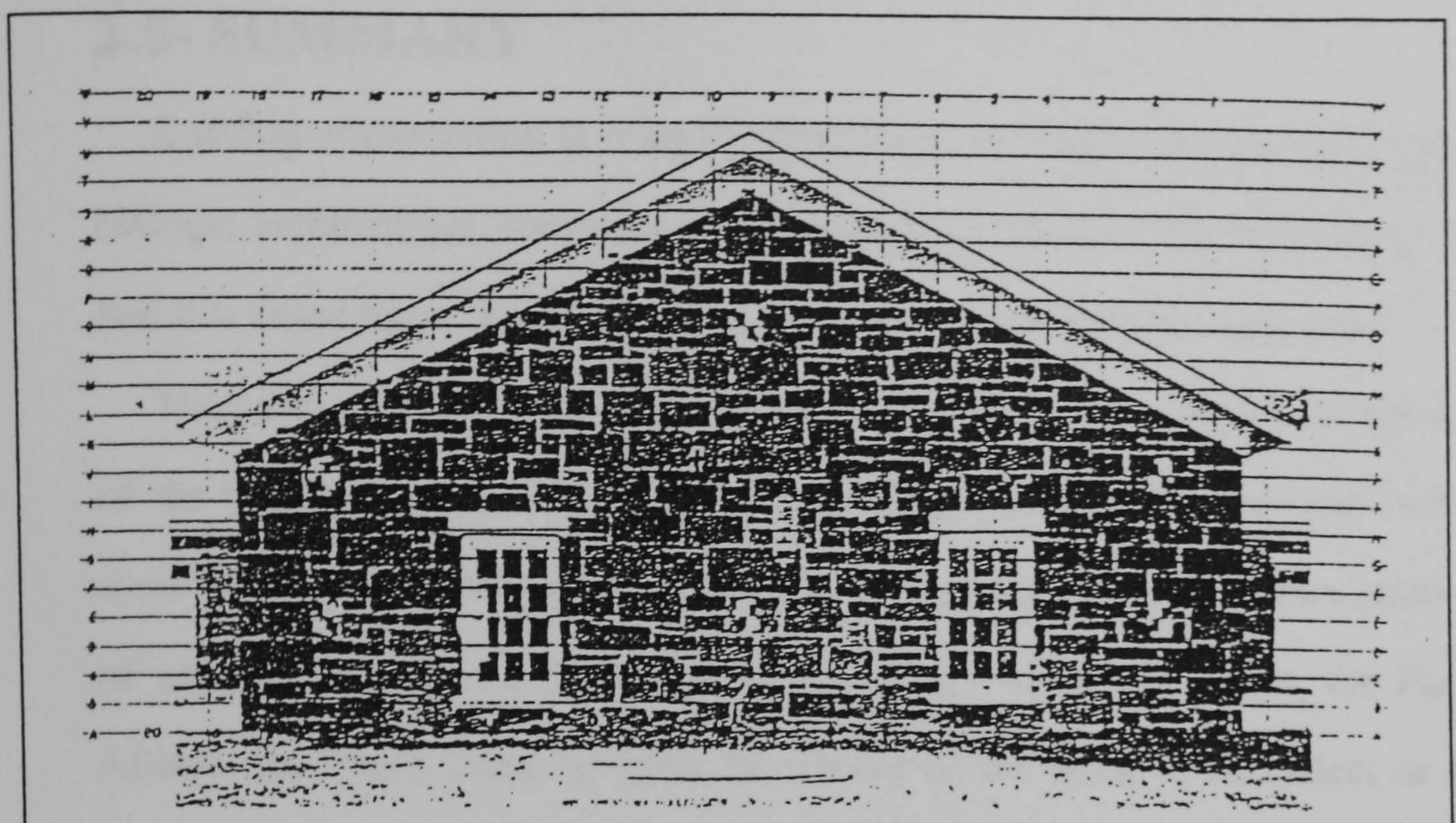


2

15.2. ***Stereophotogrammetry is the quickest,*** most accurate and often the only practical method of making accurate measurements of an object. Moreover, the object can be of any size, shape, or degree of complexity. Thanks to aerial stereophotography, entire landscapes can be accurately and rapidly plotted, e.g., the Acropolis at Athens (*4*). Short of making a cast, photogrammetry is also the only way in which the contours of artifacts such as sculpture can be accurately reproduced (*2*). Conventionally, photogrammetry has been used to produce two-dimensional line drawings of architecture, as in this cross section of the Jesuitenkirche in Innsbruck (*3*). But increasingly, photogrammetric studies are being employed for analytical, rather than merely documentary, purposes. Since the stereo plotter can be used to plot contours, it can be used to scan and record architectural surfaces which have never before been accessible for close scrutiny. Thus photogrammetry in the apse vaulting of Saint-Denis near Paris reveals plastic deformations in nominally uniform vaults (*1*). It also permits study of these abnormalities in order to determine if they are the traces of structural failures and whether or not the failures are old and stable or new and active. Only in the latter case would scaffolding be required. Such new sources of information will play an important role in the maintenance of historic structures.

Photogrammetry is still relatively expensive, largely due to the high cost of plotting equipment and the shortage of skilled operators. But its superiority over manual recording of buildings is absolute.

Fig. 2.14, The application of photogrammetry in measuring historic artifacts.
(Source: Fitch,J., Historic Preservation: Curatorial Management of the Built World, p. 310-311).



15.3. *Rectified photography is a quick and easy method* for graphic documentation of small buildings. Here such a photograph is being used as basis for a graph that plots the shape, size, and location of each stone in an old masonry house. This is in preparation for the disassembly and subsequent reconstitution of the stone-built structure on a new site. Each stone will be stenciled with its appropriate abscissa coordinates on the photographic grid, which can be used by the mason for an accurate reconstruction of the original fabric. The mortar used will be chemically and cosmetically appropriate.

Fig. 2.15, The application of rectified photography in the documentation of the artefact.
(Source: fitch, J., Historic Preservation: Curatorial Managment of the Built World, p. 314)

2.5- SUMMARY

Building conservation is a highly specialised operation. Its aim is to preserve the historic, architectural, socio-economic and group values of any building or monument and it is based upon respect for original material and authentic document.

The care with which interventions are made, however, depends on the importance of the building or structure. It is vital that the degree of intervention to be made is small where the building or monument is of great historic and architectural value and of national and international interest, e.g., the Pyramids in Egypt, the Parthenon in Athens, the Notre Dame in Paris, the Dome of the Rock in Jerusalem or Al Omary mosque in Gaza. Other buildings of local importance require a degree of flexibility to adapt them to contemporary conditions.

From the attitudes discussed, four attitudes to building conservation emerge: The first is where past forms were not taken into consideration, and repairs were made in the style of one time. The second reproduces the exact details of every piece of past work that presents itself at the time the reparation is taken in hand. In the third system consideration is given to the quality and history of the building by reparation or remodelling only. The fourth system allows radical interventions such as reconstruction, replication or skin preservation. In all cases the adaptive reuse of the historic building is an important factor to justify continued existence in the town's everyday activities. A documentation process, however, is necessary before, during and after any intervention process.

It could be concluded that the interventions in a building's conservation must stop at the point where conjecture begins and the best way to avoid attendant dangers is by initiating a system of regular and permanent maintenance. In this process, a low degree of intervention should be adopted. This strategy was adopted in the International Congress of Architects and Technicians of Historic Monuments, Athens in 1931. It was recommended that when restoration appears to be indispensable, the

historic and artistic work of the past should be respected without excluding the style of any given period.

It is the role of legislation to acknowledge the appropriate attitude in the area to which it is intended to be applied. This depends on the historic buildings' state and the aims put forward for the conservation strategy of such particular area.

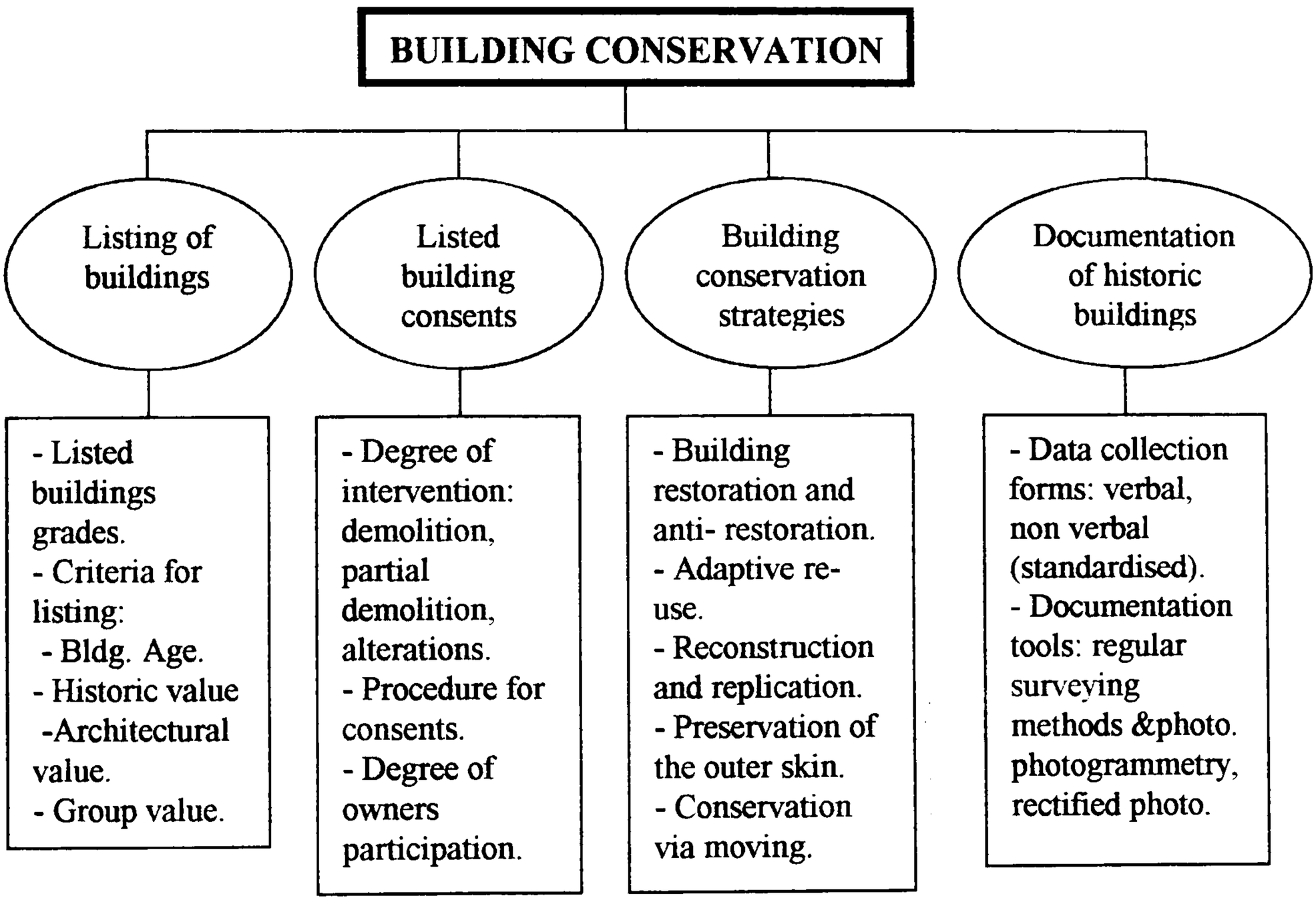


Diagram 2.1, Historic building conservation strategies. (Source:The author)

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CHAPTER 3

URBAN CONSERVATION

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URBAN CONSERVATION

After a long history of experience and practice in the conservation of individual historic buildings and artefacts, there is a new awareness of the unique qualities of the environment of historic towns and areas. This has resulted in designating "conservation areas" in which there must be a special treatment of all aspects of planning, development, architecture, and landscape. Conservation areas might not contain any building of particular architectural merit or historical importance; but they are of overall special interest. This chapter will highlight different concepts of the conservation of historic areas that legislation should take into account.

With broader objectives, conservation becomes part of a wider concept or idea of townscape management, aiming to maintain a group of buildings in their town- scape with their diverse environmental and aesthetic characteristics rather than seeking to preserve only the best architectural pieces.

Conservation areas are designated according to specific criteria. They are a specific part in the city or the town or the village in which historic buildings, streets, street furniture and landscape all play a role in giving the area its historic character. The whole area is treated according to special regulations and concepts. Fitch comments that: "The entire urban tissue is to be placed upon display, and all the devices of modern museology brought to bear upon it."[1].

Criteria for Designation: the statutory definition of a conservation area, according to British legislation, is an area of special architectural or historic interest. "Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance, and shall designate such areas as conservation

areas" (TCPA 1971, s 277 (1)). It is noticeable here that there are no measurable specifications for designation although areas differ enormously in character. They vary in size, scale and character. The character emerges through different factors like typology, building styles, spaces, relationship between public and private spaces, shapes, colours, material, overall massing and others. Aldo Rossi argues that the city is the repository of the collective memory of its people:

> One can say that the city itself is the collective memory of its people, and like memory it is associated with objects and places. The city is the *locus* of the collective memory. The relationship between the *locus* and the citizenry then becomes the city's predominant image, both of architecture and of landscape, and as certain artefacts become part of its memory, new ones emerge. In this entirely positive sense great ideas flow through the history of the city and give shape to it.[2]

Besides urban setting, architecture and landscape, an historic area might have a special life style and activities that also distinguish one area from another.

In Britain, conservation area designation can be issued by an urban development corporation or district council. The Secretary of State is also empowered to designate conservation areas and to cancel designations (TCPA 1971 s 277 (4)). Planning control, through national or local plans, plays an important role in safeguarding areas of architectural or historic interest and through the control of development ensures that new developments preserve and enhance the character and appearance of conservation areas. These plans ensure the relation between the conservation area and its surroundings at the local or regional level.

Conservation and Planning: as in previous cases outlined, the greatest responsibility for designation and control of conservation areas falls on local planning authorities. This is relevant because most of the towns and villages in Palestine have local planning committees. Although they have little power, they still play a role in shaping our towns. Planning authorities should consider the possibility of designation or extending conservation areas at the same time as they prepare local plans to ensure the inclusion of these areas in the overall scheme of the city. More specifically,

authorities are under a duty, according to legislation in Britain, to formulate and publish from time to time proposals for the preservation and enhancement of any parts of their area which are designated conservation areas (TCPA 1971, s 277 B (1), Inserted by TCAA1974 and amended by LGPLA 1980).

The authorisation of local authorities to take part in area conservation is a weapon of two edges. While it gives decentralised authority to planning authorities this could be used as an excuse for authorities to freeze development. The BPF director general William Mckee warns: "We would be concerned if the number of designated conservation areas increased as a result of the government proposals, particularly as there are concerns that some local authorities are using conservation area designation to resist development rather than conserve heritage."[3]. Planning authorities may designate areas of historic interest as "conservation areas". Accordingly, they may delay or freeze development within the areas until further planning is put forward, as happened in the master plan of Gaza in 1998. Following to the designation, planning authorities should rather draw further strategies and plans for areas' conservation.

Historic urban areas are a mixture of distinguished physical elements and distinguished social composition and life-style. There are many diverse theories that were put forward or practised in historic area conservation around the world. Historic area conservation policies include promotion of suitable development, the use of planning gain to bring about improvements, the control of potentially unsuitable development and the enhancement of an area's appearance. On the other hand, not every existing building or structure must be kept forever. The job of an authority is after all to enhance, as well as to preserve, the character of its conservation areas (TCPA1971, s 277 (8)). The following are different attitudes towards area conservation:

3.1- ENHANCEMENT OF THE SPECIAL URBAN CHARACTER OF CONSERVATION AREAS

Conserving urban areas present aesthetic problems that are not found in the isolated villa, mosque, monument or a church. The conservation of the urban character of an area means the accurate treatment of all the elements contributing to the individual or collective composition. It means homogeneity (Edinburgh New Town) or diversity (Glasgow City Centre) or a combination of both. It is the memory of image that this area leaves in the minds of both inhabitants and visitors when they describe the townscape. This means the total landscape of the town, its natural and man-made ingredients, and those which are a combination of both. Townscape also includes all elements that give a town its individual and distinctive character.

To approach the conservation of the character of an area it is important not to concentrate care on individual buildings, ignoring the environment embracing them. The dangers of basing conservation solely on architectural and historic buildings are that as such approaches largely ignore the important role that townscape plays in maintaining historic and cultural identities. Pickard stresses this by saying: "apart from preserving and enhancing the character and appearance of a conservation area by sympathetic new development and planning control, physical improvements to the streetscape are also a means to assist this aim."[4].

On the other hand, the degree of intervention in the townscape is a matter of argument. Some opinions still insist that every single object found in the conservation of urban areas should remain unchanged. Others go further towards flexibility and liberation as when Papageorgiou reacts towards this view by saying:

> In our view such an extreme attitude would be quite utopian. If, for example, it was decided that the only street lights to be allowed in a certain area were to be the sort of gas lanterns used in 1850, then it would logically follow that all vehicular traffic would have to be horse-drawn and that all the inhabitants would have to wear mid-nineteenth century costume so as to preserve the 'atmosphere' of their historic centre.
> Such ridiculous conservation ideas would soon get us into serious difficulties. The reason why historic buildings have survived is that they have continued to fulfil their original function. Their present form, even when it is more or less

> homogeneous, was evolved over a long period of time and embraces stylistic and material elements dating from different periods. And so, if we were to try to apply this absurd principle of preserving of their original form the range of 'objects' which are to be found in the historic townscape, we would first have to decide which historical style was to be the dominant style and then make every single object in the urban cluster conform to it [5].

As happens to buildings, townscapes are conserved to either museum show standards or to functional requirement standards stressing their role in everyday life rather than their artistic or historic value.

If historic urban areas are to be developed and play their part in the future spatial cluster, it follows that no development may be undertaken within those areas unless care is taken to ensure that the original and unique character of the townscape is preserved. That reflects the values and identities of the selected environment which usually embraces a wide range of styles from widely different epochs that are integrated into a corporate whole. One of the most characteristic elements influencing urban character is urban pattern since it is known that the historic urban areas are distinguished by special and unique urban patterns resulting from principles of planning and methods of construction. The geographical location, the visual density of urbanisation, the formal cohesion, the irregular line of facades, the homogeneity of the silhouette and the relationship between buildings and green and open spaces are all elements that define the urban pattern.

The composition of most of the historic urban areas was planned and designed to afford functional, social or aesthetics possibilities using local materials in their natural shape that give the feeling of human scale. The question that is raised is: is it, and how is it, possible to live in or use an urban pattern in a time which is completely different than when it was designed ?. Motor cars, new building materials, the price of investment all put pressure on keeping and conserving this pattern. In spite of this, contradiction could be used as a vital and an essential motive in the conservation programme. Consider the following two examples:

3.1.1- Urban Density:

Since the life-style and functions inside the historic urban area change, this change often results in a set of environmental factors such as noise, crowd and pollution taking place inside this area. Thus, applying some change to the urban density by demolition of some buildings or parts of buildings helps to allow sun in and provides open spaces. This also helps create new planned developments that could play a role in the adaptation of the historic area to contemporary life. Care should be taken in such procedure and detailed planning is required. The planned density alterations could be useful in providing car parks, open spaces, social facilities or green space.

3.1.2- Traffic Control:

One of the pressing urban problems is traffic control. Since the inner townscape of an urban settlement is composed of a diversity of perspective views and impressions received by the pedestrian observer, the character of the road network should be conserved. This character is determined by road alignments that constitute an essential aspect of any road development. There are other elements that also affect the character of the road network. These elements are the texture of the materials and the type of road surfaces, the planting of trees, the pavements and the type of traffic, which exert a considerable influence.

Since the beginning of the century, the advent of motorised transport has posed a threat to our historic areas. The need for a direct and wide road network and the need for servicing the new commercial developments and housing allowed for electric tramways and automobiles to enter the urban tissue of historic areas. This distorted some characteristic elements in this tissue, hastening the decline of the traditional urban cluster and further impairing the living conditions of its inhabitants.

Much of the loss of historic fabric in towns is due to the road network. An example for this is the historic area in Gaza. Two longitudinal 16 meter-wide roads - Omar Almokhtar and Alwihda- together with a group of secondary roads destroyed much of the historic tissue (Figs. 3.1,3.2). Until today, these major roads connect different

parts of the whole city. This brings up traffic jam, noise, and environmental pollution. The 1989 master plan for Gaza established a new road system in the old city in which each road should not be less than 8 meters wide, ignoring the widths and alignments of existing old roads.

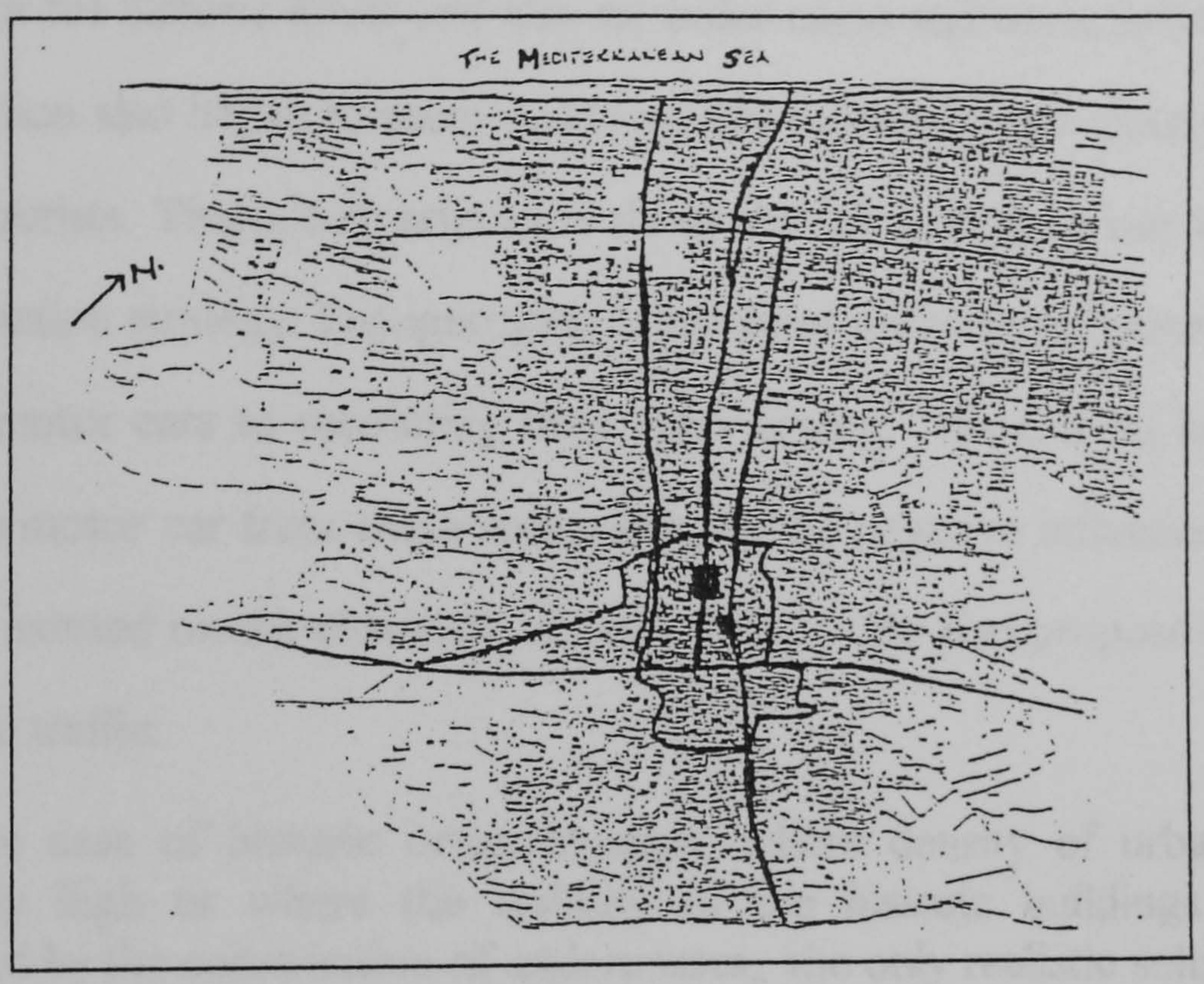


Fig 3.1, Gaza city, Main road network in relation with the old city. (Source: The author).

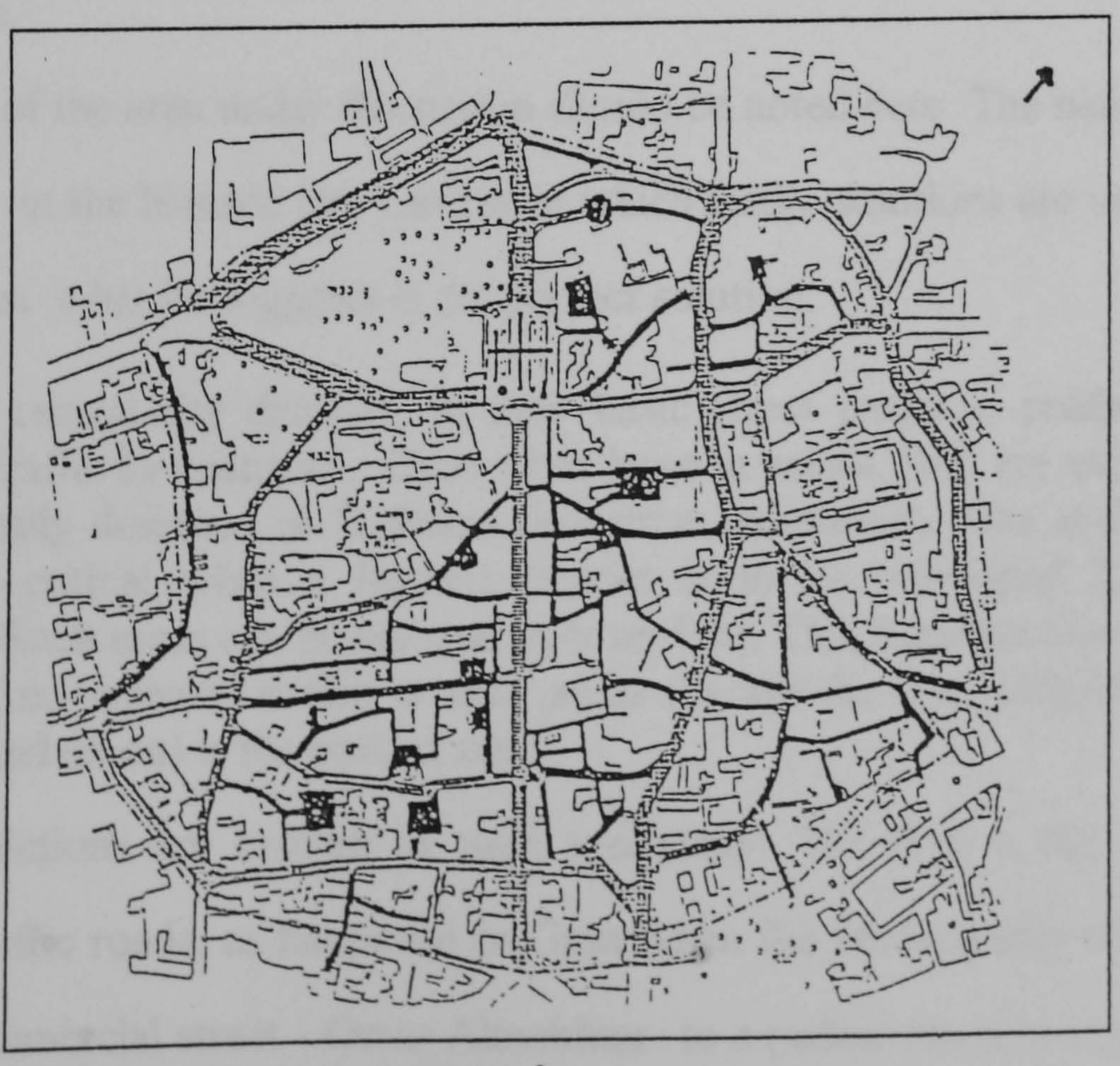


Fig. 3.2- The old city of Gaza, existing road system. (Source: Municipality of Gaza Publications, 1996).

Regardless of the need for traffic by investors or inhabitants there is a great tendency amongst planners towards banishing the motor car. Not only the traffic doesn't fit in historic areas but it also causes exhaust fumes and vibration and other environmental problems. The tendency towards pedestrianisation has some advantages for the historic fabric and also excludes noise and environmental pollution. Pedestrianisation also began to seem commercially successful and attracted both local people and tourists. There is an argument about the mechanism to use when applying a pedestrianisation strategy. Papageorgiou talks about different opinions ranging from allowing all motor cars to restricting their entry saying: "there is no hope of totally banishing the motor car from these areas, despite the negative influence which it has undoubtedly exerted on the character of urban life."[6]. He also proposes a strategy of restricting the traffic:

> But in the case of historic urban clusters, where density of urbanisation is particularly high or where the stability of the historic buildings might be endangered by the construction of underpasses, the only realistic solution to the problem of road traffic is that adopted by the Swiss . By restricting vehicular entry to a few hours in the day, historic urban centres can be transformed into predominantly pedestrian areas without sustaining any damage to their townscape.[7]

The scale of the area under discussion should be noted here. The need for traffic is more critical in the historic city centres in which traffic solutions are usually diverse. Fitch proposes what he suggests is the correct solution:

> But most central-city districts, in their basic street patterns, predate modern vehicular traffic by centuries. Even when large in extent, they are small in scale, fundamentally designed to facilitate pedestrian movement. This scale becomes absolutely critical when a historic district is to be developed for touristic purposes. Such areas can be enjoyed only on foot. This suggests that a policy of permitting no wheeled traffic in such areas (except for fire, ambulance, waste removal, and so on) is the correct one.[8]

Two contradictions are evident in such a strategy. The first is the availability of alternative traffic roads, as happened in Gaza when the Municipality tried to convert the major commercial street - Omar Almokhtar- to a pedestrian street through the old

city in 1995. The lack of alternative roads produced a traffic jam that forced the opening of the street to traffic after a couple of days.

Finally, since the street patterns of the historic area are different in terms of physical composition and of importance; it could be concluded that a traffic management scheme with different zones of penetration and conserving the pedestrian patterns is an essential feature of the conservation of historic areas. Besides encouraging public transport, traffic inside a historic town or urban area must be controlled and parking areas must be planned so that they do not damage the historic fabric or its environment.

3.2- BUILDING CONTROL AND ARCHITECTURAL DESIGN

Another aspect of the enhancement of the character of conservation areas is the building control and architectural design inside or adjacent to historic areas. This is because of the devastation resulting through introducing modern ideas and technology. Following the vast devastation wrought by wars and other factors of destruction in so many historic towns, architects, planners and conservators were obliged to come to terms with the problems of reconstruction when faced with the task of re-erecting whole groups of buildings and, in some cases, whole urban areas within their historic towns. Through the various projects implemented within historic urban areas, three important trends have developed: Two opposite ones, historicising reconstruction and completely new architecture, and a third intermediate one of harmonious integration.

In the first case **"Historicising" reconstruction**, an image of style is conserved and replicas of historic buildings are produced. Unfortunately, this tendency has been practised in Gaza for many modern structures by borrowing historic features without a thorough study of their historic values, resulting in what could be called 'eclecticism'. In 1996, the Municipality of Gaza issued drawings of historic models that must be followed in new buildings (Fig. 3.3). Since the urban pattern of the historic area is usually a composition of different styles it would be difficult to choose which one has to be conserved. This process of borrowing styles is definitely a falsification of history. David Yeomans described this attitude of "fake historic" when he said: " The attitude may be simply put: 'if new work is designed to look like old work, how can the historic character be recognised?. In the recent climate of architectural thought which accepts the borrowing of past styles, this has led to problems."[9]. Stephan Tschudi-Madsen also explains this process through the history of architecture:

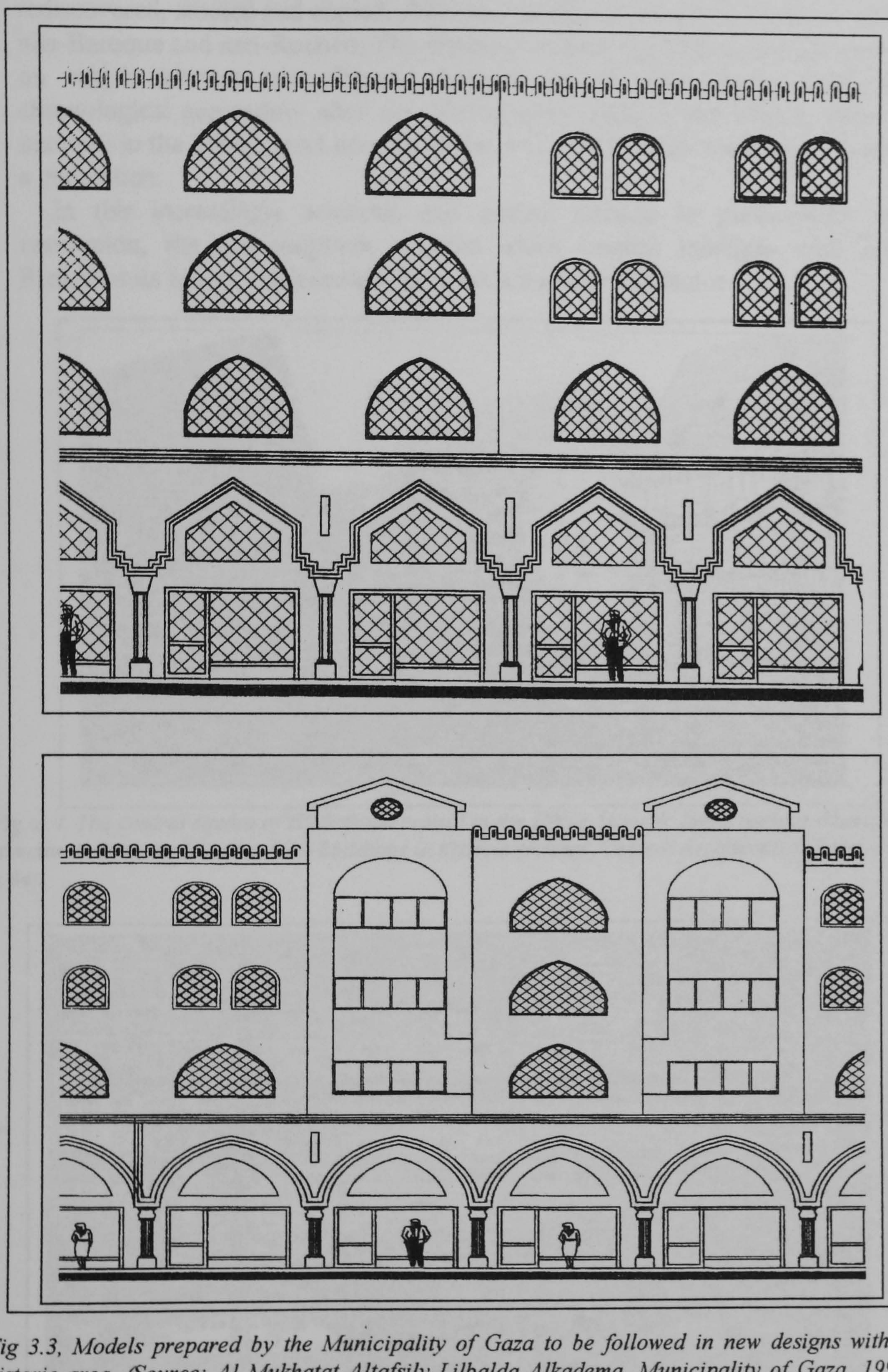


Fig 3.3, Models prepared by the Municipality of Gaza to be followed in new designs within the historic area. (Source: Al Mukhatat Altafsily Lilbalda Alkadema, Municipality of Gaza, 1996, pp 38,40).

Comment: The proposed models do not belong to particular architectural or historic style but rather different elements composed together.

From the end of the 18th century, past periods and styles began to be rediscovered, studied and copied. After neo-Gothic came neo-Renaissance, then neo-Baroque and neo-Rococo. The distance between the present and the period on which interest was focused became shorter and shorter until the chronological gap today- after neo-Victorianism began in the 1950's, neo-Art nouveau in the 1960's, and neo-Art Deco in the 1970's -has dwindled to barely a generation.

In this increasingly scientific and critical attitude to preservation and restoration, the non-pragmatic attitude which English thinking- with John Ruskin as its head - represented, has been a fundamental factor.[11]

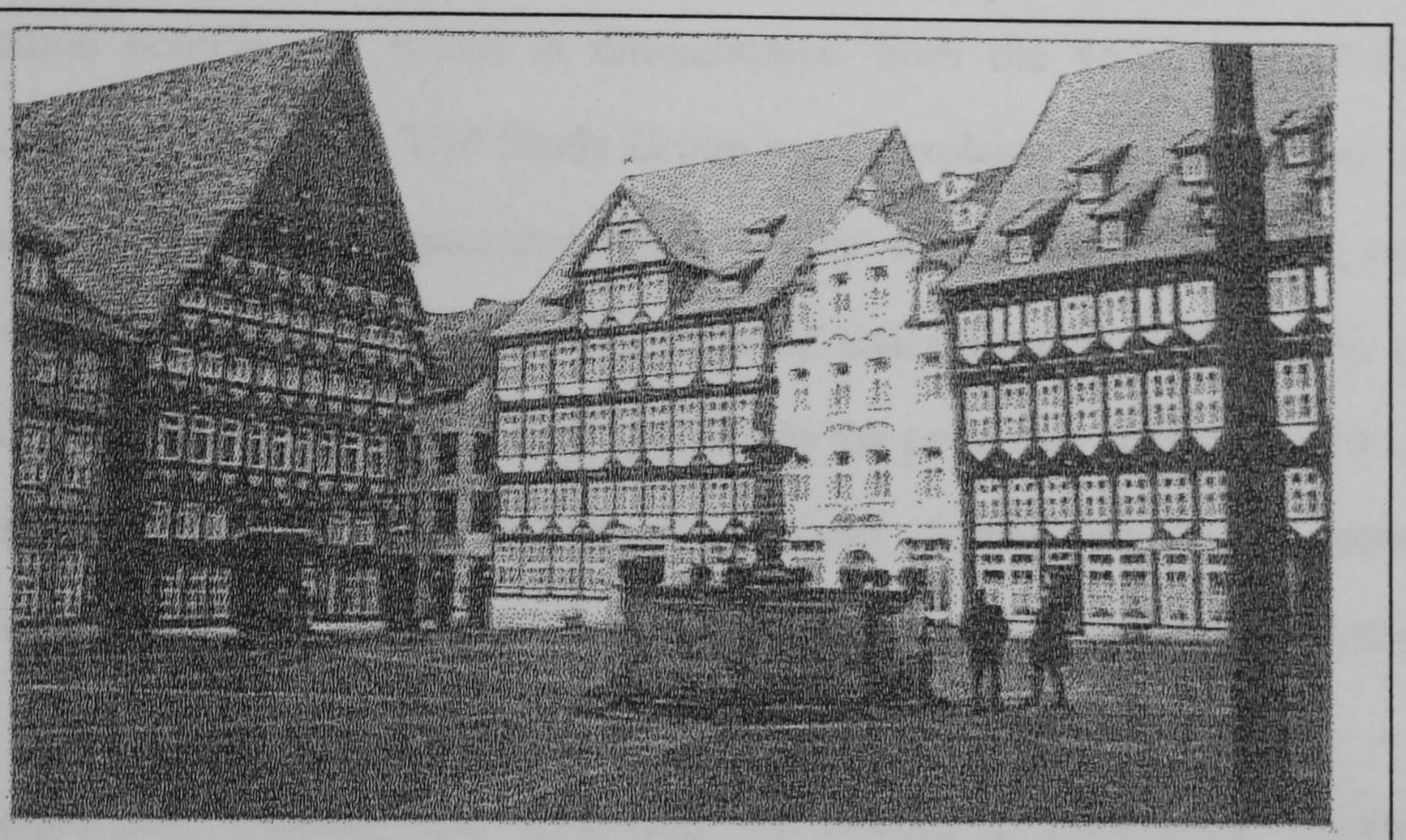


Fig. 3.4, The central square of Hildesheim rebuilt in the 1980s. Historic forms replace destroyed structures (Source: Context: New buildings in historic settings, Oxford: Architectural Press, 1998, p.44).

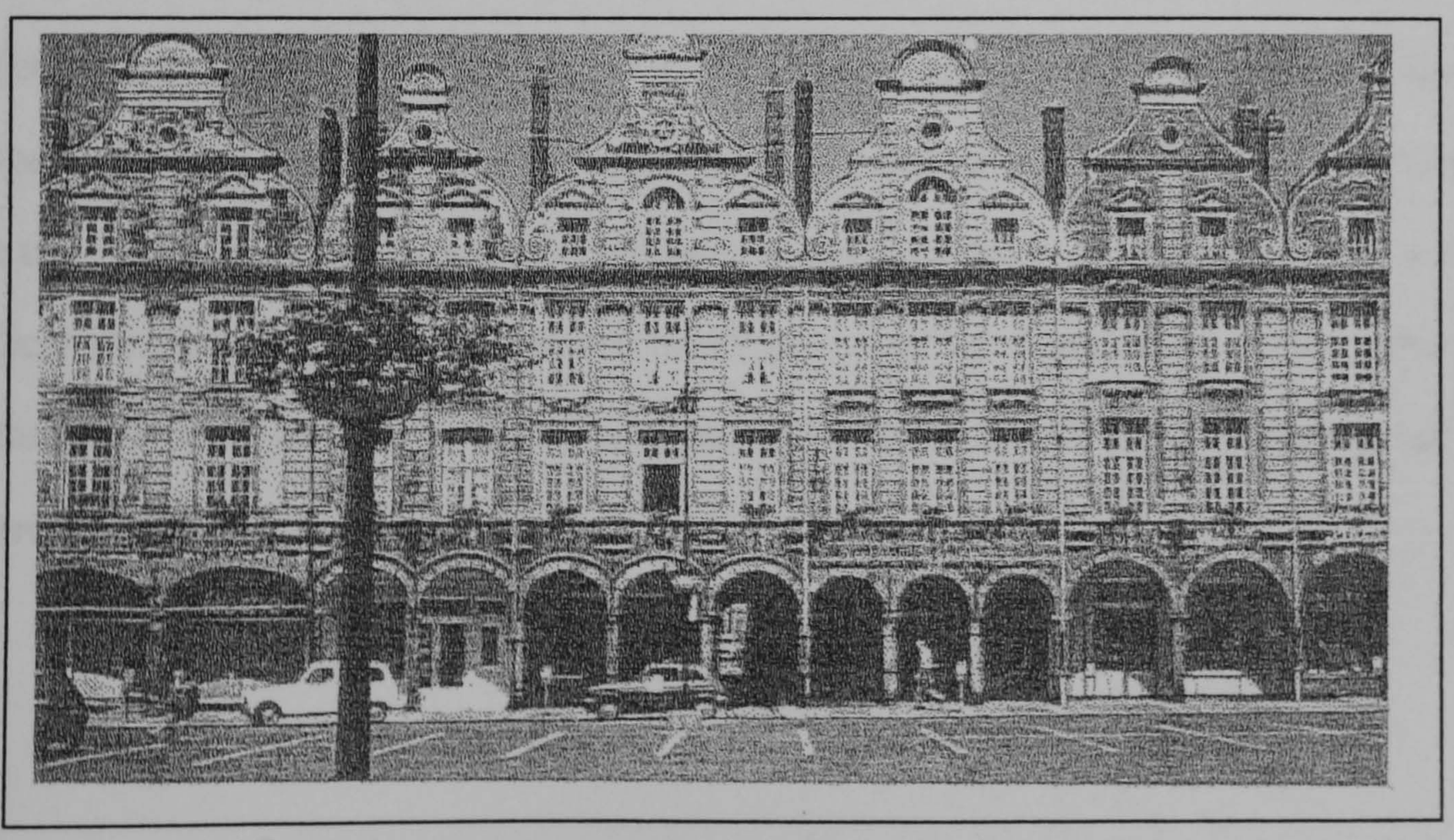


Fig. 3.5, The renaissance square in Arras, France, rebuilt after destruction in the First World War as an effort to rebuild destroyed areas in old forms. (Source: Context: New buildings in historic settings, Oxford: Architectural Press, 1998, p.42).

The second trend of the new buildings built in historic areas is the design of **new architecture that contrasts with the old**. The demolition of the damaged buildings and their replacement by entirely new structures based on new architectural morphology is practised in some historic areas. This occurs either to use the contemporary materials and construction techniques or new functions or because the livelihood of the historic building is to be conserved by the contrast of the new architectural contribution which is differentiated from the vocabulary of historic architecture (Fig. 3.6). The TSP Study Group report explains how Winchester shows examples of all three principles and how the city council have pursued a catholic policy, which has permitted a fairly wide range of styles from the traditional to wholly modern. The report adds: "This brings us back to the point that change cannot wholly be resisted, and may even sometimes be welcome. A new use cannot necessarily always be found for an out-dated building, and not in every case can preservation for its own sake alone be justified."[11].

Papageorgiou explains the advantage of having a contrasting architecture morphology. He says that this contrast is not visually offensive, on the contrary, it has very positive psychological effects because it enables the viewer to compare the artistic achievements of different epochs[12]. He also stresses that the designers should respect the scale of the urban setting and the height of the buildings. Others defend the use of mirror glass as a way of reflecting old images on a new material in a most radical intervention towards historic buildings. A good example of a new structure contrasting with the old is the new glass pyramid surrounded by the wings of the Louver in Paris (Fig.3.7).

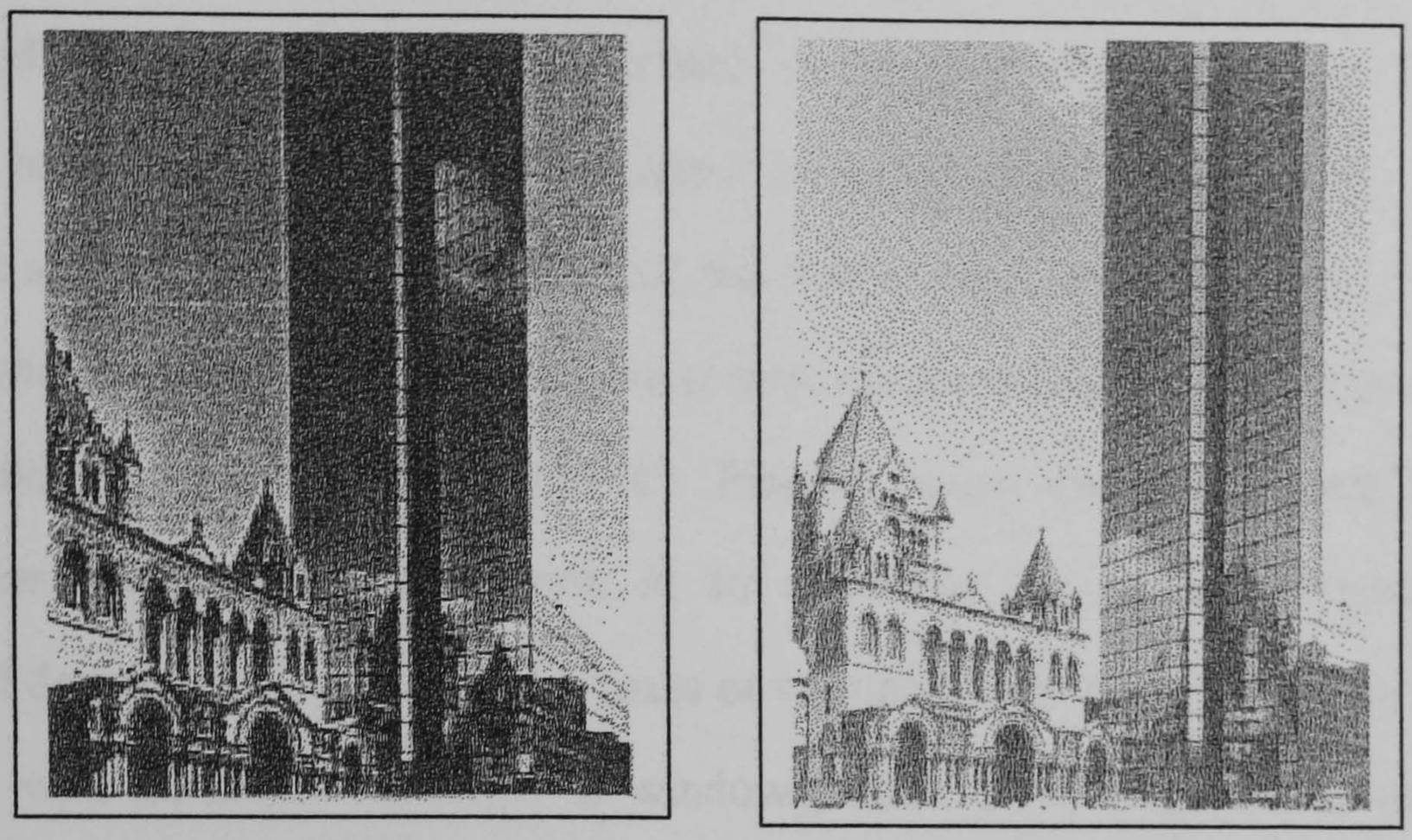


Fig. 3.6, Hancock Tower, Boston; I.M. Pei Assocs. (1973). A new architecture contrast to the surrounding old. (Source: Architecture in Context: fitting new buildings with old, New York: Nostrand Reinhold Company, 1980, p.135).

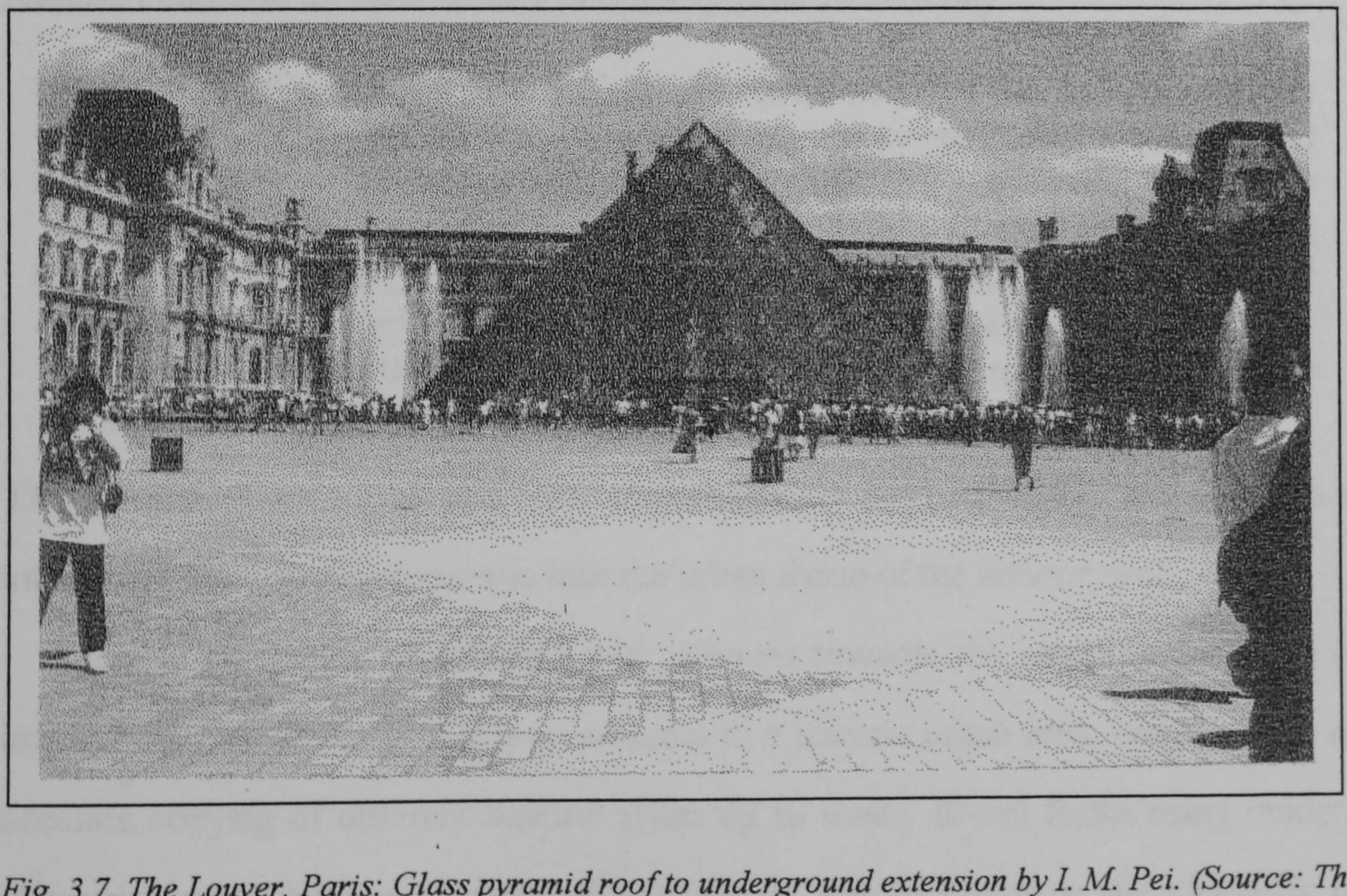


Fig. 3.7, The Louver, Paris: Glass pyramid roof to underground extension by I. M. Pei. (Source: The author, 1995).

The third trend in architectural design tries to make a compromise where the picturesque values and the **character of the historic urban area are to be conserved**. As any strange element added to the picture will damage it, in this concept, harmony is a very important aspect of conservation. This does not mean to forbid all new architecture but rather that the new architecture should be in the same spirit as the traditional buildings. This most appropriate attitude raises the question of how could this 'harmony' be achieved?. Pickard points out what Local Planning Authorities (LPAs) suggest to look at to determine the appropriateness of the proposed development: "The overall mass or volume of a proposed building; its scale and size with particular reference to windows, door, floor heights, and units; and whether it will be harmonious or complementary to its context in terms of neighbouring buildings, materials and its visual impact on the townscape or street scene."[13]. In terms of the question of how new buildings fit into existing historic pattern, Feilden adds some factors in order to achieve harmony:

> The design of new building to fit into the environment of the historic centre is an art requiring respect for existing street lines, a sympathetic silhouette and suitable massing . Large masses must be broken down and local volumetric values respected. There must also be suitable elevational treatment with harmonious materials, a typical window to wall ratio and sufficient architectural interest given by relief ornament or plastic treatment. Logically, new buildings, where necessary for the urban texture, should be designed to meet the demands of any new uses that have been identified.[14]

Those pre-mentioned tools and other secondary ones like colours are very effective in integrating the new developments into the urban tissue of the historic area.

There is a diversity of concepts and attitudes towards the aesthetic problems of introducing new buildings inside or adjacent to a historic urban area, ranging from an accurate copying of different historic styles up to totally liberal forms using modern materials and techniques. Despite this diversity, and to conserve the character of historic areas, the designs of new developments should respect the scale of the urban setting and the silhouette of the buildings, their proportion and layout to conform to

the general scale of the historic area. The integration of these new structures into the traditional urban setting should be ensured.

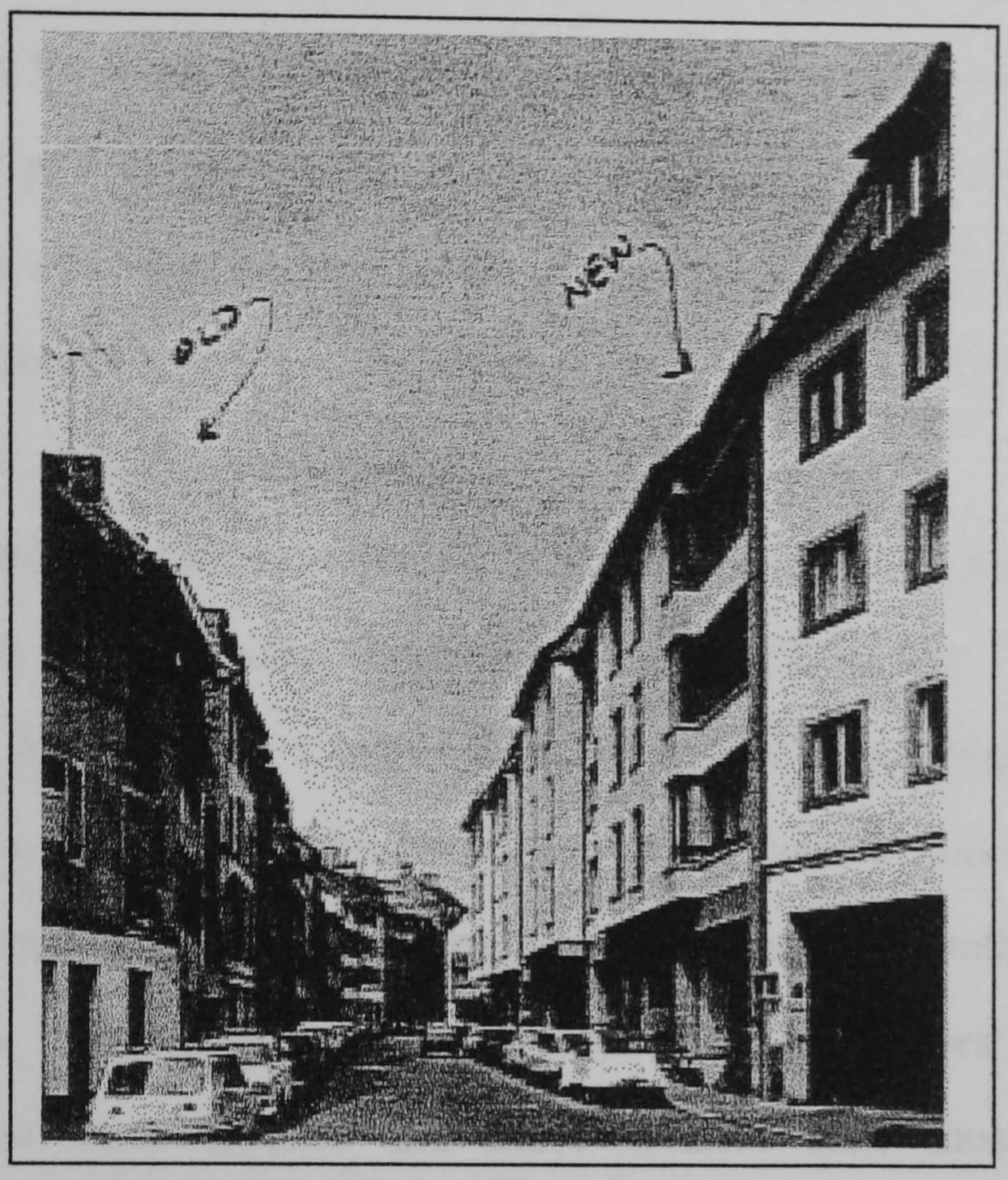


Fig. 3.8, New and old apartment houses, Strasbourg, France. An example of homogeneous architecture. (Source: Architecture in Context: fitting new buildings with old, New York: Nostrand Reinhold Company, 1980, p.104).

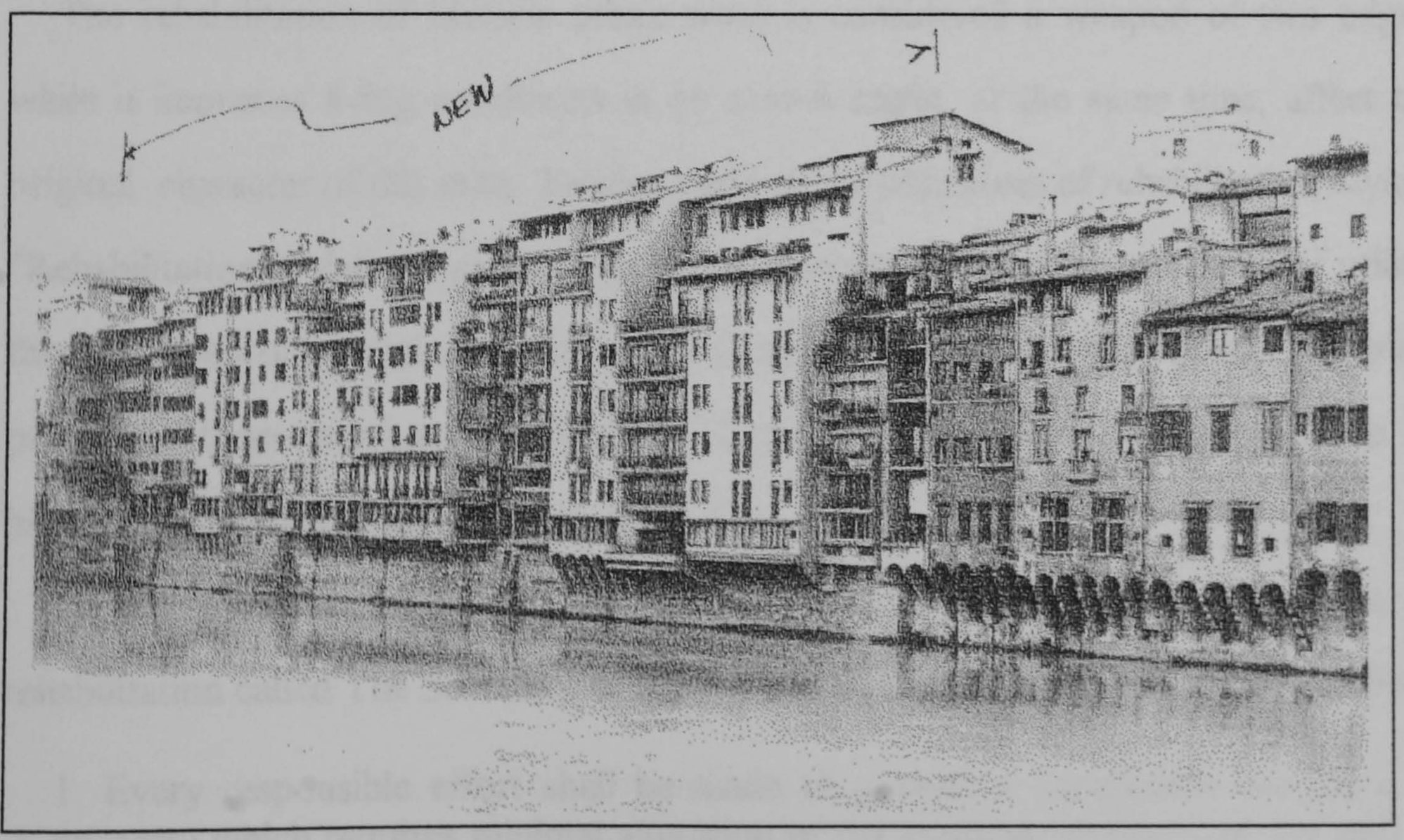


Fig. 3.9, Houses near the Ponte Vecchio, Florence. An example of new architecture homogeneous with the old. (Source: Architecture in Context: fitting new buildings with old, New York: Nostrand Reinhold Company, 1980, p.103).

3.3 - URBAN REHABILITATION

The conservation of buildings and monuments has been practised through a long history to protect the town, its form, site and sometimes its function. Urban renewal is a much younger phenomenon in which the urban area is renewed to create optimal living conditions according to the contemporary standards in old towns and urban sectors. It includes the renovation of buildings, the adaptation of new sewage, water, electricity, roads... etc. in the urban area.

A further phase of urban development has been introduced in recent years that is characterised by its flexibility, continuity and mobility that is called 'urban rehabilitation' . As such it is a highly complex discipline of town-planning that is concerned with a wide range of problems. The urban rehabilitation of historic areas deals with the intervention into existing spatial compositions rather than creating completely new developments. The methods and techniques used in urban rehabilitation are more flexible and more creative than those used in new developments, the conservation of monuments, or in urban renewal because it is more comprehensive in terms of objectives or applications.

The rehabilitation of historic urban areas is considered a weapon of two edges; while it improves living conditions in an area it might, at the same time, affect the original character of this area. Feilden explains the objectives of rehabilitation saying: "Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."[15] .

In this place it would be valuable to mention the American experience of rehabilitation called The Secretary of the Interior 'Standards for Historic Preservation':

1. Every responsible effort shall be made to provide a compatible use for a property which requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognised as products of their own time. Alterations that has no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognised and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterise a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, colour, texture, and other visual qualities. Replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, colour, material, and character of the property, neighbourhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.[16]

The American standards for 'rehabilitation' are considered a general regulation that gives flexibility and mobility to urban development. Within these standards many vague definitions emerge, for example, the original quality and character of the building is not defined. Also, the interpretation of the standards may differ between different reviewing officers, as there is a lack of clear guidance in some subjects. Although these standards are accompanied by guidance explaining in detail different issues, others are not mentioned which makes it difficult for architects and owners to follow. The term 'conservation' in Britain, that is used instead of 'preservation' in the United States, is associated with the desire to keep things as they are, to preserve as if

in aspic. At its most modest level, conservation involves the replacement of some existing materials and the introduction of new systems for rehabilitation in a very tight restriction. Those restrictions come through a general guidance[17] in which the most important sections are the Technical Appendices. They deal in detail with the way in which buildings may be treated and they are the equivalent of the American Standards. In the British guidance and the American Standards there are no general standards that apply to all historic buildings, the form taken by this technical guidance is to deal with a number of features of buildings, walls, windows, etc. and their treatment.

Consequently, one of the most important concerns of urban rehabilitation is the conflict between two aspects. The first is that rehabilitation seeks to introduce some changes, as may be necessary, to extend the useful life of the existing building. The second aspect is that the introduction of changes may conflict with the conservation of historic character. Fitch lists the considerations of any rehabilitation program as follows: "microclimatic response; structural stability; sanitary levels; historic and artistic significance. No truly effective rehabilitation program can be evolved without due consideration of all four."[18].

There are many historic area rehabilitation programmes implemented in different places around the world. A distinguished example is the rehabilitation of Bergamo, Italy. The rehabilitation scheme of Bergamo included the preservation of old buildings, pedestrianisation of most of the roads, demolition of deteriorated buildings for the introduction of sun and open spaces, enhancement of the townscape and streetscape and others. Everything is real without any falsification. The historical values are preserved, change of use has been introduced and the town became one of the finest for tourists to visit and shop. The following are the most distinguished features in the rehabilitation of Bergamo:

- Conservation of original street alignment. Major accesses are extended and connected together by opening the ground floor of some buildings (Fig. 3.10).

- Traffic control and pedestrianisation of many major roads within the city centre.
- Ground floors along major roads are turned into new uses such as tourist shops, restaurants, coffee shops...etc.
- Provision of required services such as electricity, lighting, telephones ...etc.
- Preservation of historic buildings by doing required maintenance works and inserting required facilities.
- Enhancement schemes for some buildings, squares, streetscape and others (Fig. 3.11).

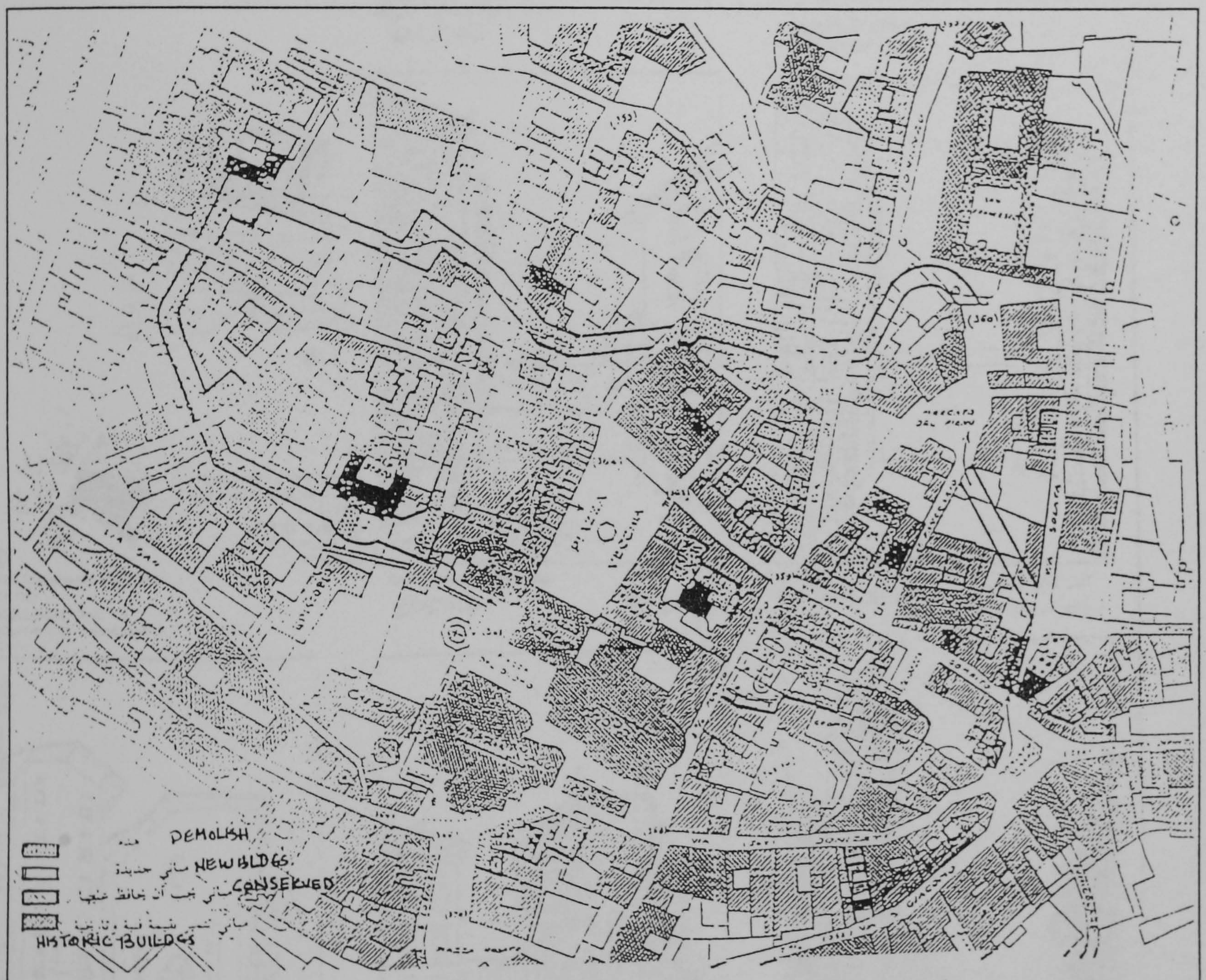


Fig. 3.10, Plan for the central area of Bergamo, Italy. (Source: Boatti G, Enshassi A, Abualhija A, Almughany N, Planning strategy of Gaza City:Hypothesis scheme for the development of the historic area, p. 18).

خطط حفاظ وترميم مدينة BERGAMO

بعض رسومات للمهندس الفرنسي الذي فاز بالجائزة الأولى في عام 1926 للحفاظ وتطوير مدينة بيرجمو .

الرسومات تبين عملية الترميم على المباني (قبل وبعد الترميم).

يلاحظ بأن المخطط لا يهتم كثيرا بالحفاظ على الصورة الأصلية للمبنى، وإنما يحاول تطويره بطريقة تقليدية مختلفة.

يلاحظ ايضا بأنه يركز على ابراز المباني التاريخية لرؤية المناظر وذلك بهدم المباني التي تحجب مسار هذه الرؤيا (كما يظهر في الصورة التي تقع في الوسط).

من الجدير بالذكر بأن مخطط ANGELINI فاز بالدرجة الثانية في المسابقة، وبالرغم من ذلك قرر المجلس الأعلى الإيطالي باعطائه مسؤولية مخطط وتطوير المدينة.

وهذا ما جرى فعلا حيث أن ANGELINI اتبع أسلوب يحافظ بشكل شبه كلي على المباني ولم يقترح تغييرات تنقل من مظهر المبنى الأصلي.

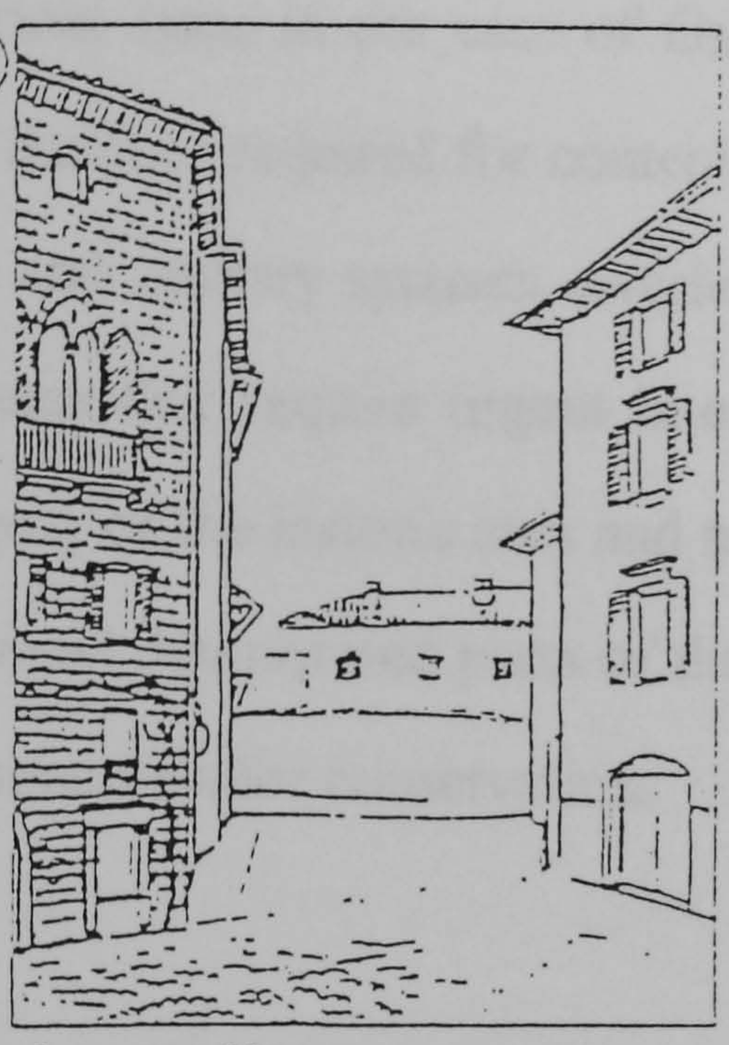


Piazza Mercato delle scarpe
EXISTING
الوضع الحالي

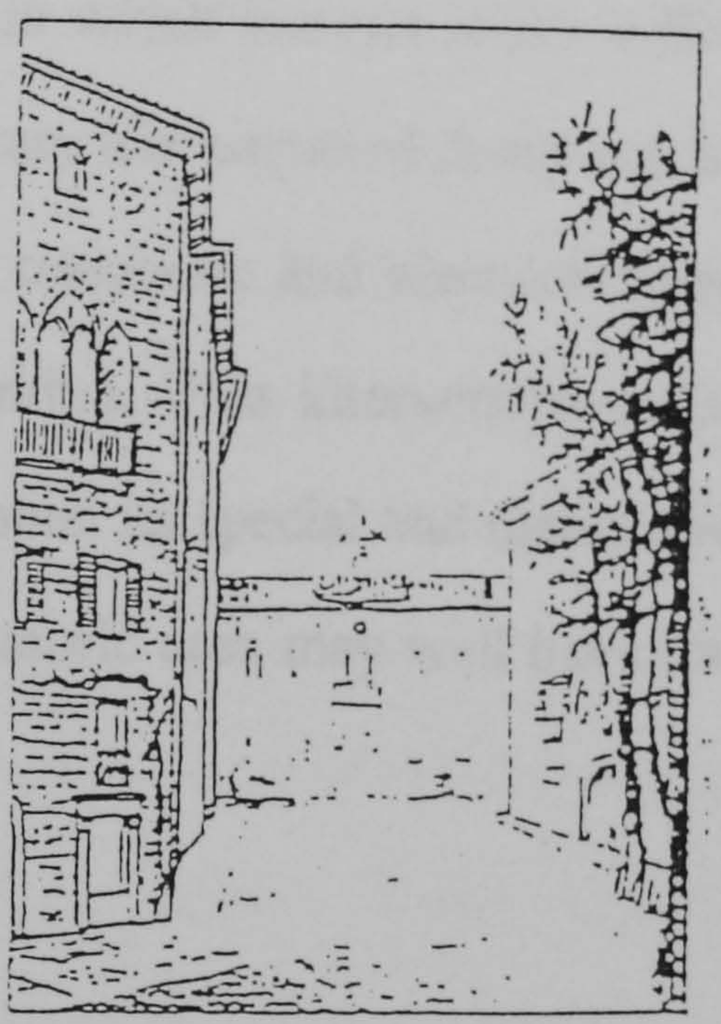


REHABILITATION PROPOSAL
كيف يمكن أن يصبح

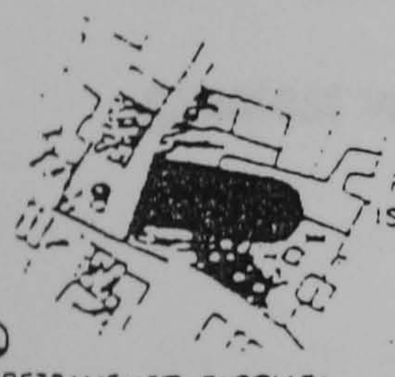




Ex convento di S.Francesco
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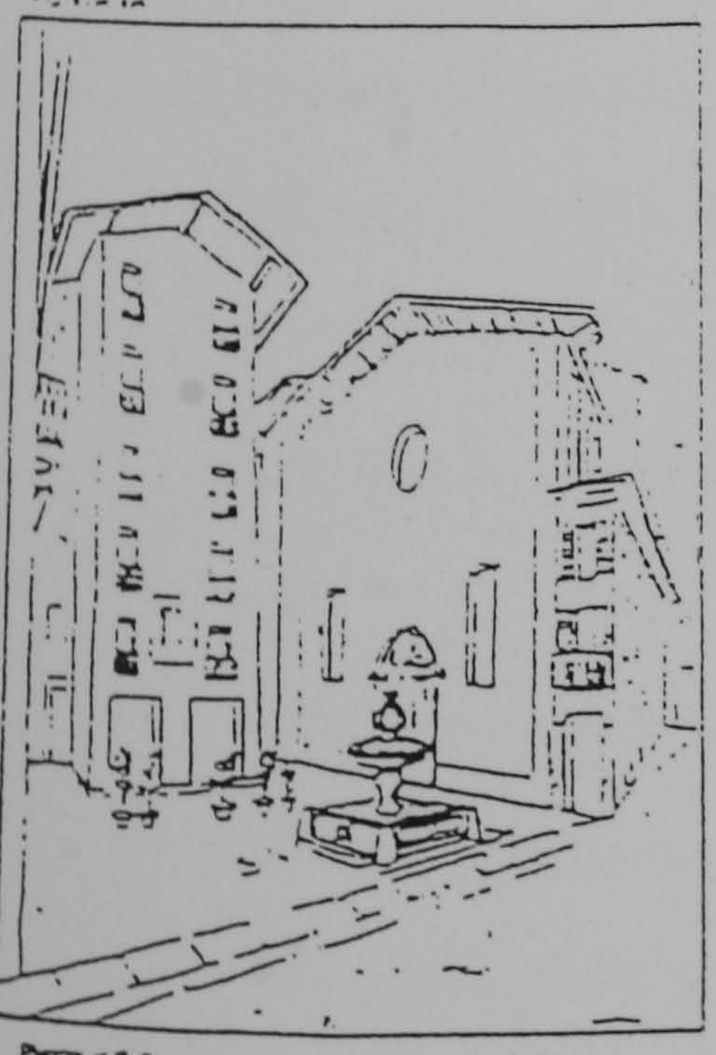


REH. PROPOSAL
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FORMAZIONE PIAZZETTA
ISOLAMENTO MONUMENTI
STERRI
EDIFICI PUBBLICI
VERDE PUBBLICO
FONTANA

ARRETRAMENTO FACCIATA
PORTICI
RICOLLOCAZIONE
ISOLAMENTO MONUMENTI
FONTANA



Piazza S.Pancrazio
EXISTING
الوضع الحالي



REHABILITATION PROPOSAL
كيف يمكن أن يصبح



Nuova Piazza di San Pancrazio

Fig. 3.11, Some development proposals laid in the competition winner project, Bergamo . (Source: Boatti G., Enshassi A., Abualhija A., Almughany N., Planning strategy of Gaza City:Hypothesis scheme for the development of the historic area, p.19).

The rehabilitation of urban areas includes two processes that should be complementary. The first is the process of development which is essential to keep historic area alive and to create an economic background for the preservation of the environment and networks of required services. The second is the process of removal of unsuitable later extensions or buildings that detract from the original urban design or which block the view of important monuments or presently harm the character of the area in order to restore the light and air and reduce overcrowding.

This is a very important issue in the case of Gaza in which historic areas suffer from a lack of different facilities required for contemporary life: unpaved dusty roads, inefficient water supply and sanitary systems, overhead telephone and electrical lines and other neglected issues that require urgent intervention. This intervention must always respect the integrity of the historic area and maintain its special and distinctive character. Some of the most deteriorated parts of the historic area may well have the greatest value offering potentials for conservation.

3.4- THE REGENERATION OF HISTORIC URBAN AREAS:

The words "rehabilitation" and "regeneration" have the same meaning in conservation texts. In some cases, these words are used to distinguish different area conservation attitudes. In this text, the regeneration of historic areas will be used as a wider concept than rehabilitation because it encompasses the possibility for the introduction of social facilities required for both local people and tourists.

Historic urban areas contain residential, cultural, commercial, tourist and artistic activities. Therefore, providing the needs of their present population and the social classes that have to be attracted back into them is a necessary condition of their survival.

A group of demographic features, such as the advanced age and the poverty of the inhabitants, generally characterise historic areas. The relatively wealthy middle classes are gradually leaving the old districts with the result that they fall into an ever-greater decline. This process of decentralisation has been made possible by the technological development of a whole succession of transportation forms. These shifting populations have left the historic urban areas changed both physically and socially.

The French system for conservation and revitalisation of historic urban areas is a distinguished practice that integrates the past with the future. This was achieved by believing that historic areas must no longer be thought of as decaying areas of the town but as living elements endowed with aesthetic, economic and social functions according to their character. The pre-eminent French example is the *Marais* district of Paris.

Thus, the regeneration and revitalisation of historic urban areas involve meeting simultaneously two quite different sets of requirements: The first is the conservation of the physical fabric of the area as discussed earlier, and the second is the protection of the interests of the population. "Plans to raise the environmental quality of central-city districts must therefore manipulate not merely meteorological, geographic, and

botanical factors but social and cultural, physiological and psychological factors as well." says Fitch[19].

This strategy, however, could be conducted through a different process. One of them is that the conservation program and its new uses must necessarily contribute to the economic and social integration of the historic area of the city. It is not reasonable to conserve and restore such areas for the interest of tourists and art lovers alone. Sorlin supports that by saying: " Effective preservation cannot take place without revitalisation, which implies that the historic core acquires some new role in the life of the city." [20]. Cultural and social amenities are directed to serve the inhabitants of the area besides its tourist possibilities. The industry and job opportunities should be appropriate and oriented towards the people of the area.

The third requirement that the regeneration of historic areas might involve is that the strategy should aim to revive handicrafts: craftsmanship, craft skills and human labour are to be conserved or revived as they disappeared due to rapid industrialisation. The revival of craft skills helps in maintaining the character of the area, in tourist attraction and in developing the economic and social conditions by providing job opportunities to the residents.

3.5- SUMMARY:

Conservation is still torn between the monumentalists; those who believe that a specific number of buildings or artefacts on a particular list are the only ones that are important and worth preserving (the visual tendency); those who are concerned with appearances, particularly streetscapes, street perspectives and attractive interiors, and eventually, those who see **conservation as an attitude for controlled change that seeks to make the most effective use of the resources.**

The historic urban areas are selected according to specific criteria based on a comprehensive character appraisal. Following designation, those areas should be handled as a valuable artefact and all efforts should be made to preserve their character through the entire urban tissue.

The problem of legislation in Britain is that it provides at once too much and too little protection for conservation areas. Too much protection as more and more land is being designated, with emphasis being less on defining ' special interest' and more on ' the familiar local scene'. As power is given to local planning authorities with limited financial and staff resources it is difficult for local authorities to work towards protecting the whole of their conservation areas.

The conservation of historic areas includes a sequence of steps. The first is to designate areas of special historic interest as "conservation areas". The second is to establish regulations and development plans for designated conservation areas. These plans depend on the conditions of each area whether cultural, social, economic or physical conditions. There are different attitudes for the conservation of historic areas that might be included in the plans and regulations. The most important principles of area conservation are the enhancement of the character of historic areas, traffic control, reduction of urban density, historic buildings preservation, new buildings regulations, rehabilitation and regeneration of historic areas.

Yet confusions remain abundant of how to identify the areas' 'character' or 'appearance'. In Gaza little clusters keep their original 'character'. These areas are inhabited and many activities take place: residential, handicrafts, commerce, and others. Besides housing and economic activity, these areas contain social activities integrated into the built environment. As they lack social amenities and suitable infrastructure, a comprehensive regeneration is required. Legislation should protect those areas from further demolition or neglect and establish a definition for the 'character of the conservation areas in Gaza'. Afterwards, an enhancement strategy is required compatible with change, renovation and particularly by directing new life into old areas. This strategy develops the social and physical possibilities of the residents themselves, develops the economic potential through tourism and job opportunities and develops the visual and cultural concerns of the town or country in which it is allocated. Within this framework conservation and redevelopment can be seen as aspects of the same process.

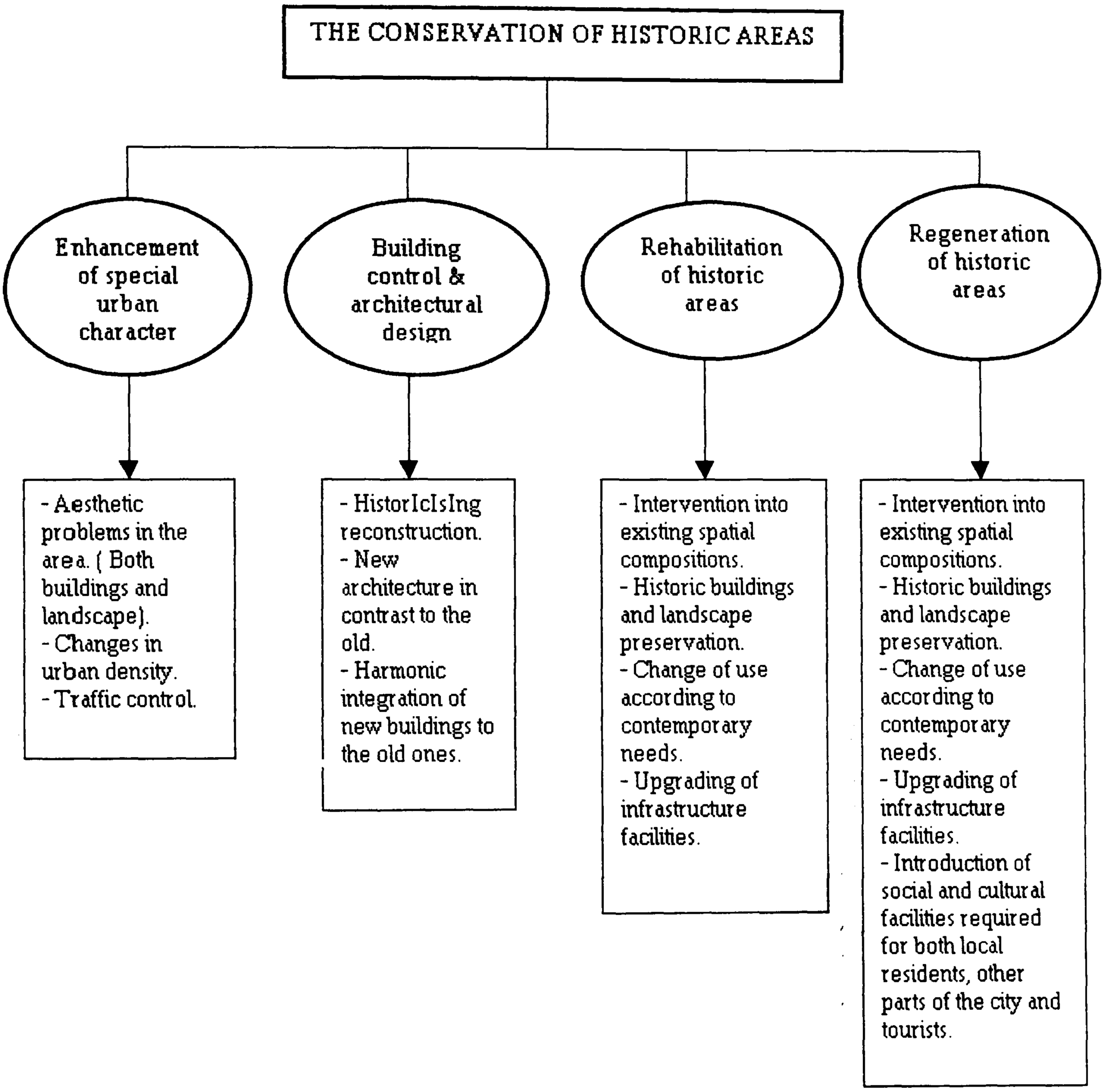


Diagram 3.1, Attitudes of historic area conservation. (Source: The author).

Footnotes:

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17- Department of the Environment (DOE) and Department of National Heritage (DNH), Planning Policy Guidance: Historic Buildings and Conservation Areas (PPG 15, Consultation Draft), London: DOE and DNH, 1993 .

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CHAPTER 4

RESEARCH DESIGN AND METHODOLOGY

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RESEARCH DESIGN AND METHODOLOGY

4.1. INTRODUCTION

The previous study has focused on different aspects and components of conservation strategies and on the theories, attitudes and philosophies concerned in relation to different legislative aspects of conservation. Throughout the study, three main headings have emerged as identifiable elements for any conservation legislative strategy: motivation- why conserve?, buildings or areas- what to conserve?, and manner- how should it be done?.

Approaches to answer these questions suggest that there is no standard formula for successful conservation. This is because conservation policies and strategies are governed by different variables, whether cultural, socio-economic, physical, historical, legal or others. All these variables are influenced by the local and the particular. Accordingly, no two places are likely to set out their strategies in the same way.

Consequently, this research would be testing hypothetical issues that are made from groups of variables related to the conservation of the historic buildings and urban areas in Gaza. This research will be based on a sequence of arguments where logical thought processes and factual evidence are used in answering relevant research issues. These issues emerge from a clear articulation and goal and are guided by a hypothetical construct. This process, however, requires a special design and methodology that will be the concern of this chapter.

4.2. THE STATEMENT OF THE RESEARCH PROBLEM

This research proposes to analyse the legislative and institutional systems in Gaza to identify the most appropriate legislative and administrative frameworks for a conservation strategy to save historic buildings and areas.

This research problem establishes two groups of components. The first is to identify the legislative system and conservation legislation existing in Gaza. This also includes the evaluation of these systems to find out the deficits in legislation and legislative system that obstruct the establishment of a conservation strategy. The second component of the research problem is the analysis of the role of existing institutions which would deal with such aspects. An integral study of these two components will reveal the most appropriate way to fulfil the research goal.

The main problem of the research could be broken down into smaller, discrete and successive units that are easier to handle. Every unit constitutes a logical sub-area of the larger research undertaking. So, the achievements of the units, taken together combine to resolve the major research problem as follows:

4.2.1. The First Sub-problem:

The first sub-problem is to analyse the legislative system and conservation related-legislation in Gaza in order to identify the conservation legislative framework appropriate to the conservation of historic buildings and areas in Gaza.

This sub-problem contains two related components, both identifications of the existing legislative system and existing conservation legislation. A conservation strategy for Gaza should be committed to establishing both cultural and socio-economic prosperity as historic buildings and areas are one of the few resources of the city. Accordingly, many aspects are integrated with such a strategy, which are out of the research scope. Besides it would be impossible, given the existing situation, to

apply all of them in order to initiate a conservation strategy. Therefore, the identification of the weaknesses of legislation that hinder the establishment of a conservation strategy is a priority to help save historic buildings and areas. In addition, the establishment of an appropriate conservation legislative framework within an existing legislative system is another problem to be addressed.

4.2.2. The Second Sub-problem:

The second sub-problem is to analyse the existing related institutions' capacities and evaluate their ability to implement a conservation strategy in order to identify the legal administrative framework appropriate to guide the conservation initiatives in Gaza.

This sub-problem includes the analysis of the possibilities of the existing institutions to administer a conservation strategy. Are there enough institutions or is there a need for more specialised ones? Is the staff qualified to understand, process and apply such a work? Finally, are there appropriate equipment and facilities required to manage the work available? The establishment of a conservation legislative framework within the existing institutional structure in Gaza is a problematic element of the conservation strategy.

4.2.3. The Third Sub-problem:

The third sub-problem is to analyse and interpret the results of the first two sub-problems to find out how can the appropriate conservation legislative and administrative frameworks play a role in the evolution of a conservation strategy to save historic buildings and areas in Gaza.

After identifying the most appropriate legislative framework and the capacity of existing institutions, this sub-problem identifies the best way of applying the legislative framework to save historic buildings and urban areas. Will it be through one or more of the existing institutions or through one or more of new established specialised

institution/s? The combination of these two factors will lead to the proposed comprehensive conservation legislation model which is a major aspect in the evolution of a conservation strategy to save historic buildings and areas in Gaza.

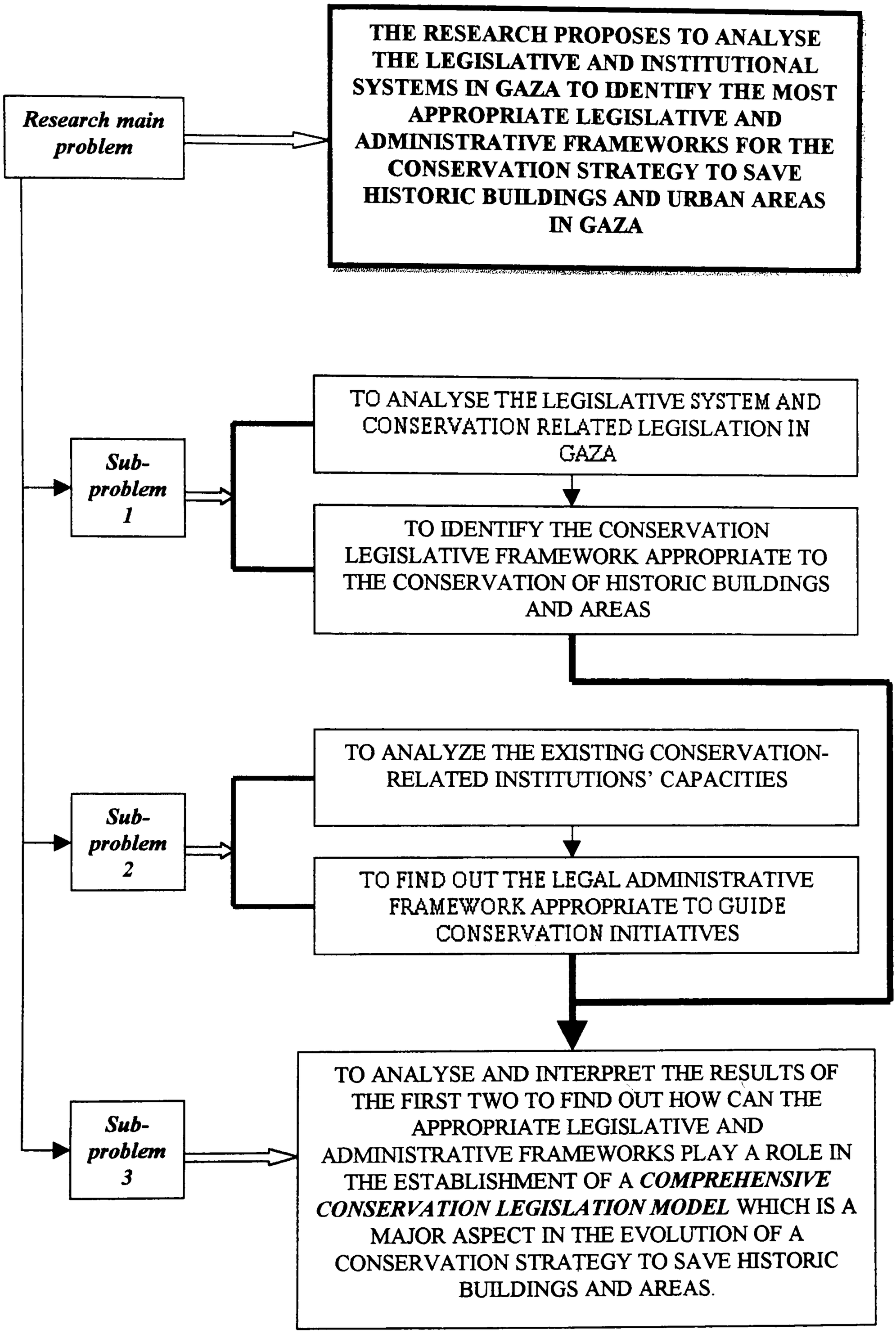


Diagram 4.1, Research problems. (Source: The author).

4.3. THE HYPOTHESIS

Protective and incentive legislation and the legislative framework play a major role in the establishment of an initiative conservation strategy for Gaza. The prevailing deficiencies of related institutions make it best to apply the proposed legislation through a modified local planning system and an authorised specialised institution.

The hypothesis contains a group of related hypotheses. The first is that a comprehensive conservation legislation model plays a major role in the establishment of a conservation strategy for Gaza. In accordance with existing legal, cultural, historic, and socio-economic conditions, legislation should be strongly protective and at the same time a catalyst for socio-economic development.

The second is that existing related institutions in Gaza have an inefficient conservation related capability.

The third hypothesis is that legislation should be properly applied through the local planning system and an authorised specialised institution.

4.4. THE DELIMITATION

The previous analysis of research problems and hypothesis show that the research has specified and determined objectives and goals to make it more confined. Delimitation should be identified as follows:

It is not the purpose of the research to draw a comprehensive conservation strategy for Gaza or to compare its components. A conservation strategy could be made by a conservation administrative framework based on the findings of research on the problematic issues of the establishment of this a strategy. Consequently, this research will define the basic problematic issues of the establishment of a conservation strategy for Gaza. The recognition of the importance of legal aspects to the

conservation strategy for Gaza caused to delimitation of the need to compare the priority of different aspects of the conservation strategy.

It is not the aim of the research to analyse the ability of the institutions in Gaza. The research will include an analysis of the ability of conservation related institutions to take a part in the conservation initiatives. A comprehensive analysis of existing institutions and their duties will not be an aim of the research.

It is not the aim of the research to propose conservation legislation for Gaza but rather to discuss problematic issues of the concerns mentioned. The research will define the conservation legislative and administrative frameworks and the characteristics of the conservation legislation. Conservation legislation could be enacted based on the findings of the research.

4.5 DEFINITION OF TERMS

Appropriate conservation strategy: Appropriate conservation strategy means a policy suitable for the prevailing conditions in Gaza to protect historic buildings and urban areas and to contribute to cultural and socio-economic prosperity.

Gaza: Gaza refers to the city of Gaza, Palestine.

Legislative system: Legislative system is the overall legal system in a country or a region. It includes the system of establishing laws and other regulations, system of judgement and different responsible authorities.

Legislative framework: Legislative framework includes a specific kind of legislation and the way of its integration into existing legislative system.

Administrative framework: Administrative framework is the body responsible to initiate, implement and follow up the conservation strategy. This body is usually authorised by legislation to do its duties. It consists of an institution or institutions with clear distinction of the duties for each party.

Comprehensive conservation legislation model: Comprehensive conservation legislation model means a proposed model for conservation legislation that includes the appropriate administrative framework to take the initiatives of policy making within an appropriate legislative framework. The model will be able to guide conservation strategies to fulfil their aims without gaps either in policy drawing or implementation.

Protective and incentive legislation: Protective and incentive legislation are statutory acts, regulations and codes strong enough to protect historic buildings and areas from demolition and neglect and at the same time flexible to encourage socio-economic prosperity.

Related institutional ability: Related institutional ability refers to conservation administrative and technical capacity of existing institutions that run conservation activities.

Initial approach: Initial approach means the first steps taken to implement a conservation strategy in Gaza.

Historic buildings: Historic buildings include all buildings and monuments which have historic value. At this stage it is not the intention to establish a criterion for selection but rather to recommend that any building prior to 1948 (The end of British Mandate) and buildings built afterwards but of special values are considered historic buildings. An explanation for the criteria is found in chapter 10 (Section 10.4.3.1(B)). Further detailed criteria for assessment is required for every single building which is out of the scope of this research.

Historic urban areas: Historic urban areas refer to parts of the city in which a group of historic buildings and townscape possess a special character regardless size, scale or location. These areas might include non-historic buildings, but the overall character of the area is a historic one. Further detailed criteria for assessment is required for historic areas which is out of the scope of this research. Historic urban areas are usually described after designation as "conservation areas".

4.6. ASSUMPTIONS

Some issues are assumed to be as facts that I have not argued for within the thesis. The "facts" of this research are the need for a conservation strategy for Gaza, the vital importance of legislation to such a strategy, the seniority of the study and the criteria to define historic buildings and areas.

I believe that there is an urgent need for a conservation strategy for Gaza. The aim of this strategy is to protect historic buildings and urban areas and consider them one of the limited resources in which to invest. The fast establishment of a conservation strategy in Gaza will help not only the protection of historic buildings and areas from the threat of demolition, neglect and decay, but also, the contribution to social and economic development.

I also believe that legislation is one of the most important aspects of the conservation strategy. This is because of the recognition of the role of legislation to control other aspects. In the case where there is a continual loss of historic buildings and areas, and where the resources are limited, legislative measures are of vital importance to initiate a conservation strategy.

Other assumptions are that the targeted research objectives and goals are initial ones, since nothing has been done to tackle the problems before. Finally, the criteria to define historic buildings and areas are judged according to the age as defined earlier.

4.7. METHODOLOGY

Because of the absence of local participation in development schemes in the past, there is a lack of local studies and theories providing a basis for research. The available data for the proposed problems are as follows:

-The data needed for the first sub-problem, which is the analysis of the legislative system and conservation related-legislation in Gaza in order to identify the

conservation legislative framework appropriate to the conservation of historic buildings and areas, exist in the archives of the Ministry of Justice and the Syndicate of Lawyers. Both of them are located in Gaza. The data also exist in the responses of specialised lawyers and academics.

- The data needed for the second sub-problem, which is the analysis of the existing related institutions' capacities in order to identify the legal administrative framework appropriate to guide the conservation initiatives in Gaza, are written data. The names of institutions related to conservation and the administrative and technical systems of each one. The evolution of their managerial system and relationships between them. This data can be found in the official archives, publications and records of these institutions. Also part of this data is located in the Ministry of Interior, Department of Personnel, Municipality of Gaza, Ministry of Planning and International Co-operation, Ministry of Local Government, Ministry of Culture and the Ministry of Tourism and Antiquities. All are located in Gaza.

- The data required for the third sub-problem, which is the analysis and interpretation of the first two sub-problems results to find out how can the appropriate conservation legislative and administrative frameworks play a role in the evolution of a conservation strategy to save historic buildings and areas in Gaza, are all treated data developed in previous sub-problems. In addition are the responses of a criterion group located within the population that will called later as "Interviewees".

Consequently, research methodology will be based on a case study method involving:

- Analytical studies for the written archives, records and official data concerning sub-problems.
- Individual and group interviews of conservation related subject's specialists: lawyers, architects, planners, historians, archaeologists, administratives and others. Also, people who play roles in drawing policy for related subjects. Finally interview Palestinian academic and professionals interested in such subjects.

- Comparison study for the experience of countries with related circumstances. Egypt and Saudi Arabia are targeted case studies because of the similarity of social, cultural and legal systems, and because it is possible to get required data. This data is located in the official related institutions in the mentioned countries.
- In the end, the conclusions will be juxtaposed, compared and defined to achieve final conclusions.

4.8. THE RELEVANCE OF THE RESEARCH

The research is intended to help Gaza to initiate a conservation strategy to save historic buildings and areas. At present, as the Palestinian National Authority tries to develop all aspects of Palestinian life: legislation, economy, infrastructure, education, social facilities... etc. and the local authority in Gaza is trying to develop the physical form and the services of the city, it is important that this research put this subject on the agenda.

The research intends also to expand on the existing knowledge in the field by utilising an appropriate conservation legislation model in similar circumstances to Gaza. This tool would be used to save historic buildings and areas, particularly in the case of developing nations after a prolonged occupation or decline.

The research will also provide a reference for finding out the role of conservation legislation in the initiation of architectural and urban conservation strategies. This is especially applicable where there is a continual loss and neglect of historic buildings and areas.

CHAPTER 5

ARCHITECTURE AND URBAN CONSERVATION IN GAZA

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ARCHITECTURE AND URBAN CONSERVATION IN GAZA

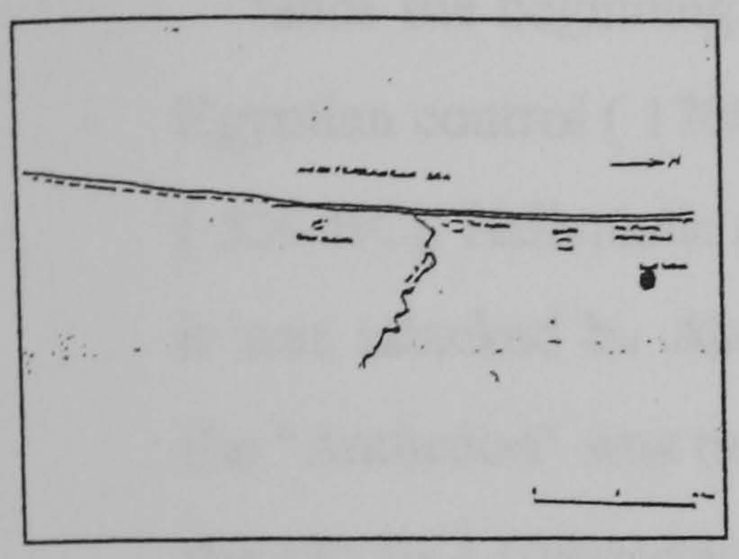
The previous study of the factors affecting architecture and urban conservation in general, with reference to the situation in Palestine, has shown that these factors are varied. The factors include cultural aspects, technical aspects, socio-economic aspects and legal aspects. We have seen a variety of concepts and attitudes towards the conservation of historic buildings and areas. The variation depends upon location, people, culture and other physical, socio-economic and political reasons.

The following part of the study, chapters 5-7, will explain the case study of Gaza, Palestine. They will highlight the current architecture and urban conservation status in Gaza: The legislative framework, conservation legislation, institutional capacity and the administrative framework involved in conservation activities.

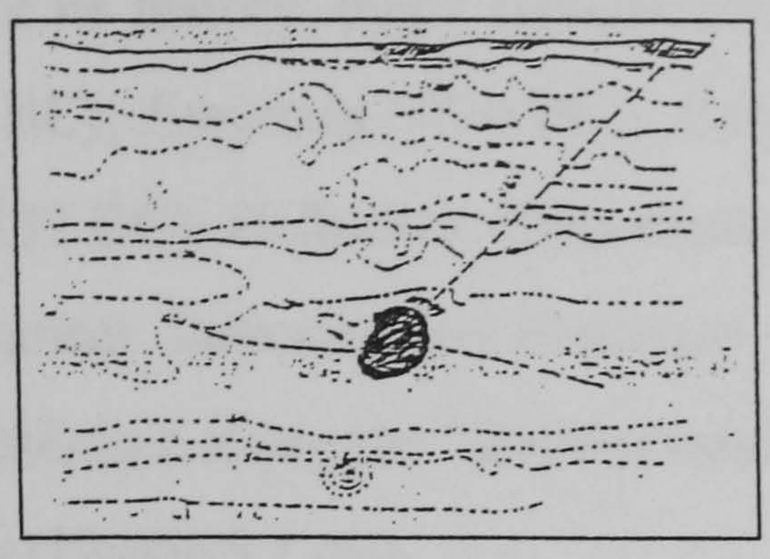
This chapter is the first chapter dealing particularly with the case of Gaza. Therefore, it will include three main topics. The first will be a brief description of the history of the city Gaza, the old town and examples of historic buildings and areas of the city. The second will be about the factors affecting a conservation strategy in Gaza and the third topic will be the conservation legislation which exists in the city. This study aims to analyse the conservation legislation in Gaza and the reasons behind its inability to conserve historic buildings and areas of the city.

5.1. A BRIEF HISTORY OF THE CITY OF GAZA

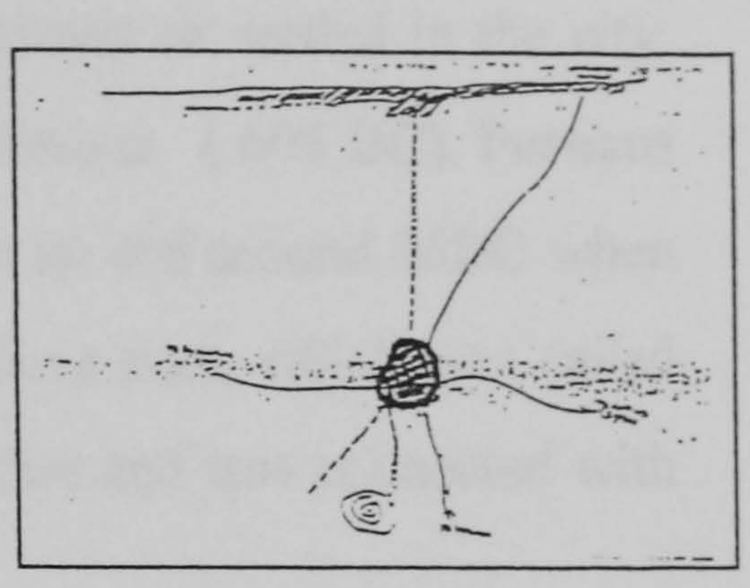
The history of the city of Gaza is long and turbulent as throughout centuries the city has been attacked and destroyed, restored and reconstructed many times. The foundation of the city lies in the distant past. One theory refers its foundation to the Minaeans -Arabic tribe- in the first half of the second millennium BC[1]. Because of its geographical position, the conquest and control of Gaza has always been of crucial importance to every leader in Middle East wars. Consequently, Gaza has been under the rule of different historic civilisations found in the area (Figure 5.1).



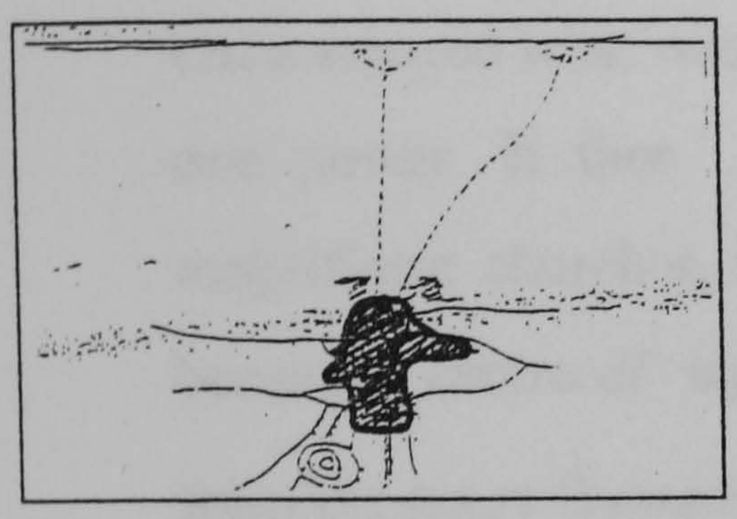
A. Conaaite (3000 BC-1200BC)



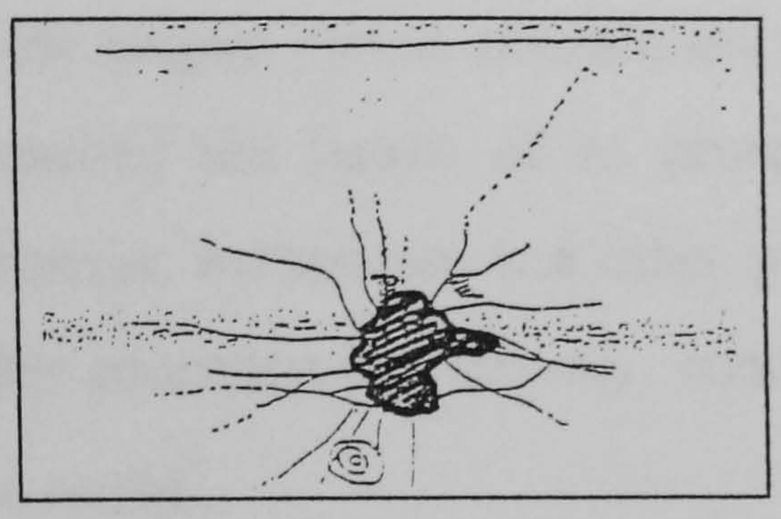
B. Greek (332BC-65BC)



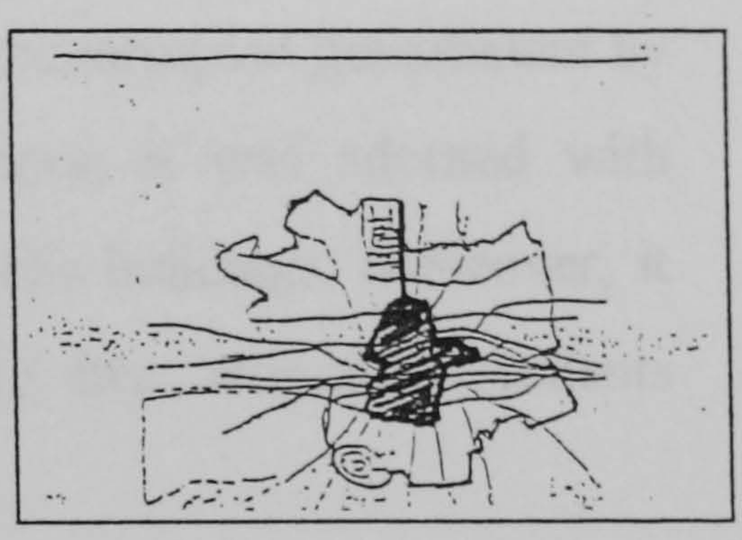
C. LateRoman/Byzantine (65BC-637AC)



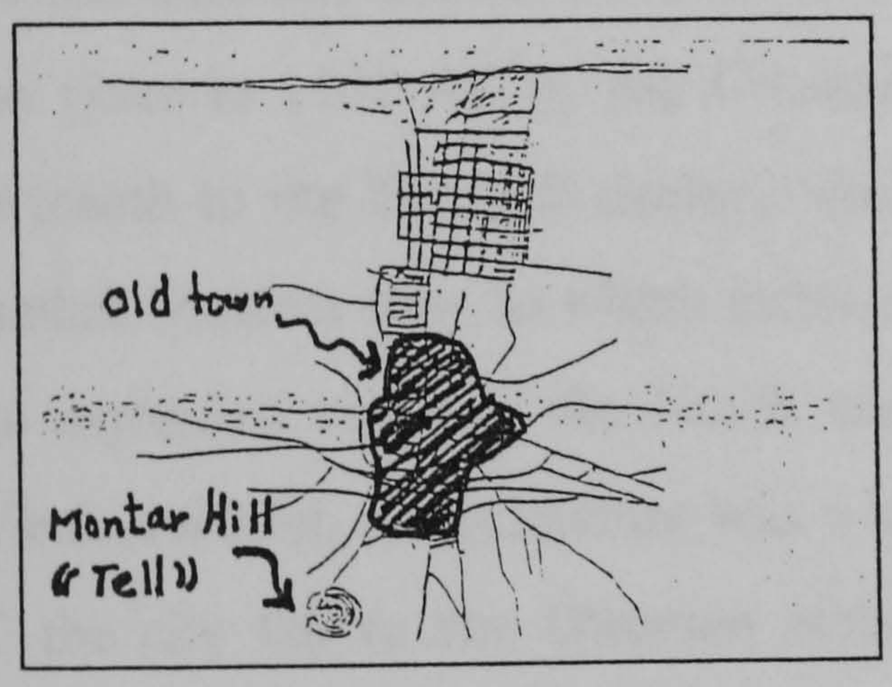
D. Early Islamic (637-1100 AC)



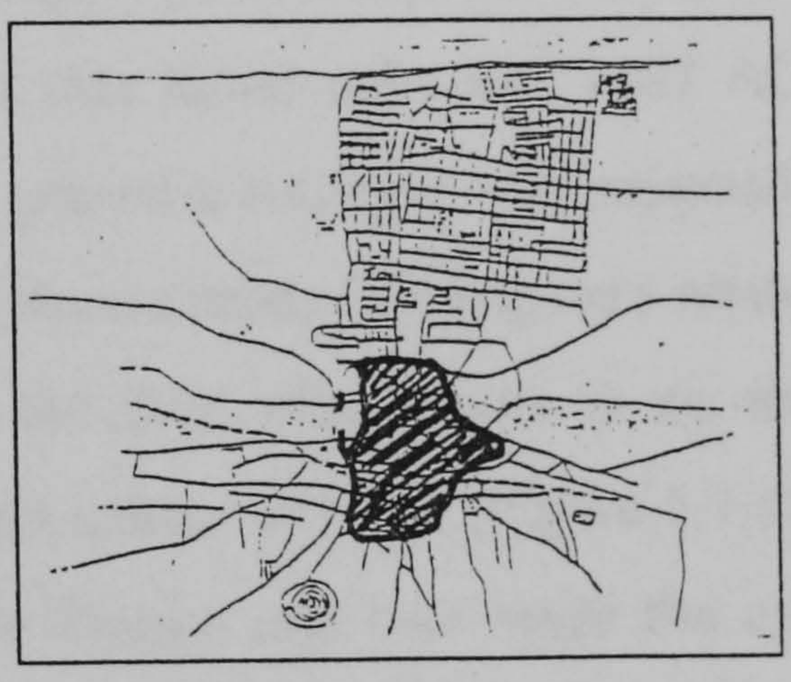
E. Islamic Mamluk (1250-1517AC)



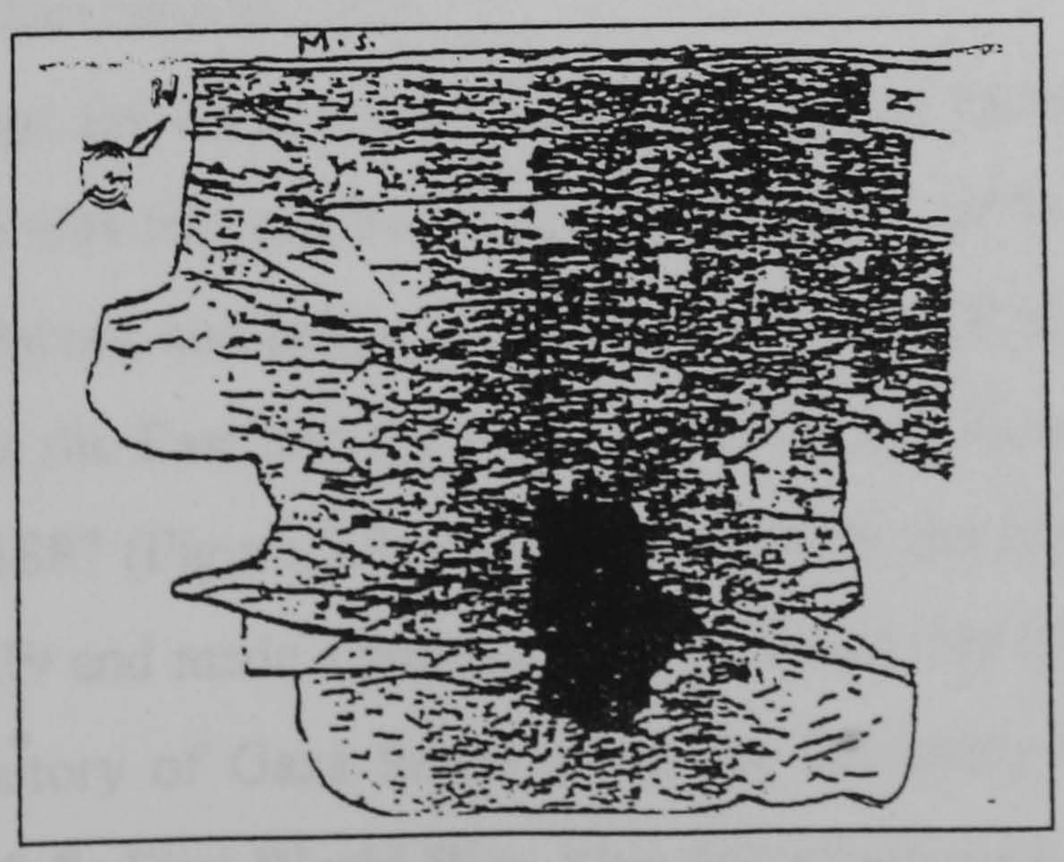
F. Islamic Ottoman (1517-1916AC)



G. British Mandate (1917-1948)



H. Egyptian Administration (1948-1967)



I. Gaza in January 1995 (End of Israeli occupation and the beginning of the Palestinian Authority rule)

Figure 5.1, The evolution of Gaza throughout the ages (Source : Different historic Sources).

Since the beginning of its history, many civilisations passed or settled in the city: Egyptian control (1700 BC), Assyrians (734 BC), Babylonians (603 BC), Persians (539 BC), Hellenistic (332 BC). Hellenistic Gaza came to an end around 96BC when it was attacked by Alexander Jannaeus and destroyed. Gaza port, which was called the "Anthedon" was established along the Mediterranean Sea and was connected with the city by a passageway (Figure 5.1,(B)).

Gaza was revived again by the Romans[2] (Figure 5.1,©). For six hundred years Gaza enjoyed what was the longest period of peace and uninterrupted government by one power. It then reached the height of its prosperity; it was adorned with magnificent churches, theatres, bathhouses and other public buildings. Moreover, it became a centre of higher education and literary culture that attracted students from the entire Byzantine world[3].

In 637 AC Gaza was brought under Islamic rule and it changed hands repeatedly between different Islamic Governments (Figure 5.1,(D,E&F)). A contingent occupation took place in 1100 AC by the Crusaders that lasted only until 1187 AC. From the Thirteenth to the Fifteenth century Gaza played a strategic role, especially under the Mamluk Moslem rule, to which some of the surviving buildings are related. The city was expanded towards the North and the East where there is an abundance of agricultural land, as agriculture was a main source of living (Figure 5.1,(E)). In 1516 AC the city fell to the Ottoman Islamic Empire and was made the capital of the province of Palestine and once again became prosperous. It was under Napoleonic domination for a short time in 1799.

All existing maps for Gaza were laid out during the Ottoman era and later. The oldest known map was laid out by L Aldrich R Eng. in 1841 (Figure 5.2). The map shows the road network and public structures of the city. It also shows the expansion of the city towards the East and the North. Another and more detailed map was laid out by G. Gatt in 1887 (Figure 5.3). Within his visits to the *Holy Land*, David Roberts visited Gaza in 1839 and made a panoramic view of the city (Figure 5.4).

The modern history of Gaza began when the Ottomans were defeated in 1918, towards the end of the First World War. This destroyed great parts of the city. It was

under the British control until 1920 when the United Kingdom was named Mandatory power of the Palestinian Mandate[4]. At that time the city began to expand

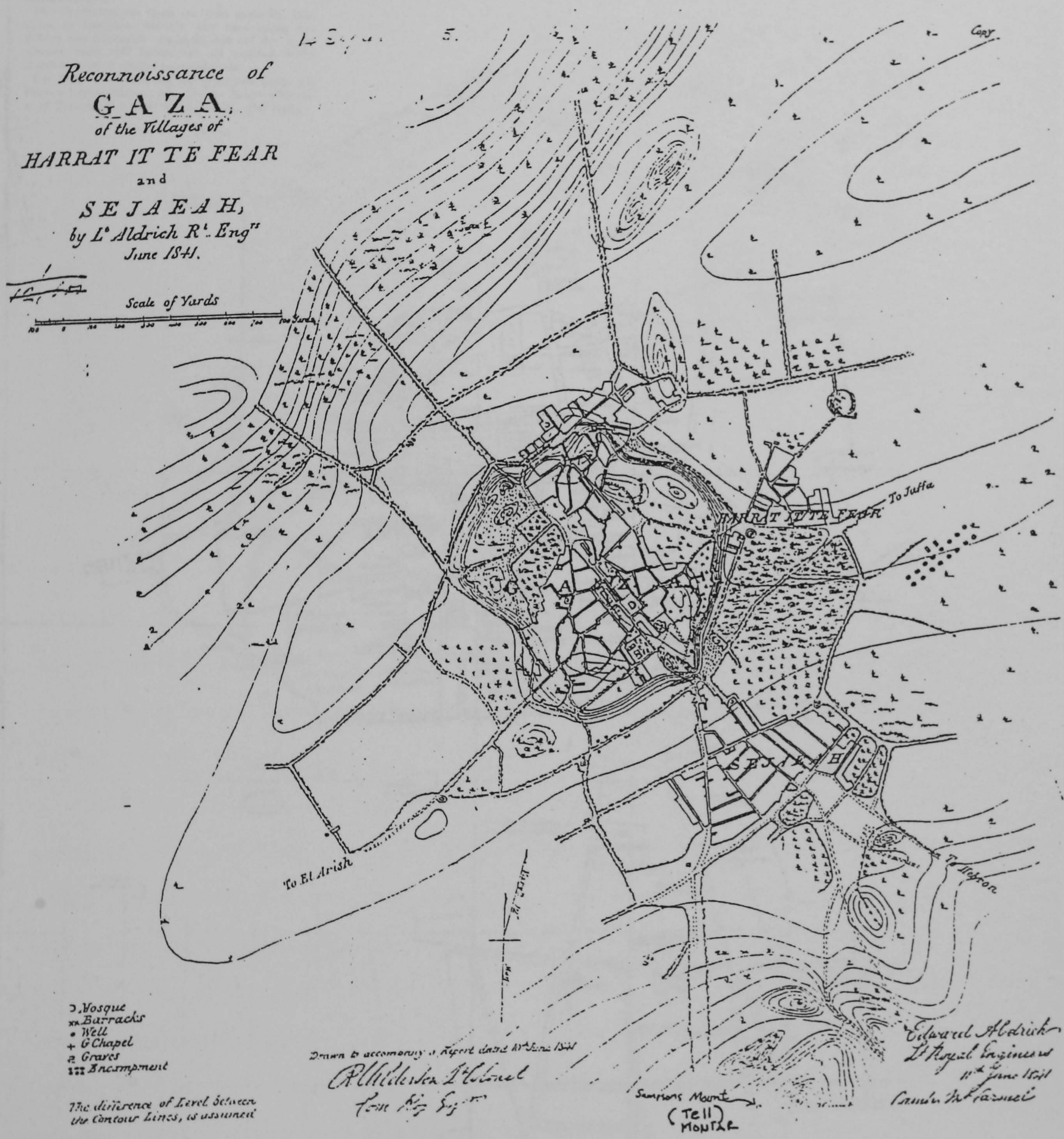
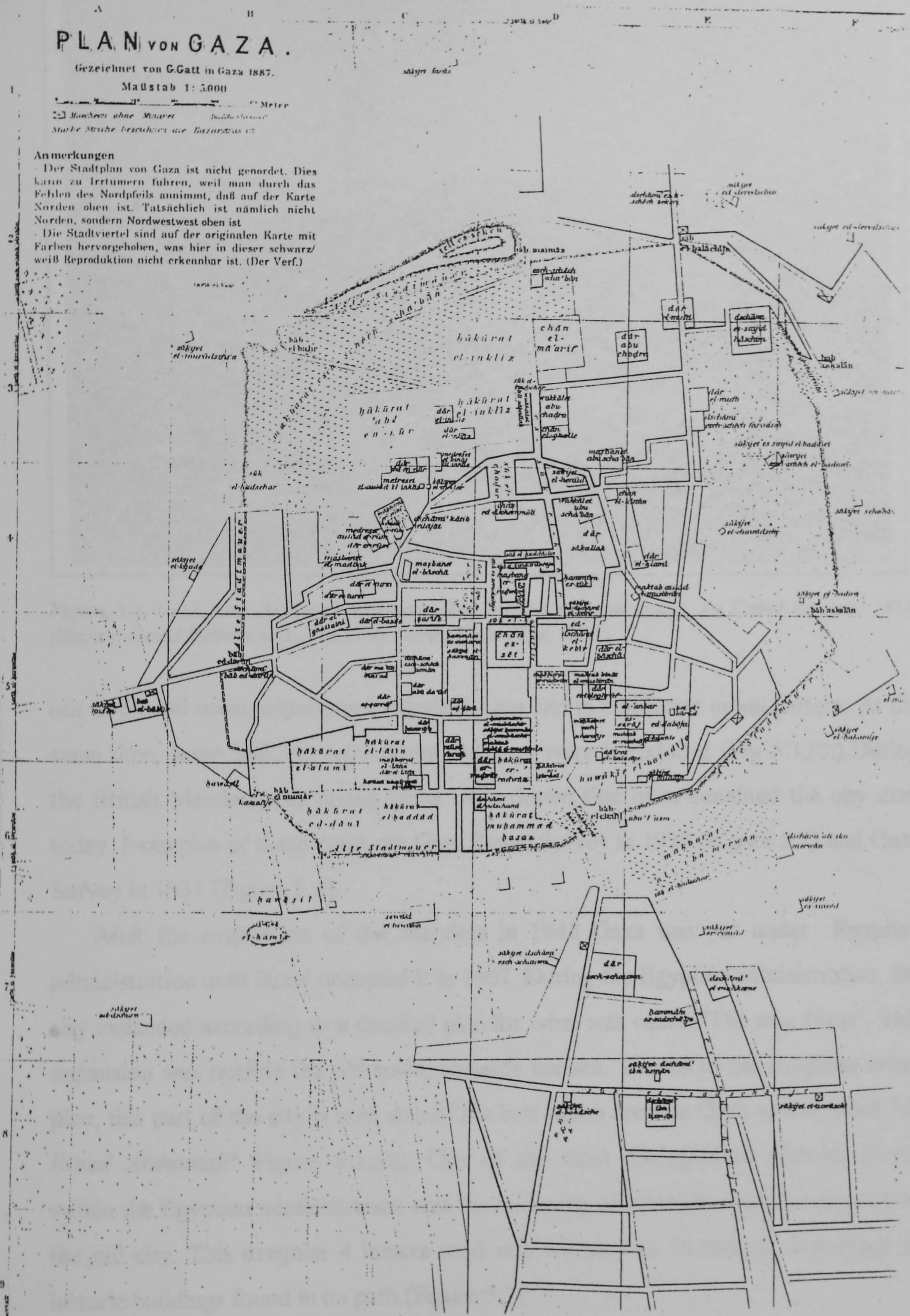


Figure 5.2, Gaza, 1841: The oldest known map for Gaza introduced by the author. A map by L Aldrich R .. Eng., June 1841. (Source: The British Library, 1998).


PLAN VON GAZA.
Gezeichnet von G.Gatt in Gaza 1887.
Maßstab 1: 5.000
Meter
Anmerkungen
- Der Stadtplan von Gaza ist nicht genordet. Dies kann zu Irrtumern fuhren, weil man durch das Fehlen des Nordpfeils annimmt, daß auf der Karte Norden oben ist. Tatsächlich ist nämlich nicht Norden, sondern Nordwestwest oben ist
- Die Stadtviertel sind auf der originalen Karte mit Farben hervorgehoben, was hier in dieser schwarz/weiß Reproduktion nicht erkennbar ist. (Der Verf.)
hākūrat el-inklīz
hākūrat 'abd er-rūr
hākūrat el-balūn
hākūrat el-daūd
hākūrat el-haddād
hākūrat muhammad hasan
chān el-mā'arīf
dār abu chadra
dār el-mufti
dār el-qāsimī
dār el-basha
dār el-ghawalni
dār el-hamīl
dār el-ansār
dār el-bāsha
dār el-balāchīja
dār el-'anbar
dār es-sāqallak
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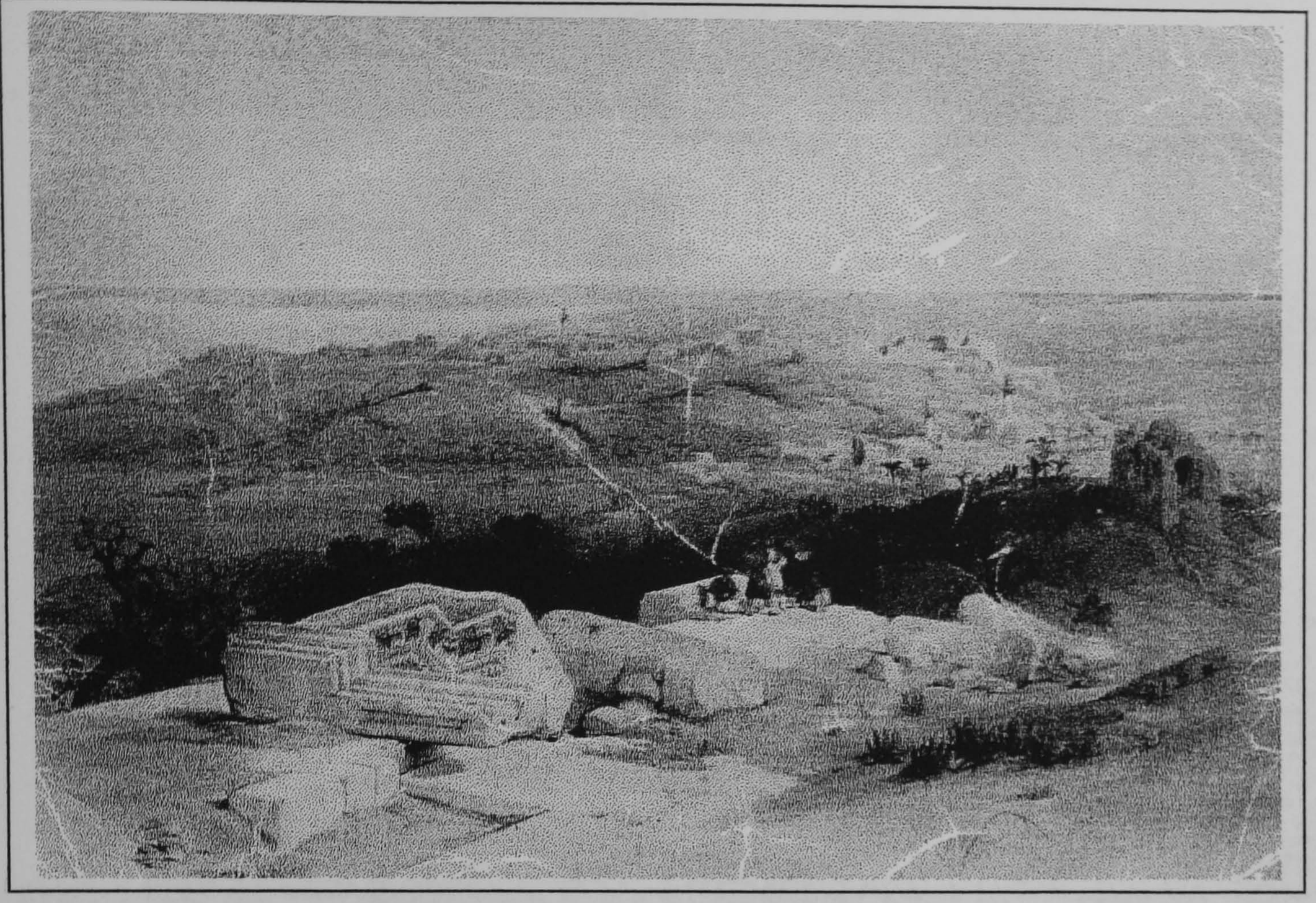
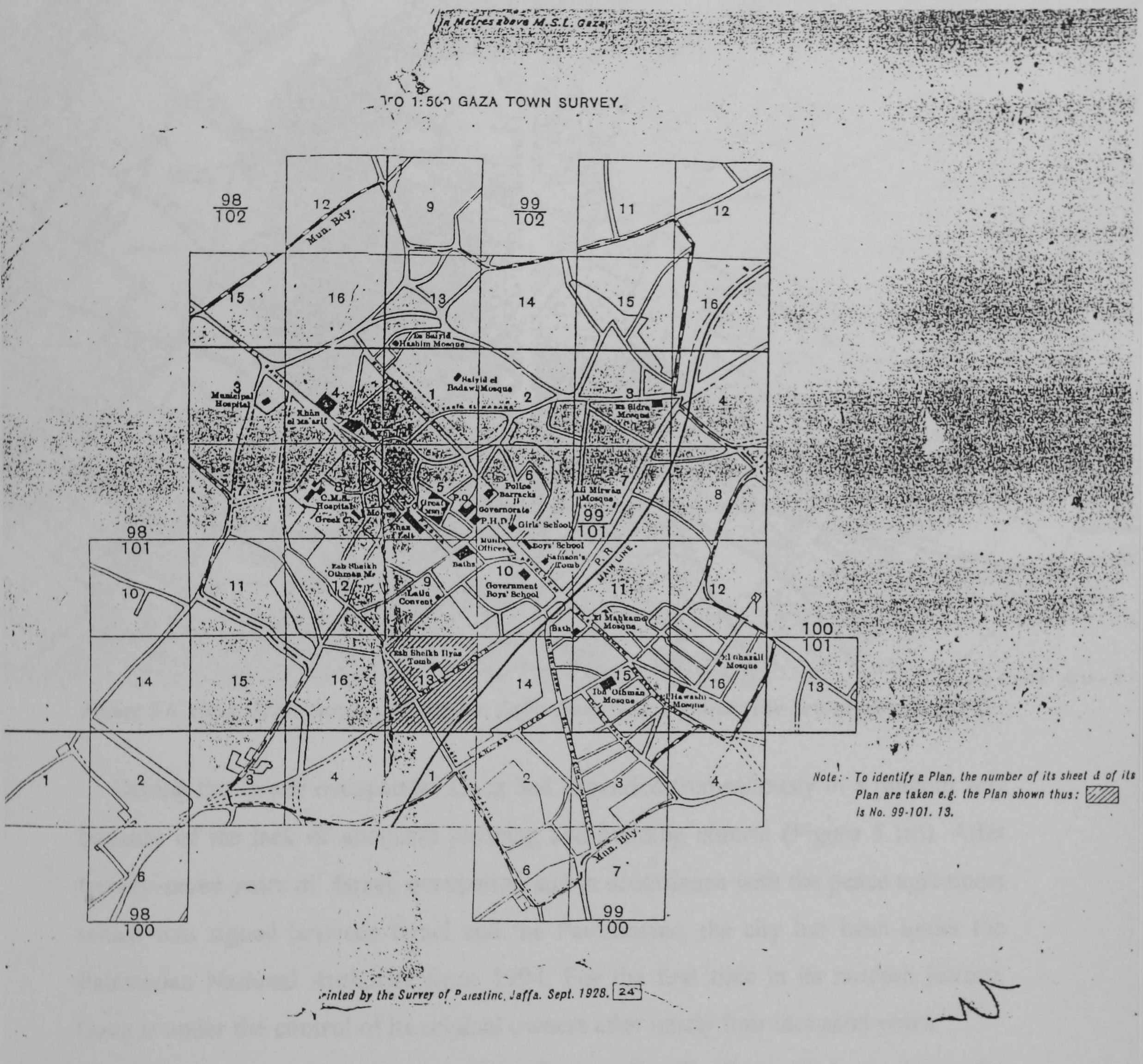


Figure 5.4, Gaza from Almontar mountain (The highest point in Gaza) by David Roberts, 1839. (Source: David Roberts R.A., The Holy Land , Plate 73, p. III61).

out of the old town, especially towards the sea and in a different urban pattern. At the same time, some building regulations and laws were introduced (Fig 5.1,(G)).During the British Mandate, Surveying plans were drawn that have benefited the city until today. Examples of these maps are Gaza Town Survey in 1928 (Figure 5.5) and Gaza Survey in 1931 (Figure 5.6).

After the evacuation of the Mandate in 1948 Gaza was put under Egyptian administration until Israel occupied it in 1967. During the Egyptian administration, the city expanded according to a detailed plan for what was called "The new Gaza". This expansion was outside the old town, towards the sea. Thanks to the Egyptian urban plan, this part of the city is now one of the best urban areas in Gaza and is called "*Al Rimal Alshamali*" Figure 5.1,(H)). One of the most distinguished relevant events within the Egyptian administration was the widening of *Alwehda* road that penetrated the old city. This irregular 4 meters road was widened to 16 meters, destroying all historic buildings found in its path (Figure 5.7).



Note:- To identify a Plan, the number of its sheet & of its Plan are taken e.g. the Plan shown thus: ▨ is No. 99-101. 13.

Printed by the Survey of Palestine, Jaffa. Sept. 1928. 24

Figure 5.5, Gaza Town Survey, Survey of Palestine, Jaffa, Sept. 1928. (Source: Municipality of Gaza surveying archive, 1999).

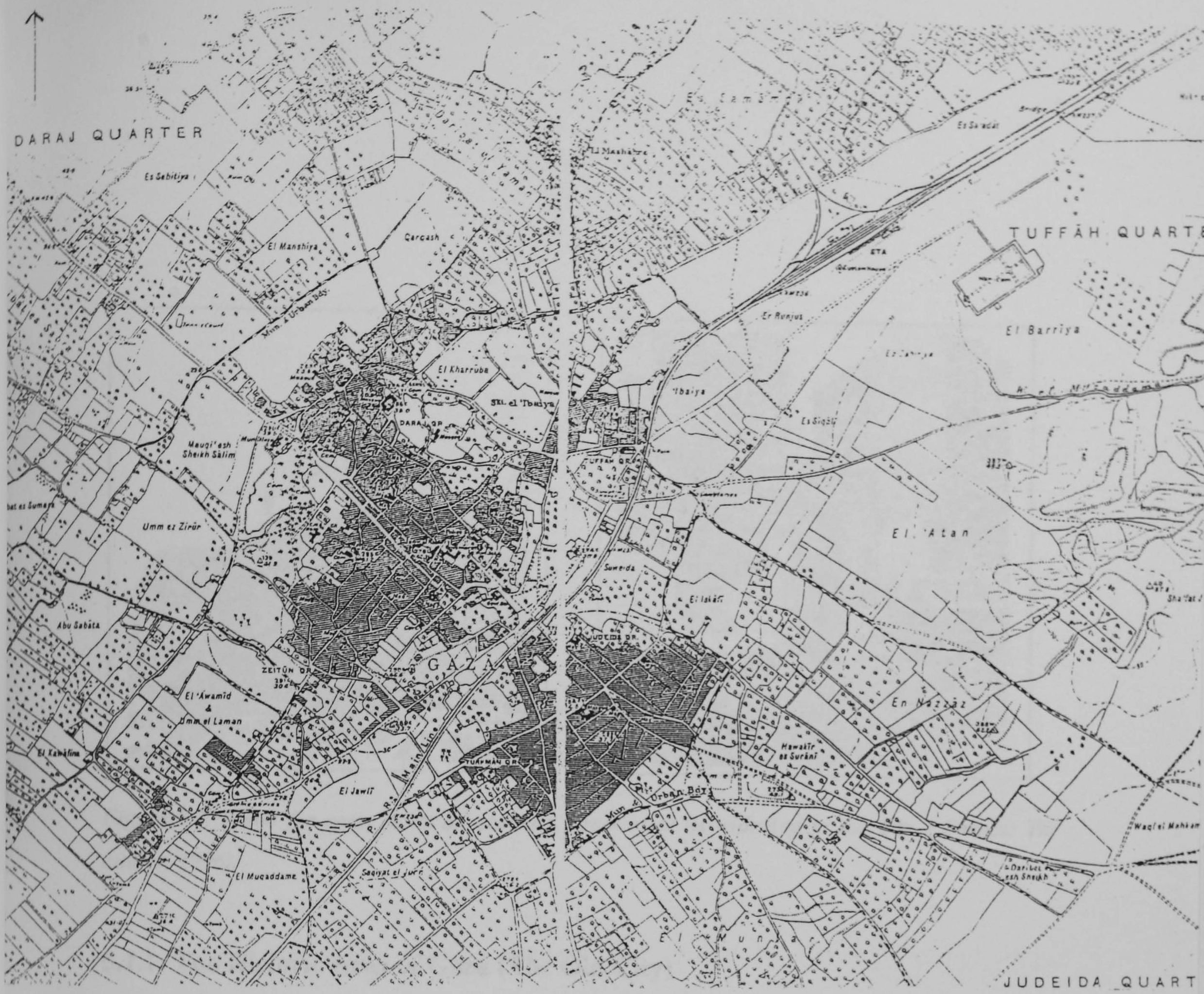


Figure 5.6, Gaza, 1931, Survey of Palestine, Jaffa, June 1931. (Source: The British Library, 1998).

During the Israeli occupation, Gaza had expanded tremendously in a random way because of the lack of adequate planning and building control (Figure 5.1(I)). After twenty-seven years of Israeli occupation and in accordance with the peace agreement which was signed between Israel and the Palestinians, the city has been under the Palestinian National Authority since 1994. For the first time in its modern history, Gaza is under the control of its original owners after nearly four thousand years.

The city has experienced two periods of prosperity. The first period was during the Roman rule and the second during the Islamic Mamluk and Ottoman rule. Unfortunately, most of its magnificent buildings disappeared. Because its site had been occupied continuously down to the near past, very little archaeological investigation has been possible as the city has attracted little interest among modern scholars. Some investigations, however, have now taken place and some Hellenistic and Roman archaeological sites have been discovered[5].

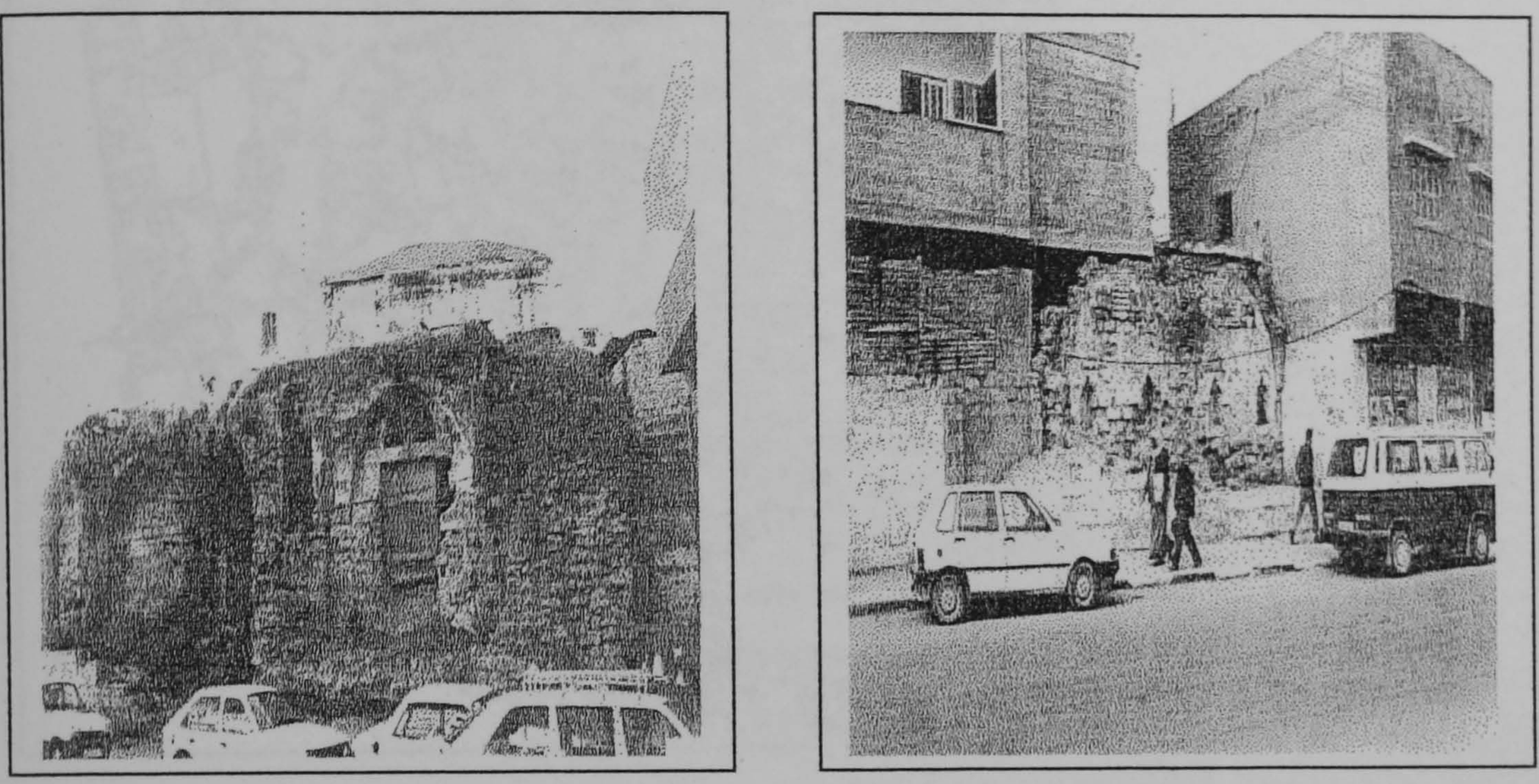


Figure 5.7, Views for some parts of Alwehda Street after its widening in the 60s. (Source: The author, 1996).

5.1.1. The Historic Area of Gaza (The Old City)

The old city is located in the centre of Gaza in an area of about 1km^2. It is located above a relatively small hill and extends as a cluster structure. The major part of the old city was surrounded by a wall (Figure 5.8), but many changes have affected the original urban structure. It could be said that, despite all the changes, the old city is still playing a major role in the economic, social, cultural and physical composition of Gaza. The city of Gaza has expanded in all directions, partly following the modern organisational system of town planning and partly in a randomly disorganised pattern; keeping the old city as its commercial and social centre.

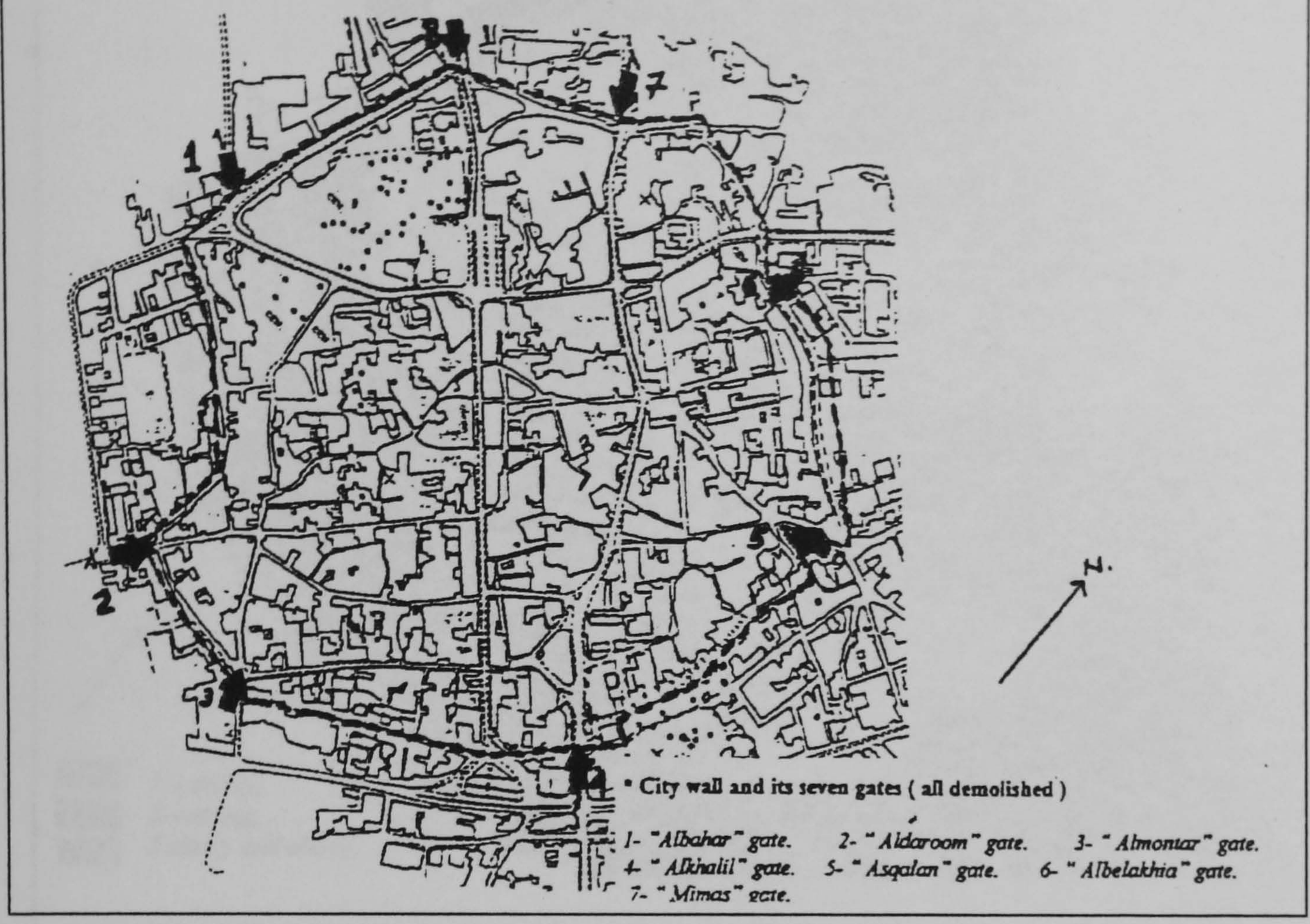


Figure 5.8, The urban tissue of the old city of Gaza and the demolished city wall and gates. (Source: Almukhatat Altafsili Lil-Balda Alkadima, Municipality of Gaza, 1996).

The main physical structure of the old city is a cluster. Buildings gather around courtyards and rise between 1-3 stories. This system is interrupted by modern buildings with different physical structure and heights (Figure 5.9). The land use is a fast-changing component of the urban structure in Gaza resulting in a mixture of uses (Figure 5.10). Deviations from the basically homogeneous pattern did occur because of the wars, decay and ignorance. Many buildings have been replaced by bland modern structures which have been seen by many critics as eroding the unique attributes of places by the imposition of uniform building types and styles in new materials alien to the local. This pace of change has had a tremendous impact on the delicate pattern of the traditional urban development that has been refined over many centuries.

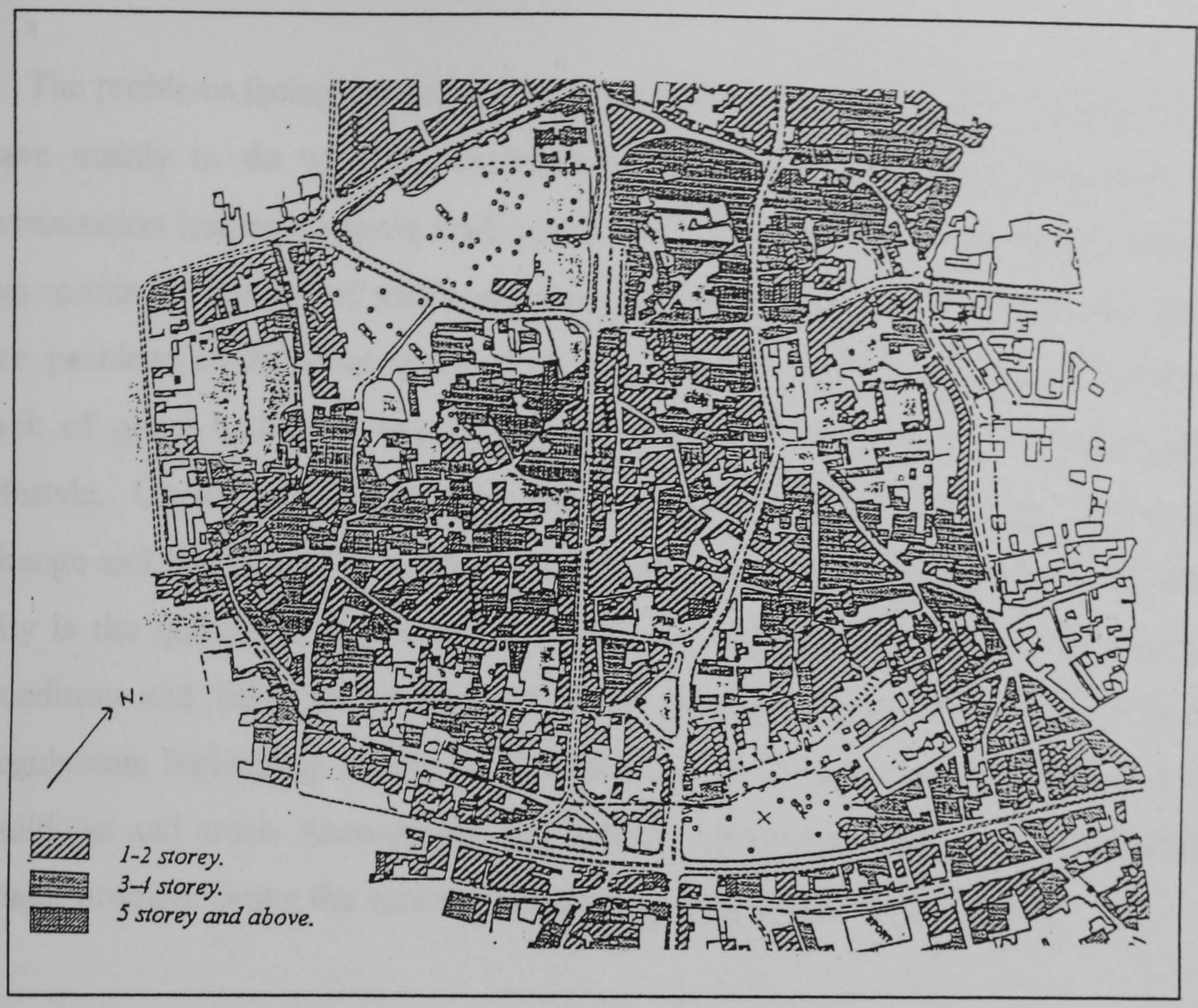


Figure 5.9, The old city of Gaza, Building heights. (Source: Almukhatat Altafsili Lil-Balda Alkadima, Municipality of Gaza, 1996).

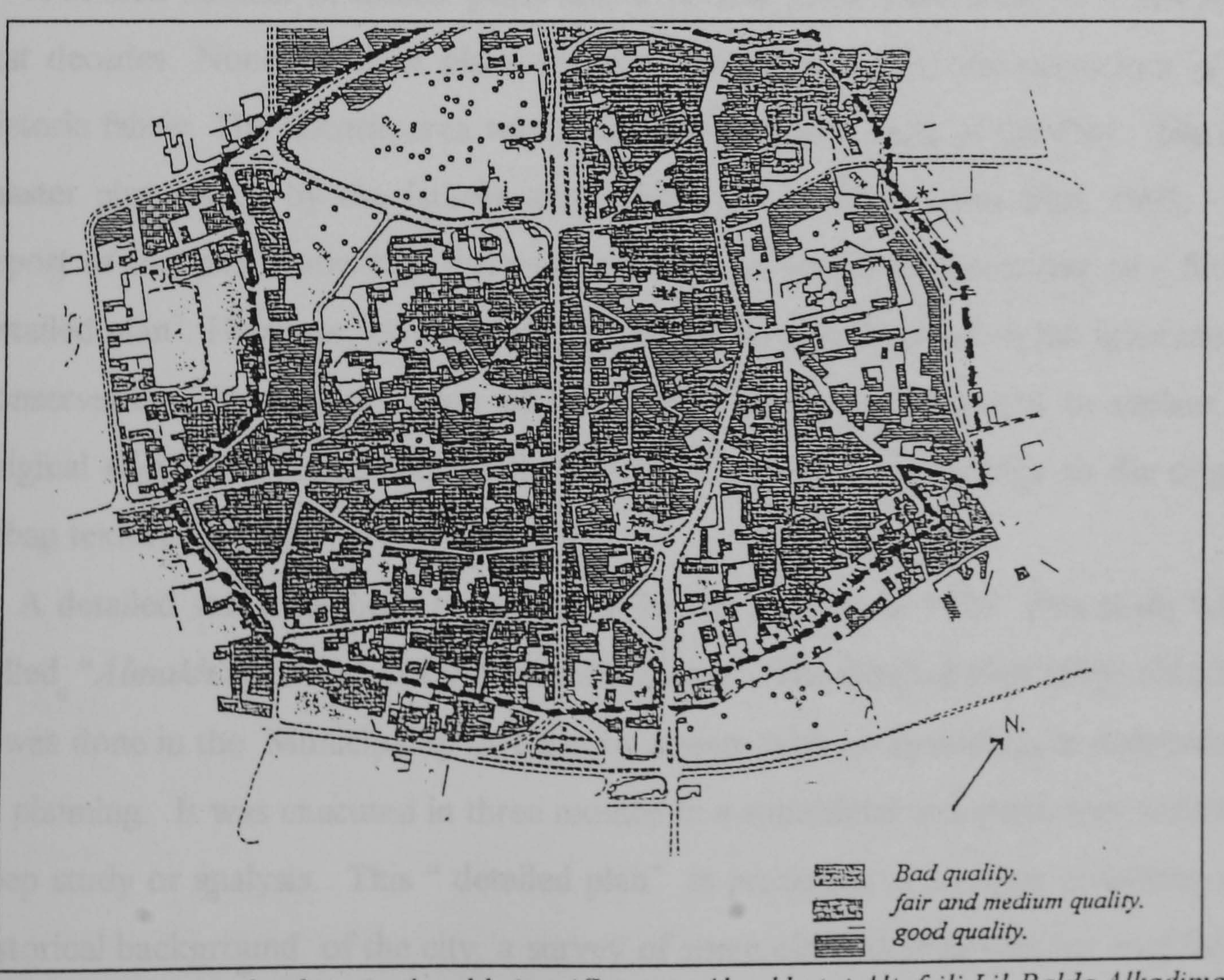


Figure 5.10, Existing land use in the old city. (Source: Almukhatat Altafsili Lil-Balda Alkadima, Municipality of Gaza, 1996).

The problems facing the old city of Gaza are numerous and varied. Some problems have mainly to do with the environment and the impact of industrialisation and urbanisation leading to acute traffic jams, pollution and noise. Rapid industrialisation has resulted in the loss of traditional techniques and manufacture of craft skills. Others are problems of the urban structure characterised by mixed land use, lack of parking, lack of green and open spaces and lack of facilities needed for a contemporary lifestyle. On the other hand, there are social problems due to density, demographic change and the lack of social facilities. Finally, the major problem that faces the old city is the ignorance of the historic fabric as many surviving buildings are in bad condition and liable to be demolished or replaced. There are no active laws or regulations forbidding people to demolish or to change the character of historic buildings and areas. Accordingly, the lack of conservation initiatives is considered a major problem facing the survival and development of the historic fabric.

5.2. ARCHITECTURE AND URBAN CONSERVATION IN GAZA

A limited number of master plans and structural plans were done for Gaza in the last decades. None of these plans records any measures for the protection of the historic fabric. The historic area was treated as the other parts of the City. The only master plan issued by the Israelis and legally put in effect dates from 1992. The report of this plan states that there are areas to be conserved according to a further detailed plan[6]. However, no detailed plan was done and this lead to the ignorance of conservation. Besides, a group of local wide roads was proposed to replace the original alleys and cul-de-sacs of the old town that caused damage to the original urban texture (Figure 5.11).

A detailed study has been put forward for the old city in 1996. This study which called "*Almukhatat Altafsili Lil-Balda Alkadema*"- The detailed plan of the old town-, was done in the Municipality of Gaza by a team with no specialists in conservation or planning. It was executed in three months in a superficial and quick way without a deep study or analysis. This " detailed plan" is presented in a report consisting of a historical background of the city, a survey of some old buildings without establishing architectural or historic criteria for choice and finally a group of maps was prepared showing existing and proposed situation of land use, building heights and width of

roads (Figures 5.8,5.9&5.10). No conservation strategies or detailed regulations were put forward. On the other hand, the report proposed building styles called "historic styles" to be used in the elevations of new buildings (Figure 3.5). The new buildings could be built without regard to the origin of the proposed styles, their location, or any existing historic neighbouring buildings. Referring to the municipality archives between 1996 until now, no applications were made according to this plan. Mr. Ezaiza[7], the head of the Building Licensing Section in the Municipality of Gaza justified that because of the inefficiency of the detailed plan. He added that the plan is not complete and does not give guidelines to regulate building development in the area. The existence of "the detailed plan" has left the field empty of any actual conservation strategy for historic buildings and areas.

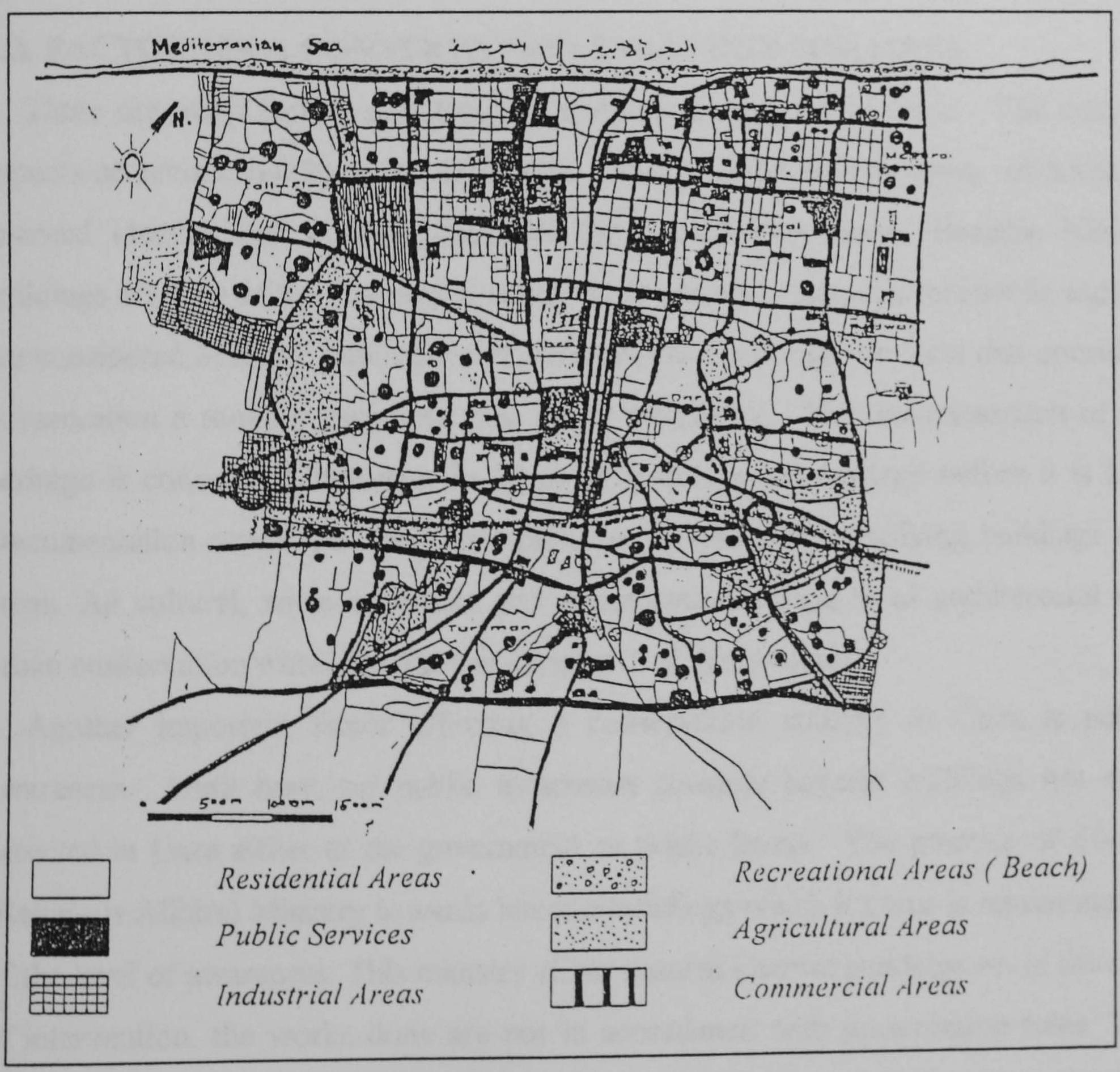


Fig. 5.11, The Master plan for Gaza which was applied between 1988- 1998. (Source: Reconstruction plan done by Nihad Almughany and Salwa Abedalal, Islamic University of Gaza, 1996 *as there is only one copy of the plan at the municipality in 1:5000 scale).*

After the establishment of the Palestinian Authority in 1994, The Ministry of Planning and International Co-operation started the work on a structural plan for Gaza. This plan is the first one done by the Palestinians. It was reviewed by the Municipality of Gaza and the Ministry of Local Government and finally approved and put into effect in 1998. This plan characterises the old city as a "special zone" to be frozen until a detailed plan is put forward. The report associated with the plan lists twenty-two individual buildings as of historic and archaeological interest to be conserved[8]. Those - protected- buildings are all religious or public buildings. There is no reference to residential buildings or conservation areas. The work on a detailed plan for the old city has not yet started.

5.3. FACTORS IN A CONSERVATION STRATEGY FOR GAZA

There are many factors affecting a conservation strategy for Gaza. The cultural aspects of historic buildings are of specific importance as an expression of heritage, national identity and a continuation of the evolutionary chain. Because historic buildings are one of the few scarce resources in the area, the socio-economic aspects are considered of major importance in a conservation strategy for Gaza that considers conservation a tool for economic and social prosperity. The documentation of the heritage is considered important in terms of archiving the heritage before it is lost. Documentation would also help in establishing criteria for classifying buildings and areas. All cultural, socio-economic and documentation aspects of architectural and urban conservation were explained in Chapter 1 of this research.

Another important factor affecting a conservation strategy in Gaza is public awareness. Until now, no public awareness towards historic buildings has been detected in Gaza either at the government or public levels. The practice of *Alwagf* (Religious Affairs) Ministry towards historic buildings which it owns is representative of the level of awareness. This ministry either ignores historic buildings or, in the case of intervention, the works done are not in accordance with preservation rules. This usually causes a change in the original character of historic buildings. Two examples could be mentioned to describe this case. The first is the covering of internal walls of many historic mosques by modern ceramic tiles to prevent damp. The second example is the plastering of a marble Corinthian column crown by cement mortar as happened

to *Alsaid Hashim* mosque in Gaza. At the public level, the only association which was established in Gaza was "The association for the conservation of public archaeology of Gaza Strip". Article 2 of its statute explains the aims and objectives of the association[9]. The objectives mentioned are the establishment of an archaeological museum in Gaza, the development of public awareness and the collection of archaeological pieces. No mention of architectural or urban conservation is included. Mr. Isam Alshawa, the Chairman of this association explains in an interview[10] that the main aim was to increase public awareness towards old buildings and archaeological sites. He feels regret that some of the buildings were lost and he states that the association could do nothing to protect them because of the absence of protective legislation.

The lack of public and formal awareness towards historic buildings has lead not only to ignoring these buildings, but also to an inefficient intervention in terms of conceptual and technical aspects. This has also lead to the absence of technical and professional expertise to analyse building materials, factors of decay and suitable guidelines for intervention. Consequently, this has opened the way for inappropriate and superficial interventions.

One of the important aspects of a conservation strategy for Gaza is the administrative structure. During the occupation this element was run by the Israeli Civil Administration without local participation. As shown earlier, this lead to the ignorance of such a field. Since the establishment of the Palestinian National Authority in 1994 a group of ministries and associations were established without a clear administrative responsibility among them. This caused an overlapping and misunderstanding in the works. Many ministries and institutions are talking about conservation now, but there is not a clear distinction of who is responsible to develop this issue. A detailed study about the relevant institutions will take place in chapter 7 to describe the existing structure and analyse the suitability of them in the field of conservation.

Finally, one of the most important aspects of a conservation strategy for Gaza is legislation. This includes both architectural and urban conservation legislation and a legislative framework to include conservation legislation. The people of Gaza pay no respect or attention to laws or regulations since they know that they were issued by occupation forces and are against their interests. The laws in effect now are partly

Ottoman, partly British Mandate, Partly Egyptian and some Israeli orders. The Palestinian Authority froze the Israeli orders in 1994. The newly established Palestinian Legislative Council has established few new laws. Existing conservation laws are old ones and were issued sixty years ago. They concentrate basically on archaeological artefacts with no protection measures for historic buildings and areas.

Section 5.5 of this chapter will analyse existing conservation legislation in Gaza. It should also be noted that any proposed conservation legislation should be properly integrated into existing legislative framework. This will be discussed in chapter 6.

In conclusion, the legislative aspect is of great importance to the situation in Gaza to protect the existing fabric from demolition and at the same time to find out the rules and responsibilities to develop and invest in this fabric. To fulfil these objectives, it could be stated that the establishment of an appropriate conservation legislation as described in section 4 of the introduction of this research is the most urgent measure and the basis for any conservation strategy. This legislation leads and controls other aspects affecting this strategy as shown in diagram 5.1 below.

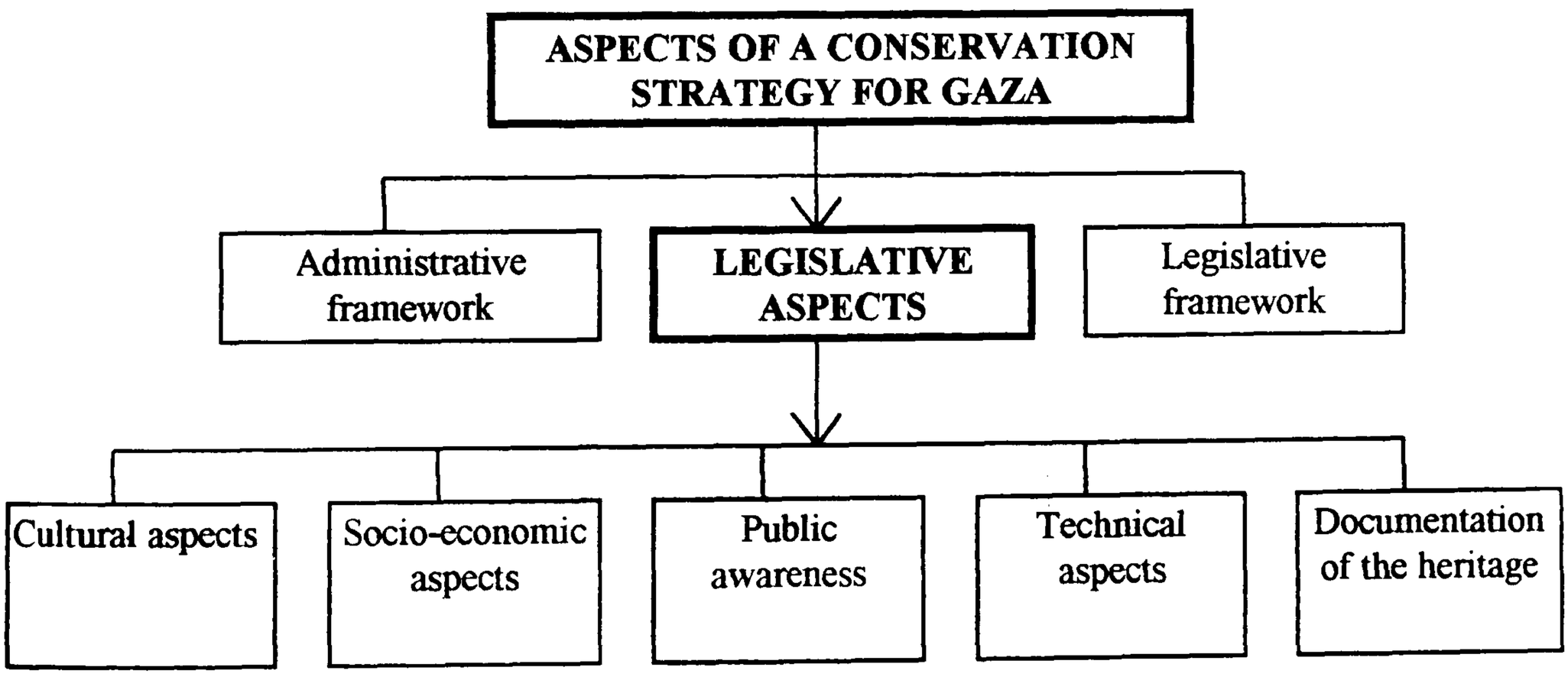


Diagram 5.1, Different aspects of a conservation strategy for Gaza. (Source: The author).

5.4. HISTORIC BUILDINGS AND AREAS IN GAZA

The historic buildings and areas which have survived in Gaza are limited in comparison to what they used to be. Some historic buildings are still in use by residential, commercial, religious or public uses. Other buildings are vacant because of their bad condition or the absence of their owners abroad. This section will highlight examples of historic buildings and areas in Gaza. It is not the aim of this section to survey all existing historic buildings and areas but rather to give an idea of different categories.

These mentioned examples and other similar buildings and areas are in an urgent need of conservation initiatives. Each building type requires special treatment according to its occupation. An example for that is *Alsabeel* structure (Figure 5.12) which used to be a public fountain. Conservation works might include the removal of an attached new fence to increase the monumentality of the structure and the upgrading of the fountain as a source of drinking water.

A detailed study about building conservation was done in chapter 2 and about building conservation legislation in Gaza will be laid in chapter 10.

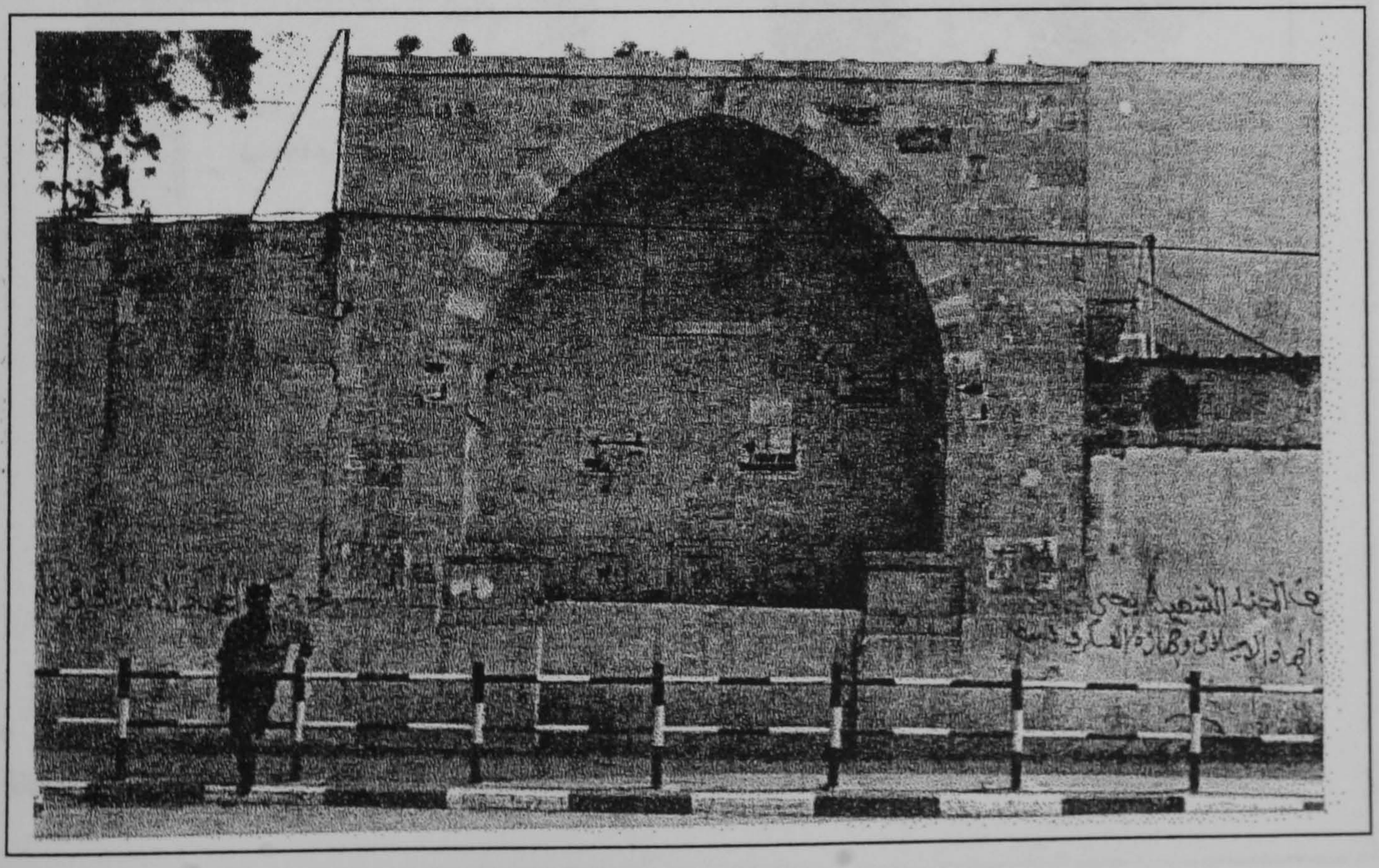
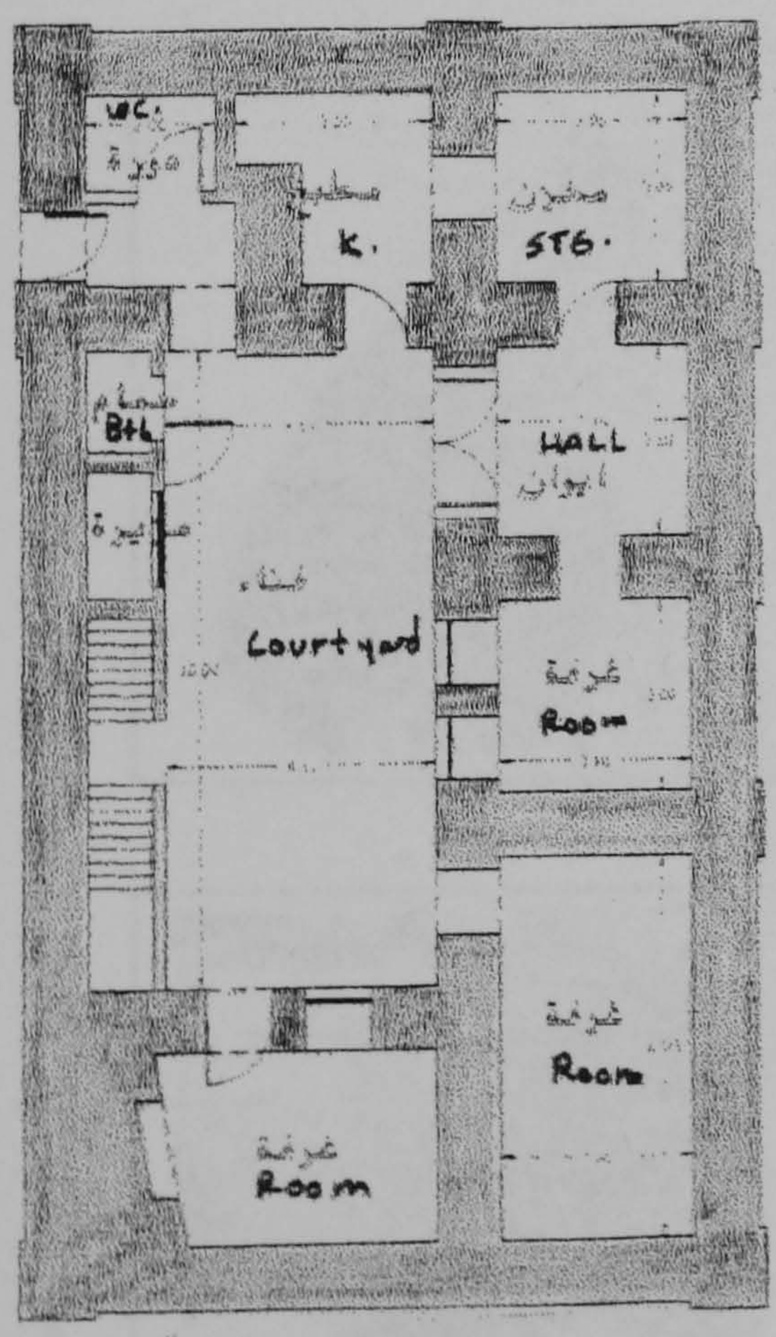
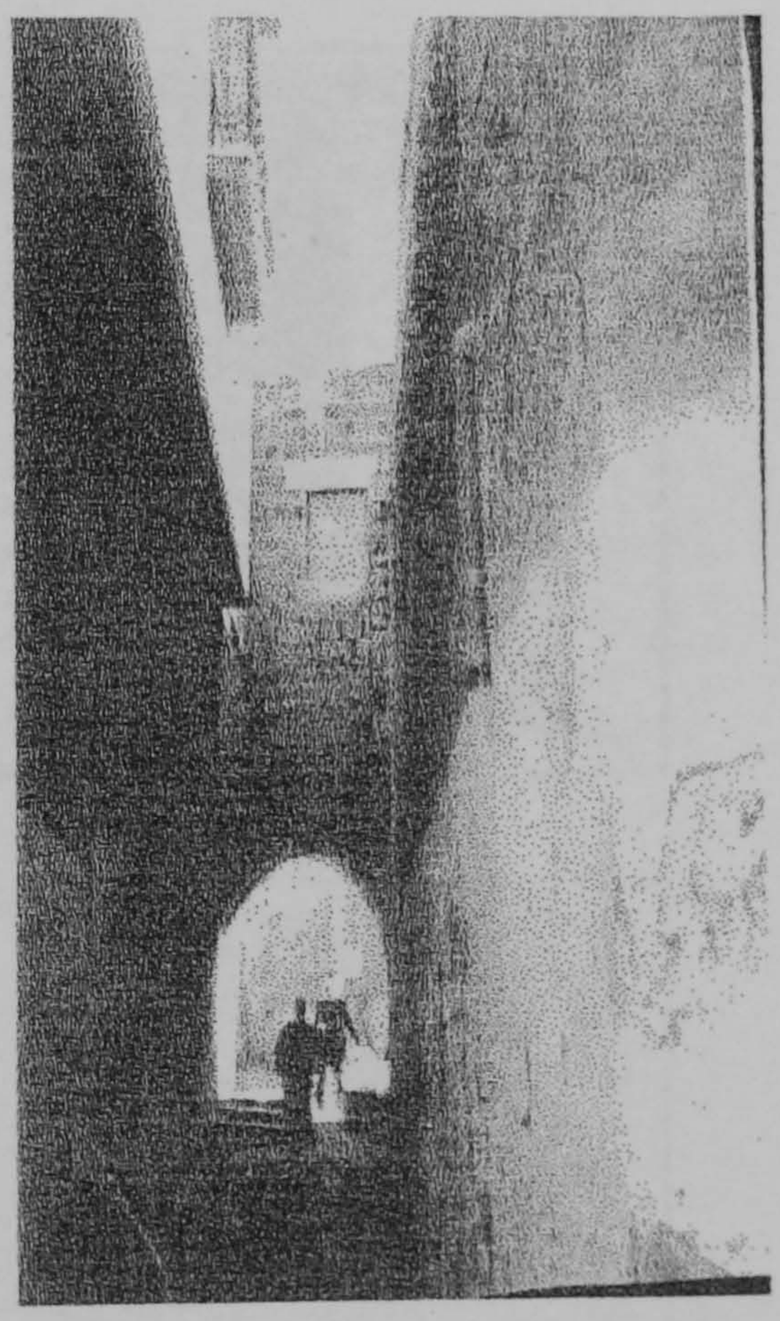


Fig. 5.12, Alsabeel – public fountain- Ridwan Palace , Alwihda Street, Gaza. (Source: The author).

5.4.1. Residential Buildings:

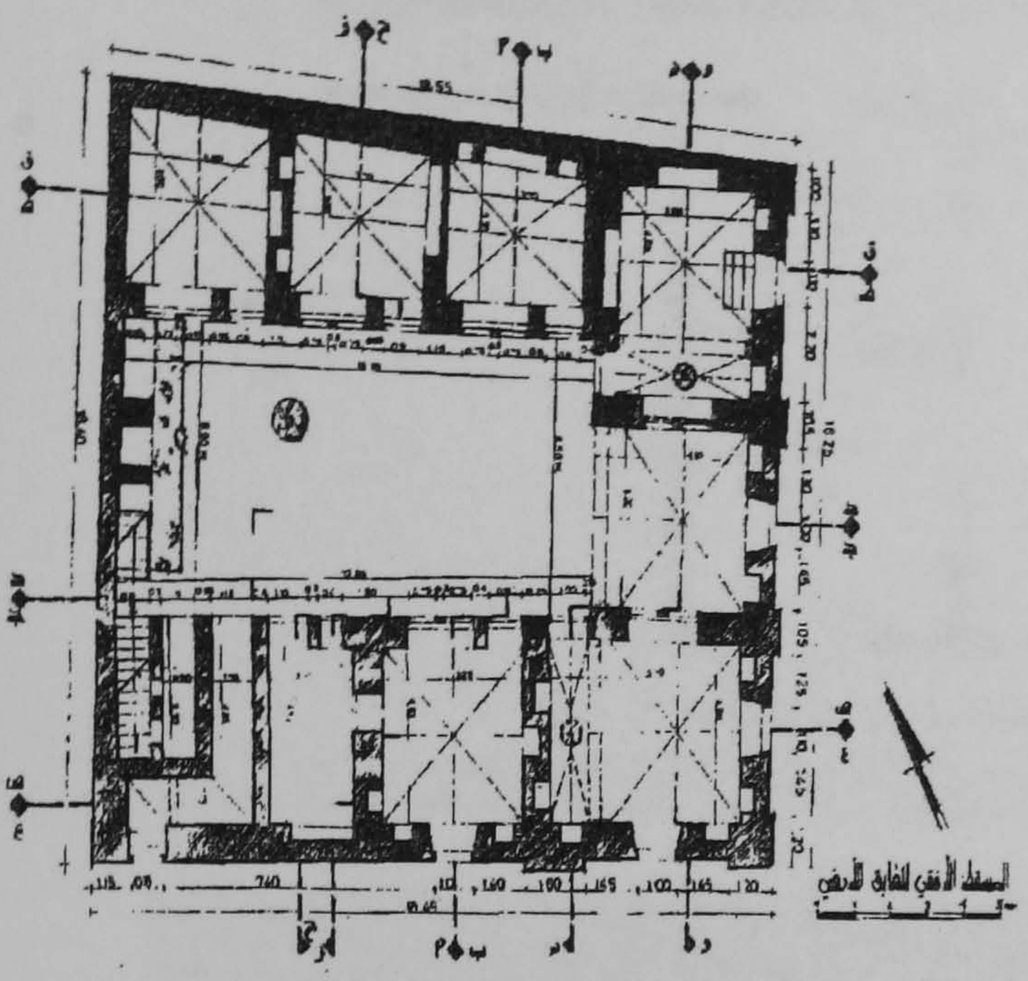
There are about thirty residential historic buildings in Gaza, according to the author's rough survey based on the Municipality's publications and site visits. All these buildings are built in sandstone and aged between 400-50 years (Ottoman and British Mandate eras). Most of the buildings are one to two stories in height and clustered around a courtyard. For privacy and environmental reasons, the spaces are mainly opened towards the courtyard. Examples of residential historic buildings are Farid Alshawa house, Alnadeem house, Rafat Abu Sha'ban house, Wafa Alsaigh house, Rashid Alsawafiri house and Namiq Alalami house.

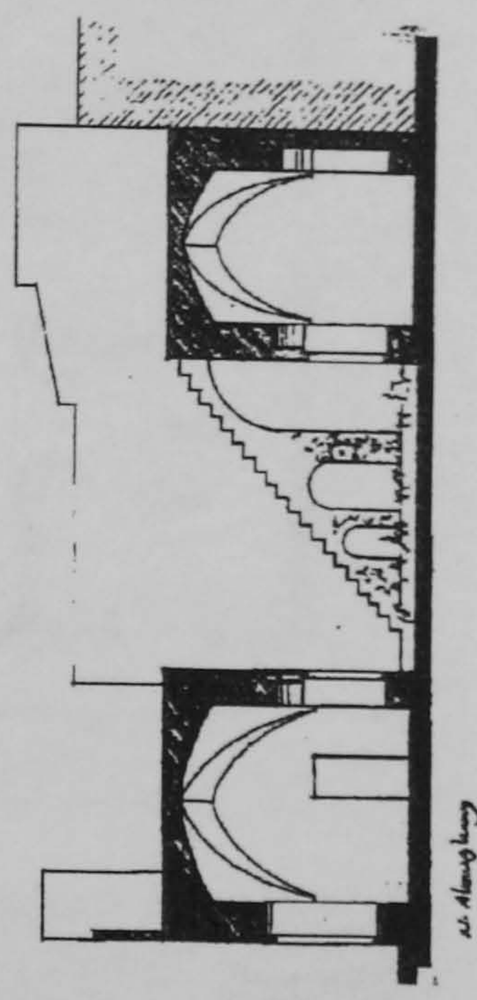


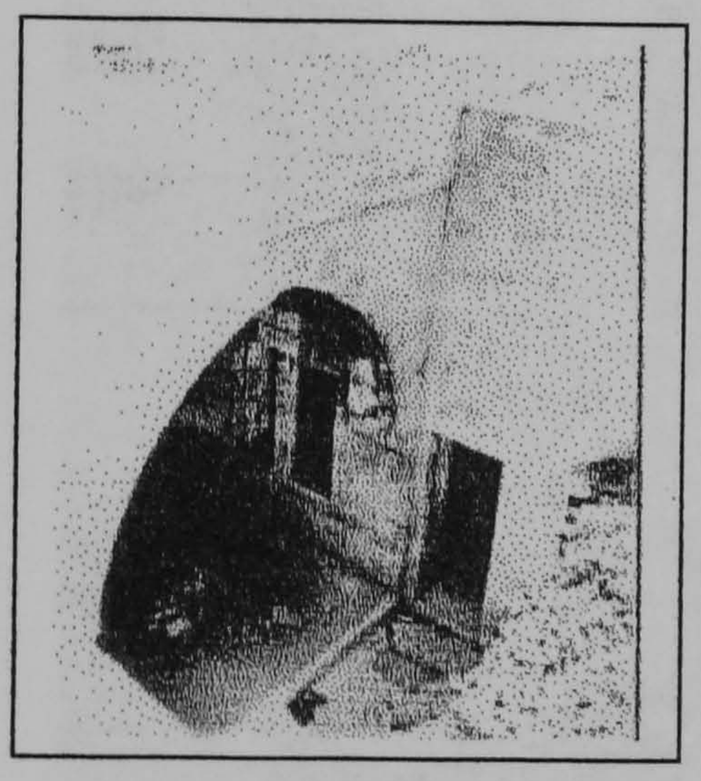


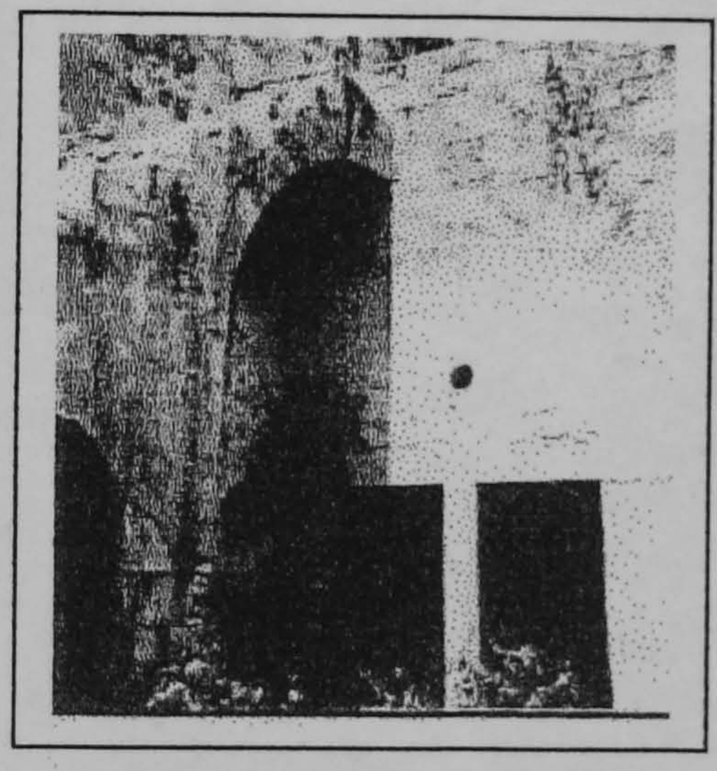
- Building age: 400 years. Building style: Mamluk. Location: The old city of Gaza.

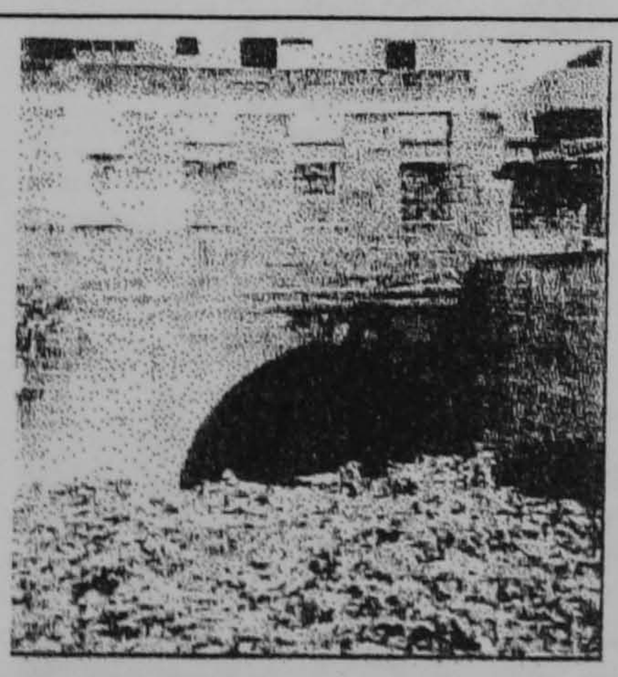
Fig. 5.13, Namiq Alalami historic house, Gaza. (Source: Picture by the author. Reconstruction plan by the Municipality of Gaza, Detailed Planning Unit).

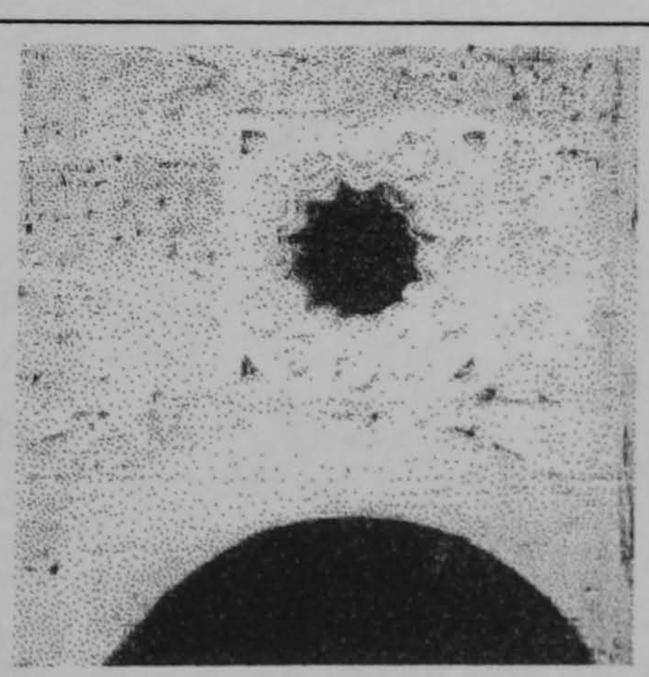






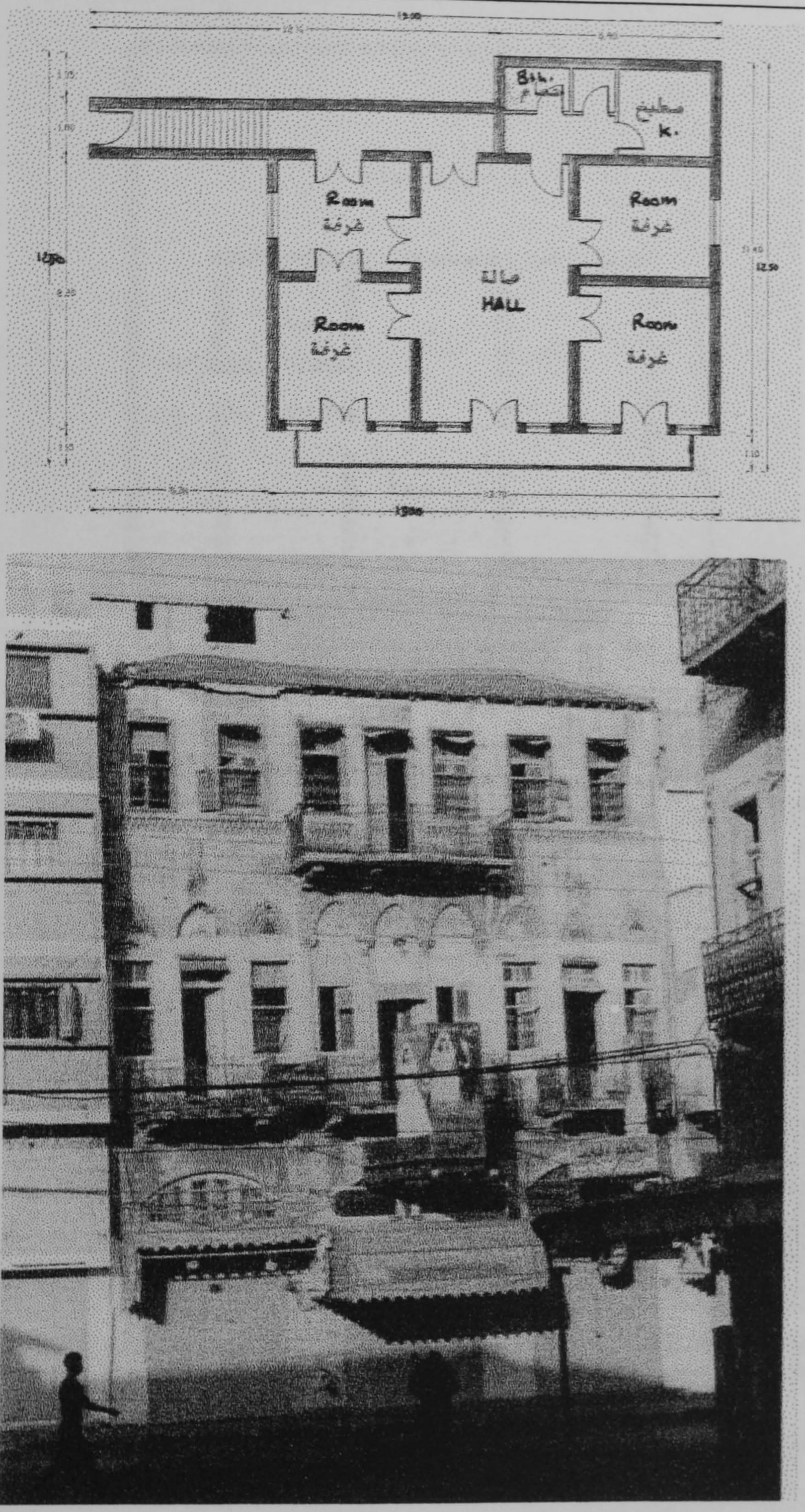






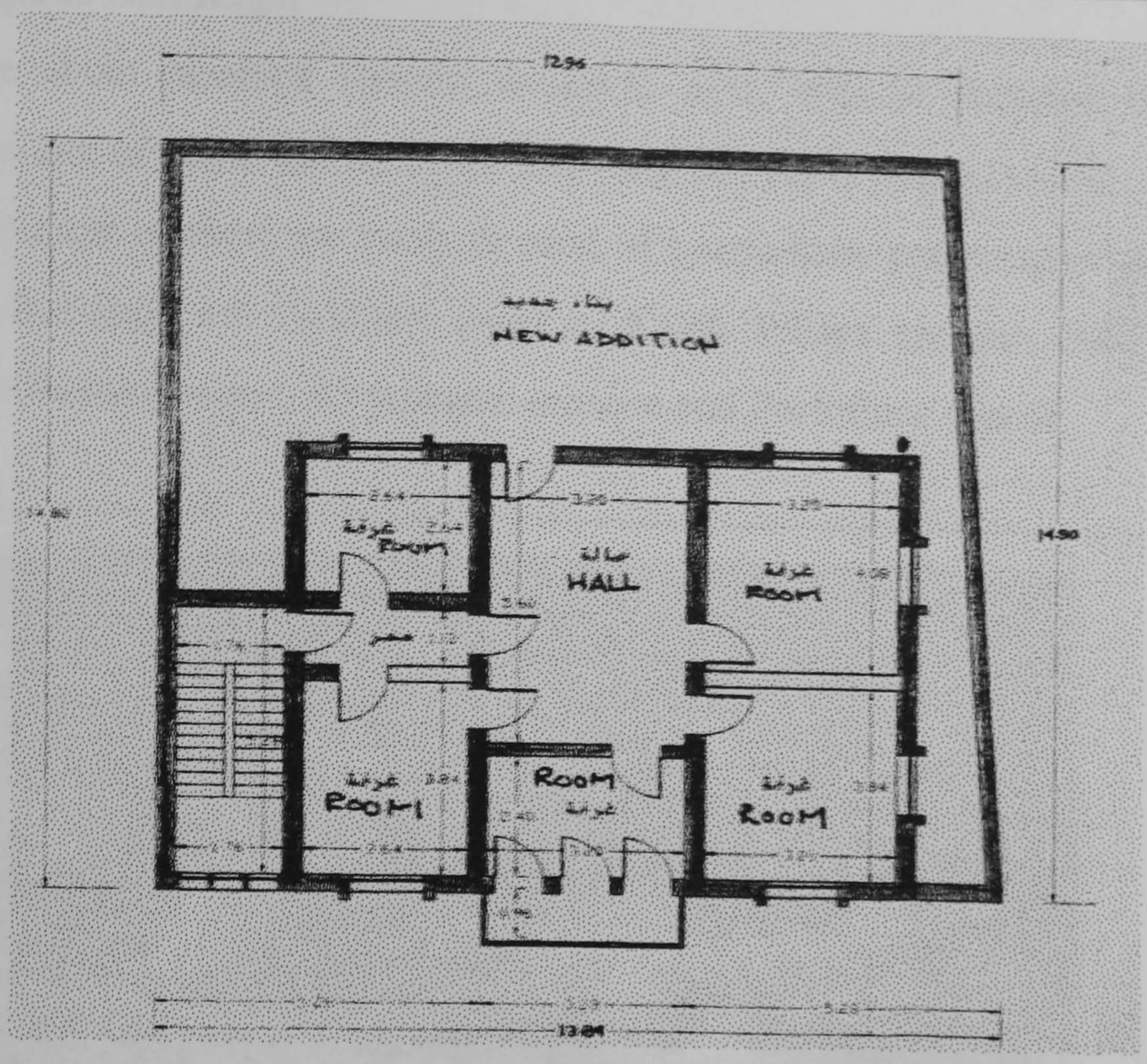
- Building age: around 150 years. – Status: abandoned, with historic and artistic values. -
Location: Alshijaia quarter, Gaza.

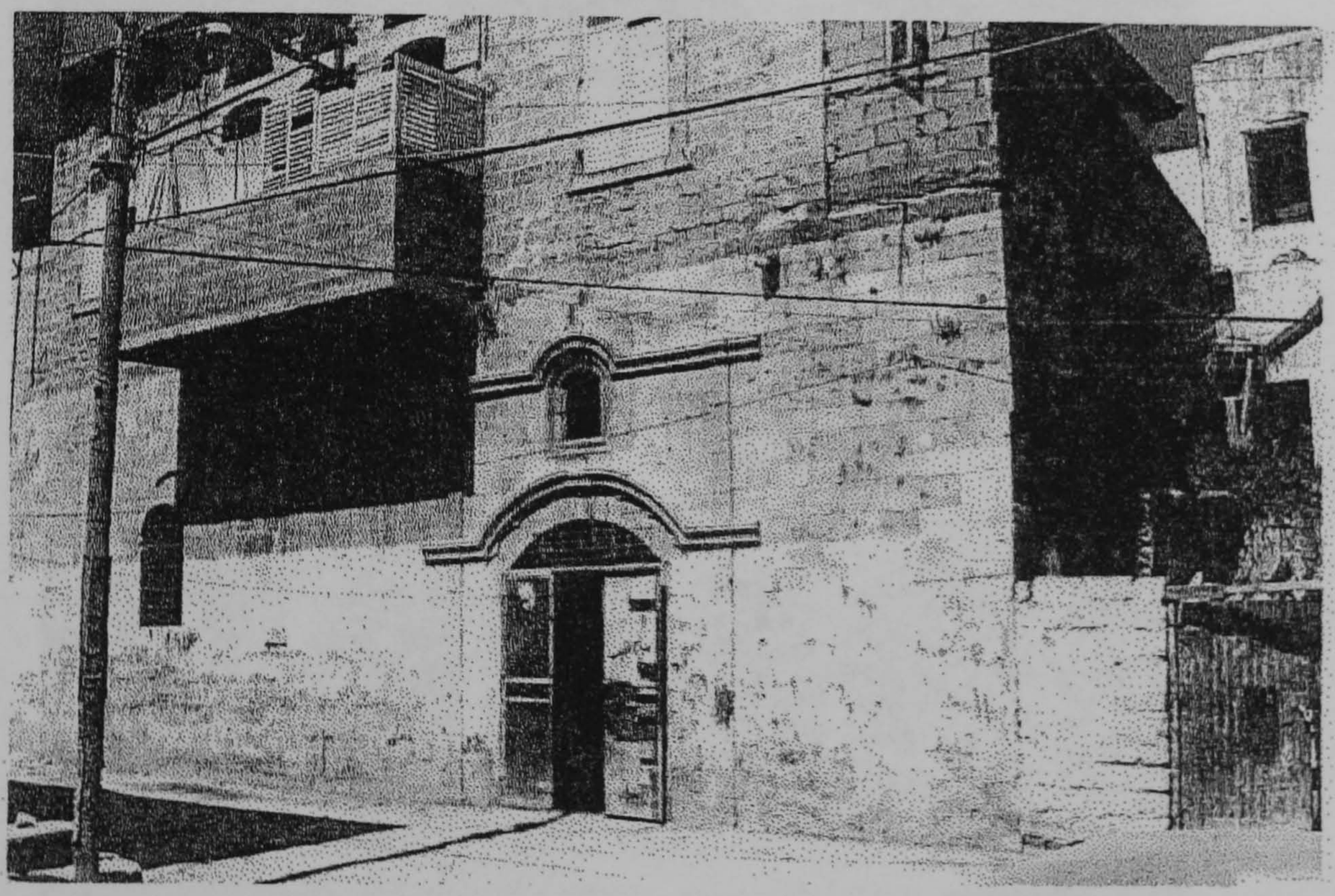
Fig. 5.14, Farid Alshawa historic house, Gaza. (Source: Reconstruction drawings by the author, 1988)



- Building age: 170 years. - Style: Mamluk. – Status: in use as commercial and office building. – Location: Omar Almukhtar St., the historic town, Gaza.

Fig. 5.15, Abed Alhai Alnadeem historic house, Gaza. (Source: Reconstruction plan by the Municipality of Gaza, Detailed Planning Unit).



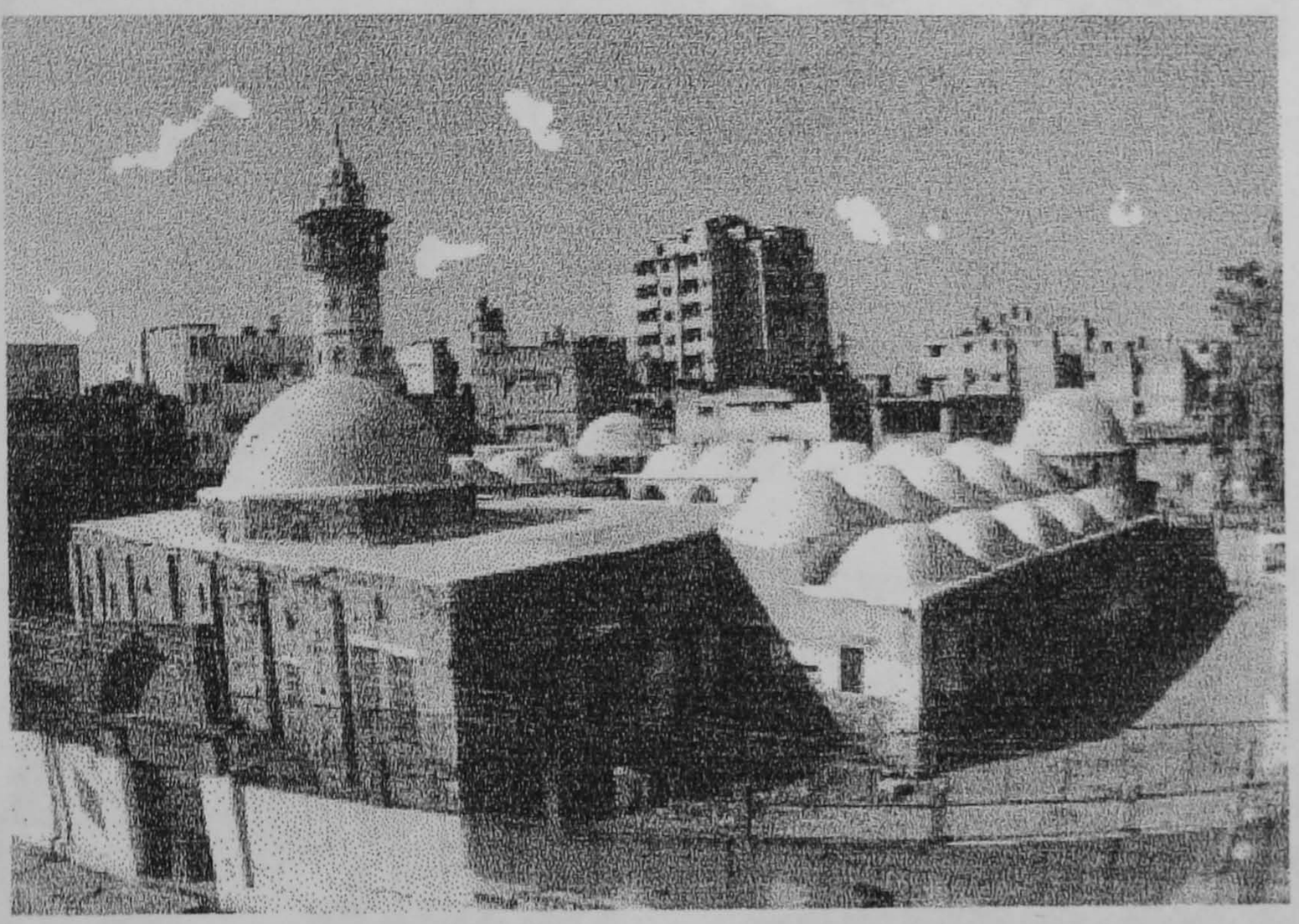


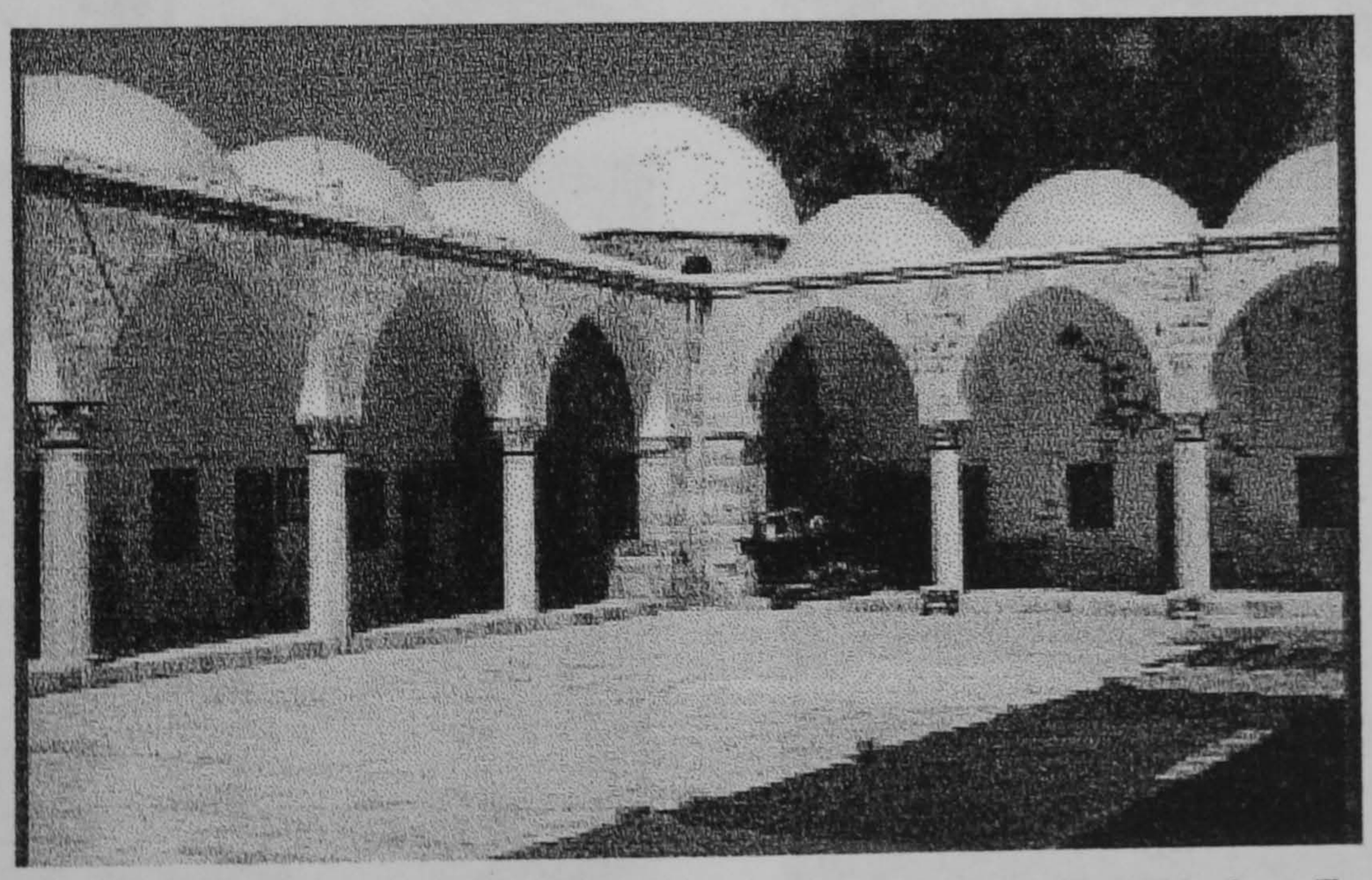
- Building age: 300 years (some additions were added recently). – Status: in use: ground floor used to be for soap manuf. And first floor residence. – Location: Ras Altali'a St., the historic town, Gaza.

Fig. 5.16, Rashid Alsawafiri historic house, Gaza. (Source: Reconstruction plan by the Municipality of Gaza, Detailed Planning Unit).

5.4.2. Religious Buildings:

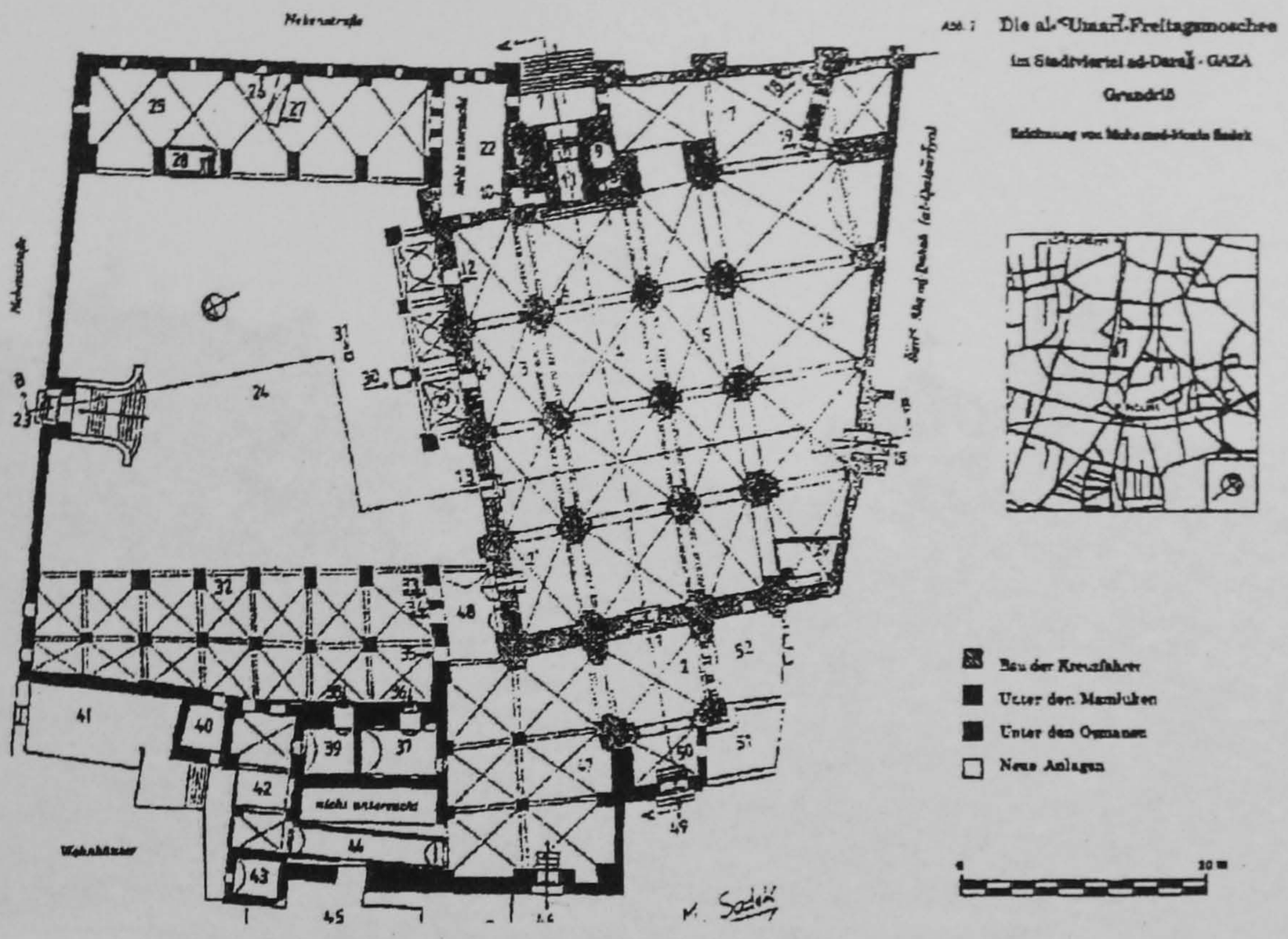
There are about nineteen historic mosques, three historic churches and some shrines in the city of Gaza. All mosques and churches are in current use for religious purposes and most of them are badly in need of sympathetic preservation. Examples of religious buildings are Alomary mosque, Kateb Wilaya mosque, Said Hashim mosque, Ibn Osman mosque, Almahkama mosque and Porforious church.

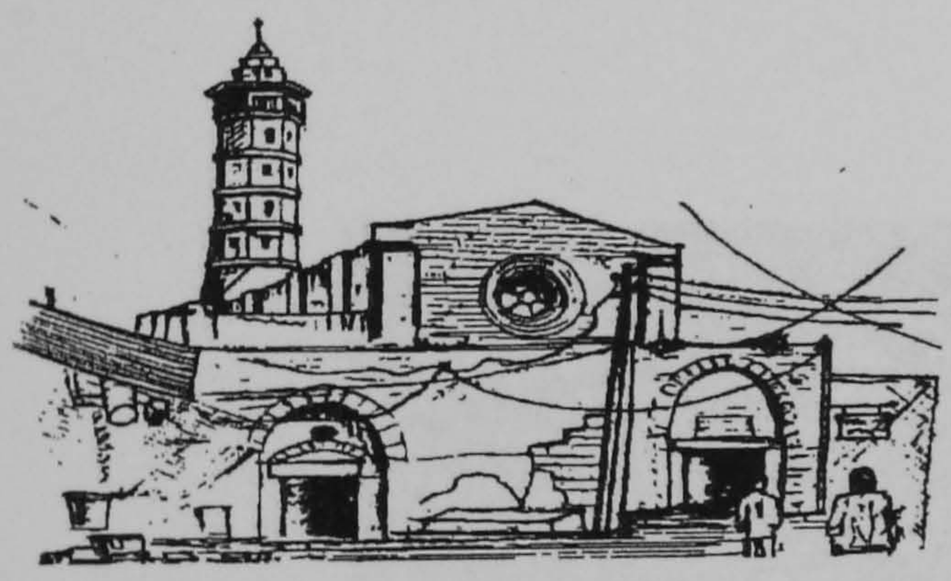


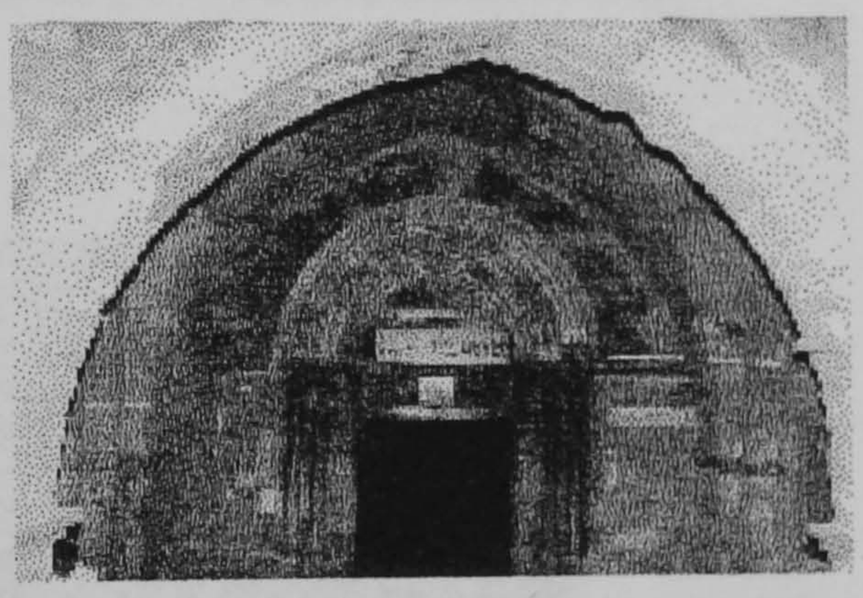


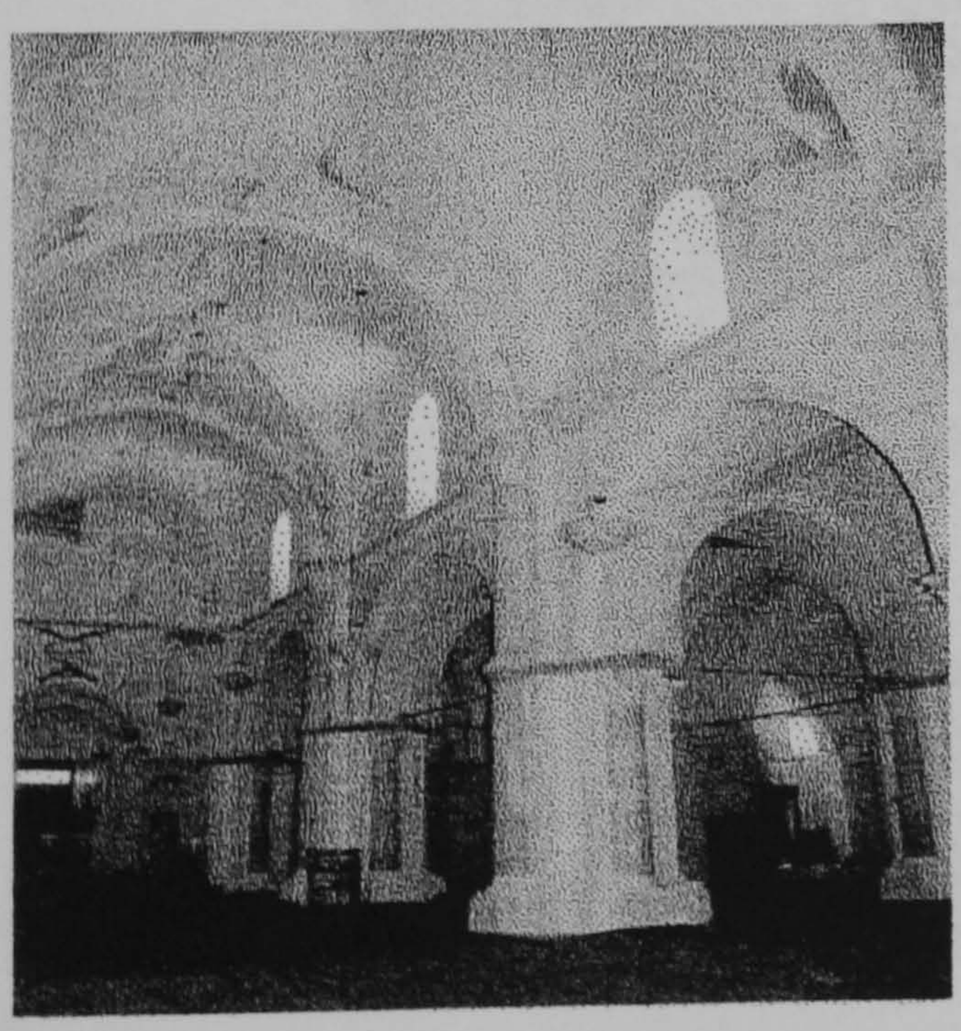
Building age: about 150 years (Ottoman era). – Houses the tomb of Said Hashem Ibn Abed Manaph, gradfather of prophet Mohammed and that's why Gaza is called "Gaza Hashem". – Location: The historic town of Gaza.

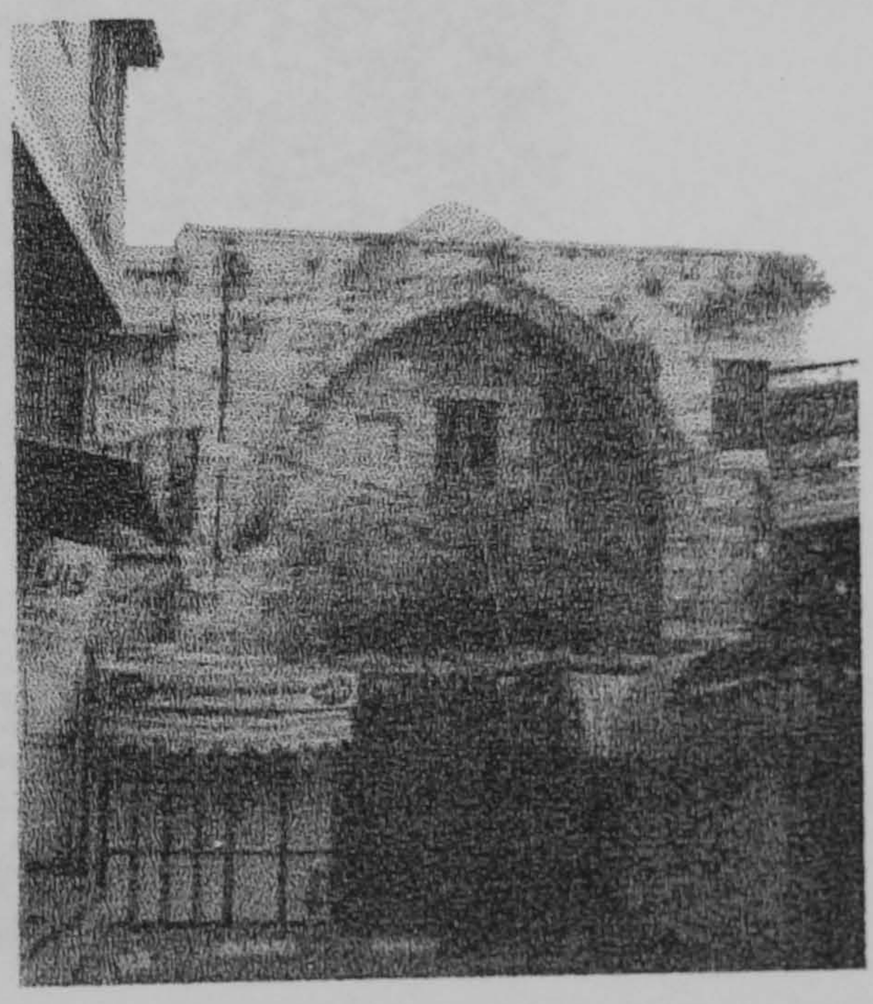
Fig. 5.17, Said Hashim mosque, Gaza. (Source: the author).











- Building age: relates to the 7th century. Current structure rebuilt in 1926. – Location: the center of the historic town, Gaza.

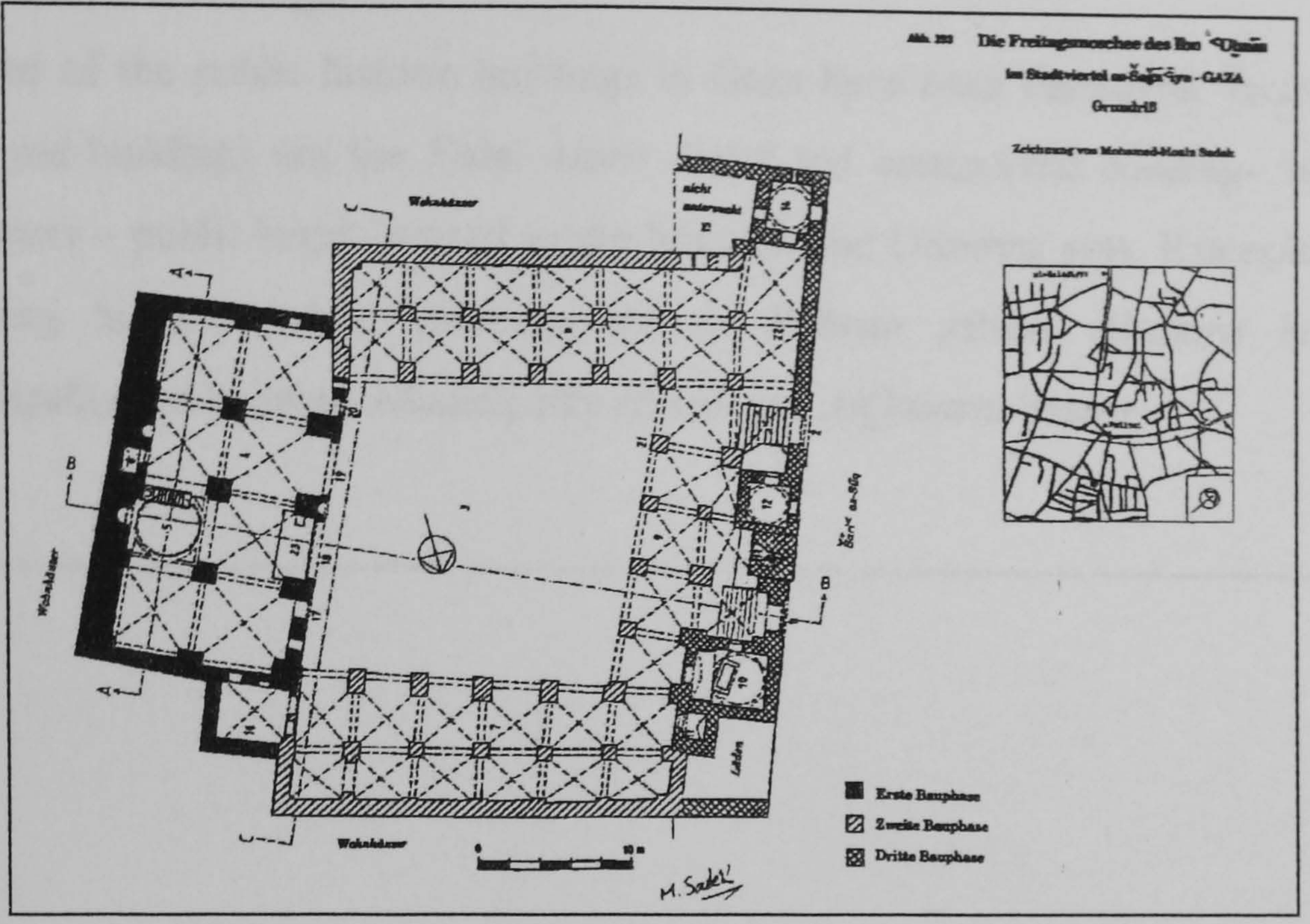
Fig. 5.18, Alomary Mosque –the Great Mosque- and the attached Gold Market –Alqisariah-, Gaza. (Source: Reconstruction plan by Mohamed-Moain Sadek, Die mamlukische Architektur der Stadt Gaza, Berlin: Klaus Schwarz Verlag, 1991. Photographs by the author).

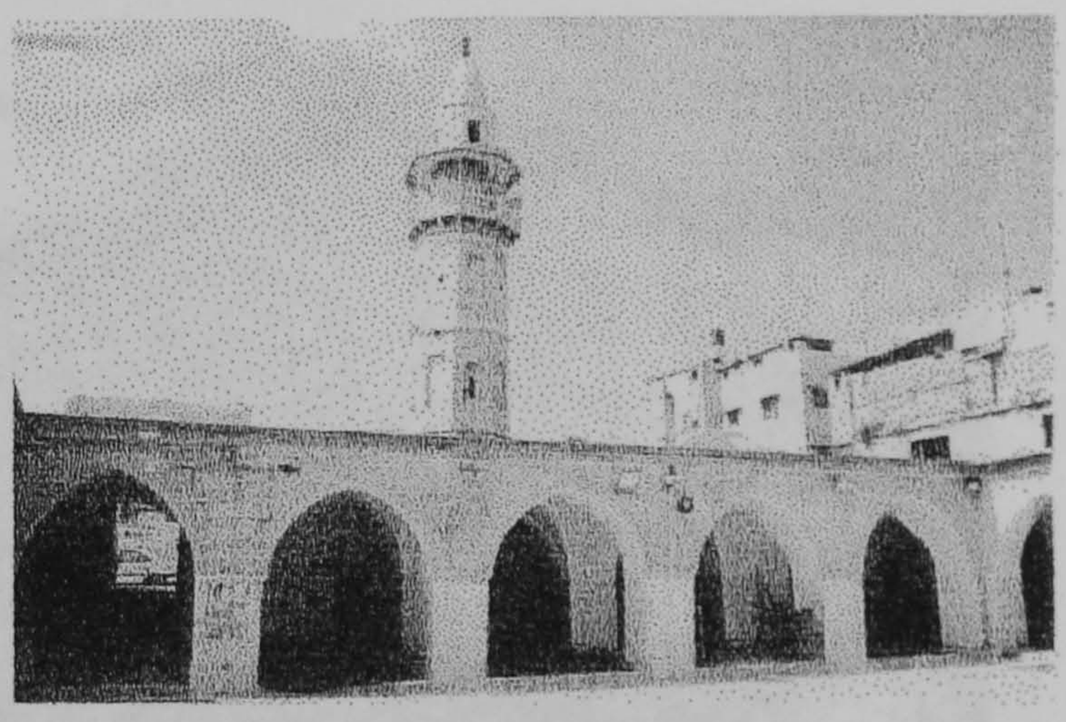




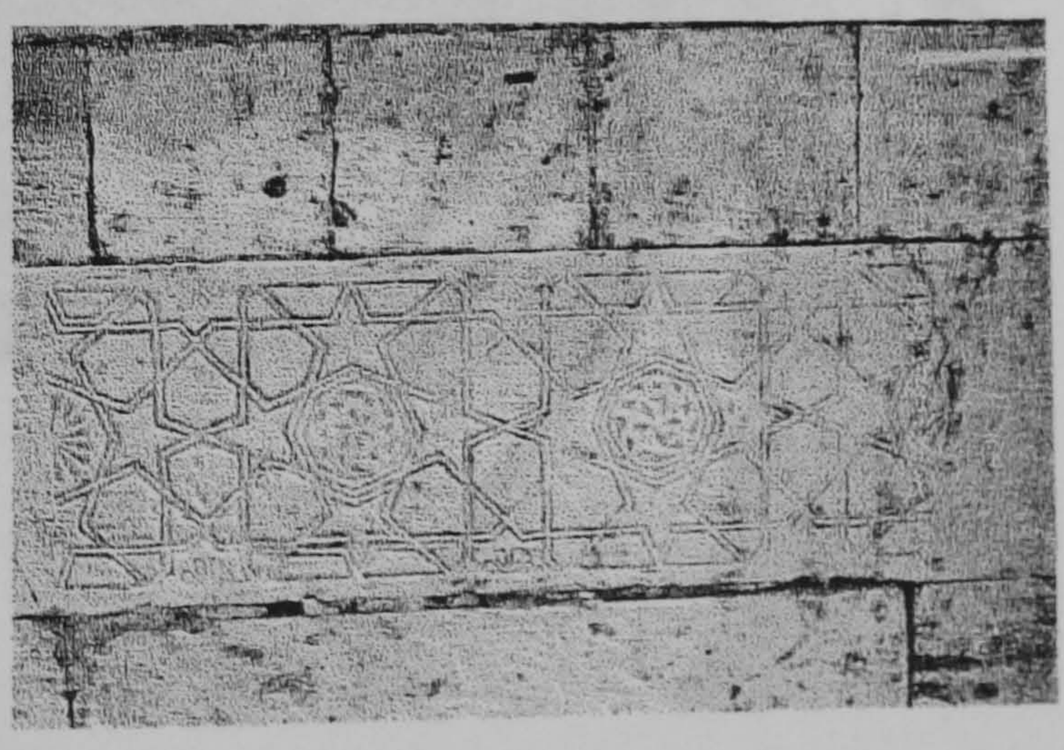
- Building age: 1597 years (built in 402AD). – Location: Ras Altali'a st., the historic town, Gaza.

Fig. 5.19. Porforious church, Gaza. (Source: The author).









- Building age: about 700 years. – Location: Alsouk St., Alshijaia quarter, Gaza.

Fig. 5.20, Ibn Osman mosque, Gaza. (Source: Reconstruction plan by Mohamed-Moain Sadek, Die mamlukische Architektur der Stadt Gaza, Berlin: Klaus Schwarz Verlag, 1991. Photographs by the author).

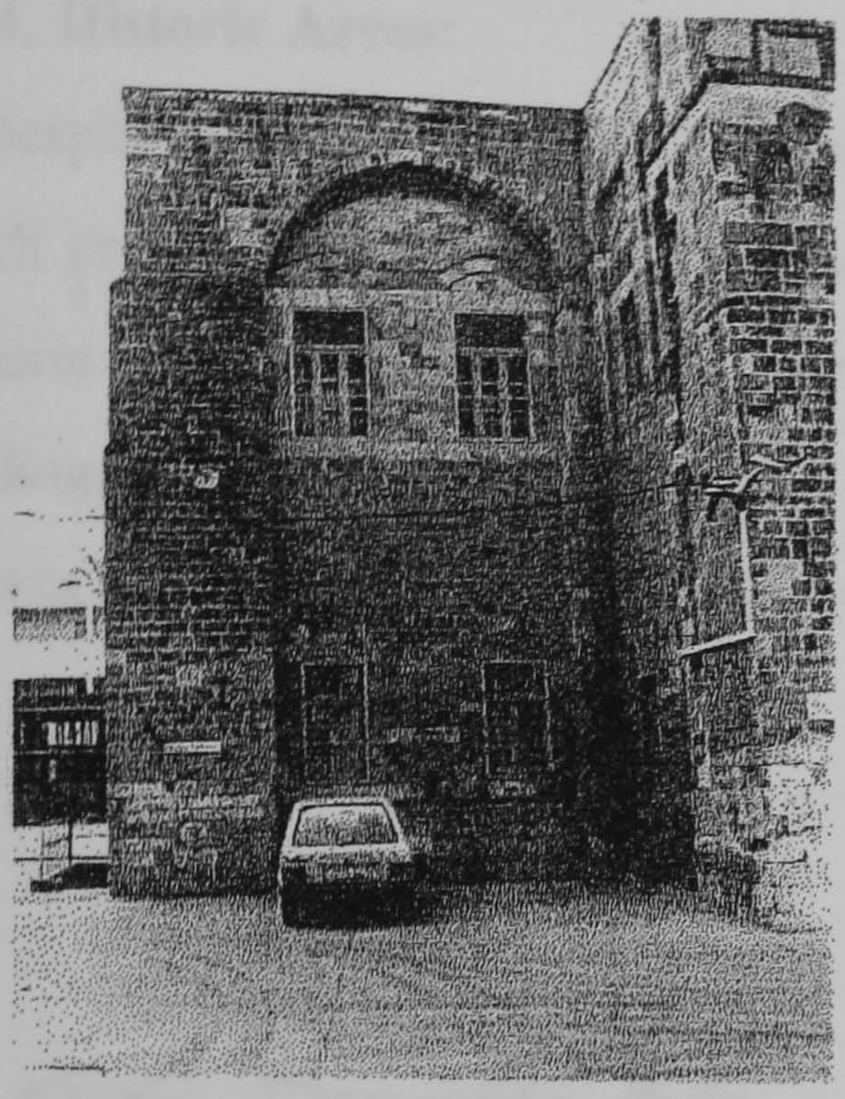
5.4.3. Public Buildings:

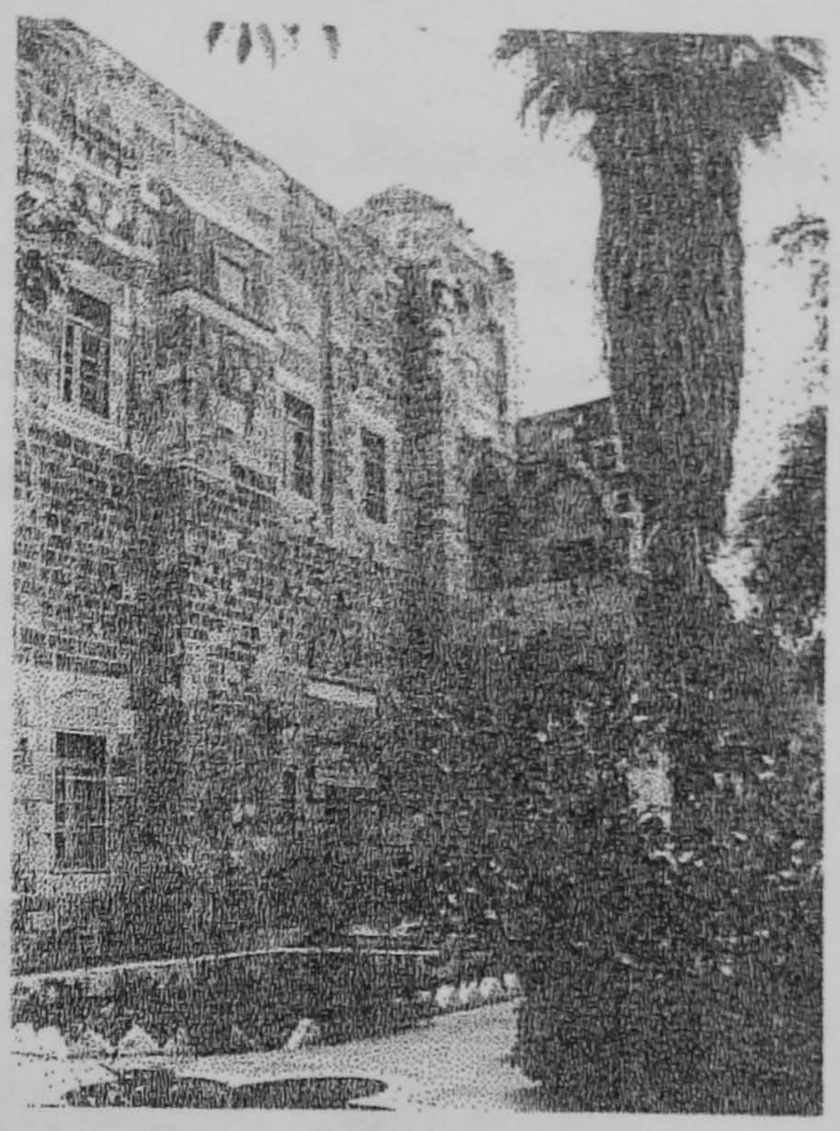
Most of the public historic buildings in Gaza have been destroyed. Examples of destroyed buildings are the *Khan Alzeit* -hotel and commercial building- and many *hammams* – public baths- related to the Mamluk and Ottoman eras. Examples of the surviving historic public buildings are *Al Ridwan* palace, *Alsamra hammam*, Municipality old building, Municipality school and *AlQasaria* bazaar.

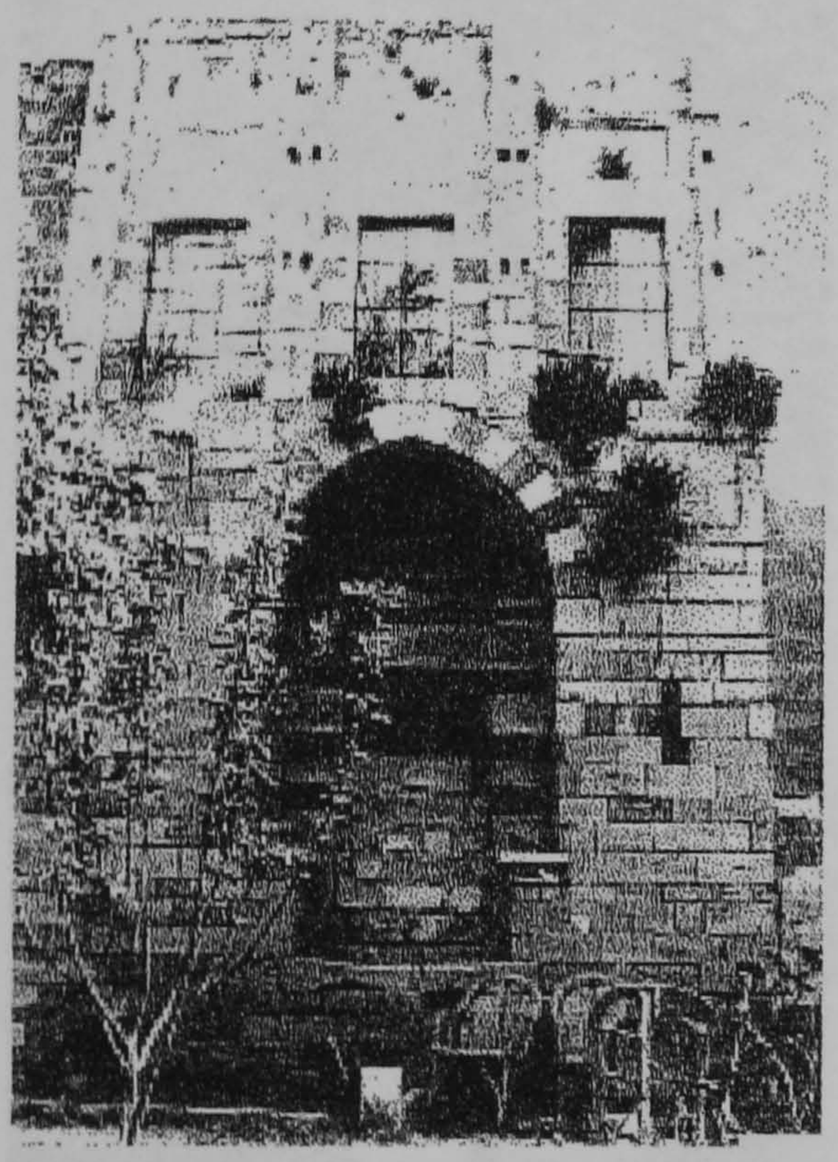


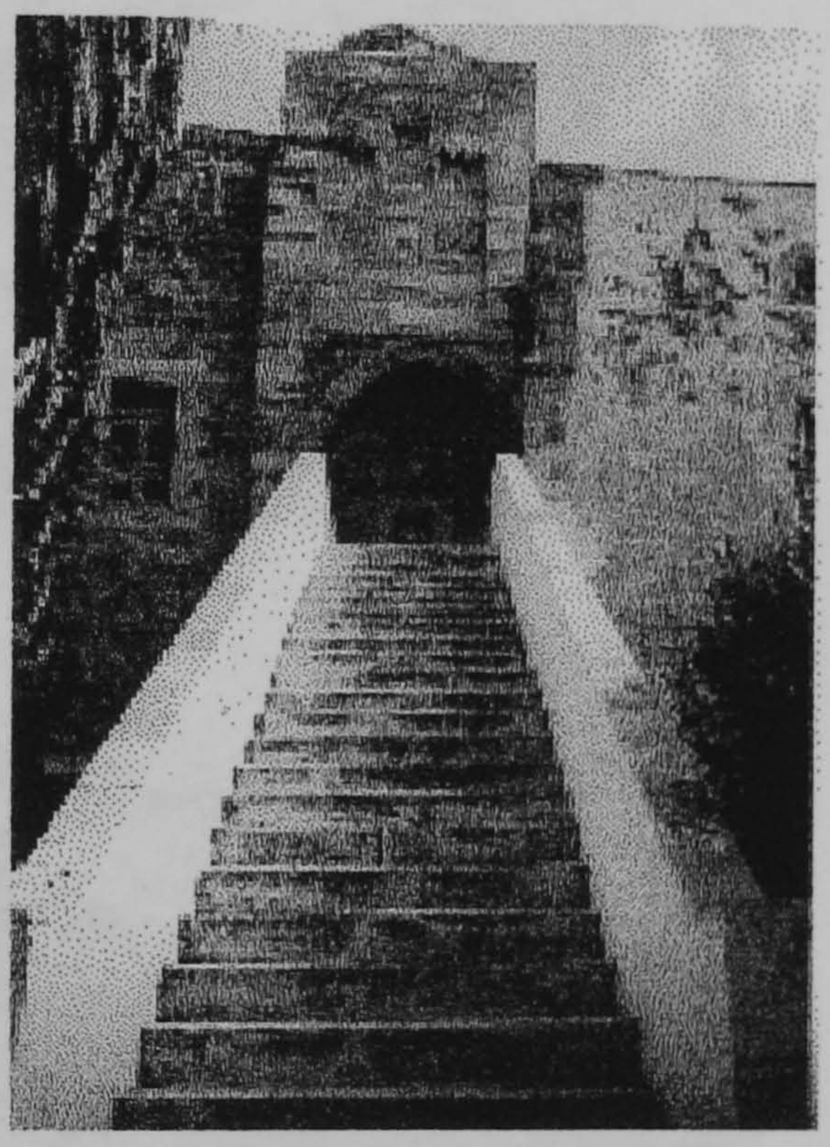
- Building age: 55 years. Status: Ground floor is used as shops and second floor for the Municipality police offices. – Location: Omar Almukhtar St., the historic town, Gaza.

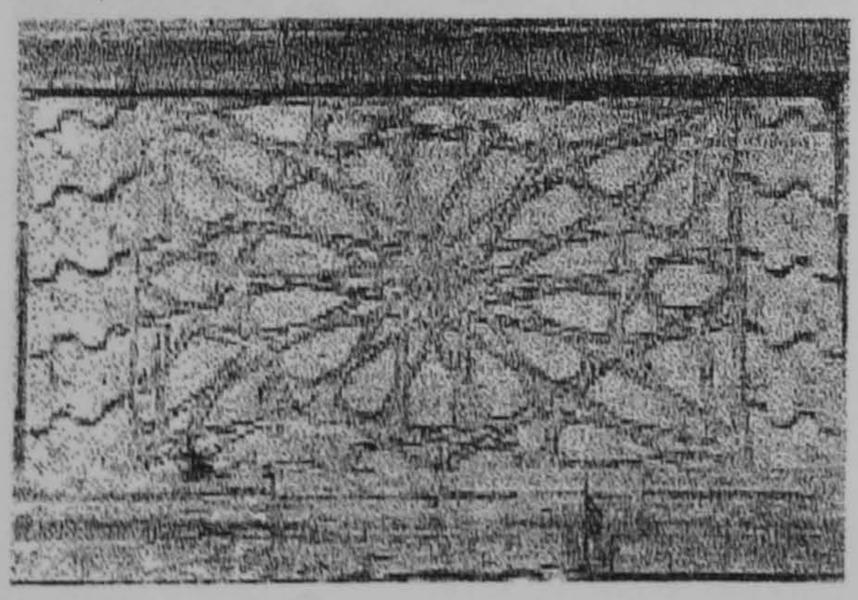
Fig. 5.21, Municipality of Gaza old building, Gaza. (Source: the author).

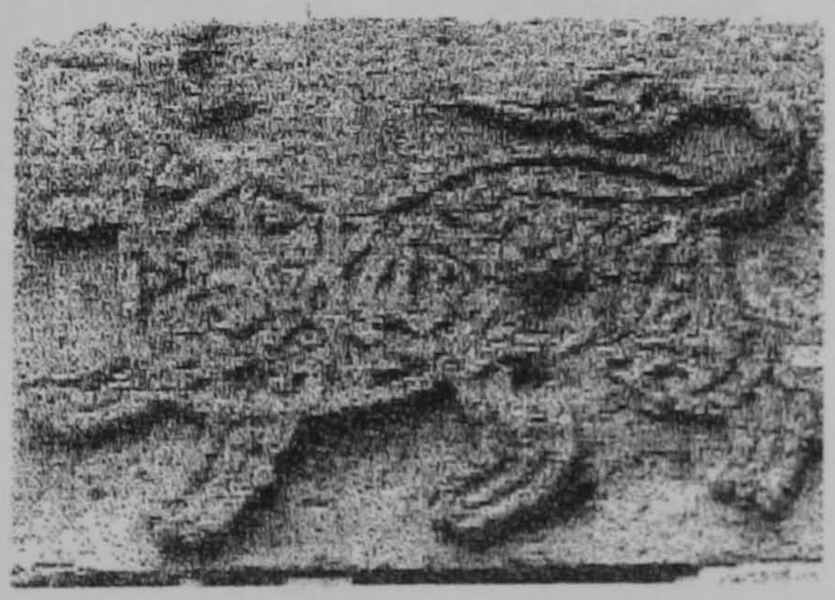












- Building age: about 420 years (Mamluk and Ottoman style). – Status: one of the finest historic buildings in Gaza with historic and artistic values. Used now as Alzahra female secondary school. –

Fig. 5.22, Al Ridwan palace, Gaza. (Source: the author).

5.4.4. Historic Areas:

Despite all the destruction that has taken place in Gaza, there are still some areas which preserve their historic character. These areas vary in both scale and location. Historic areas are characterised by original road alignment, homogeneous historic buildings and traditional streetscapes. A more detailed study and map of historic areas in Gaza will be located in chapter 10 of this research.

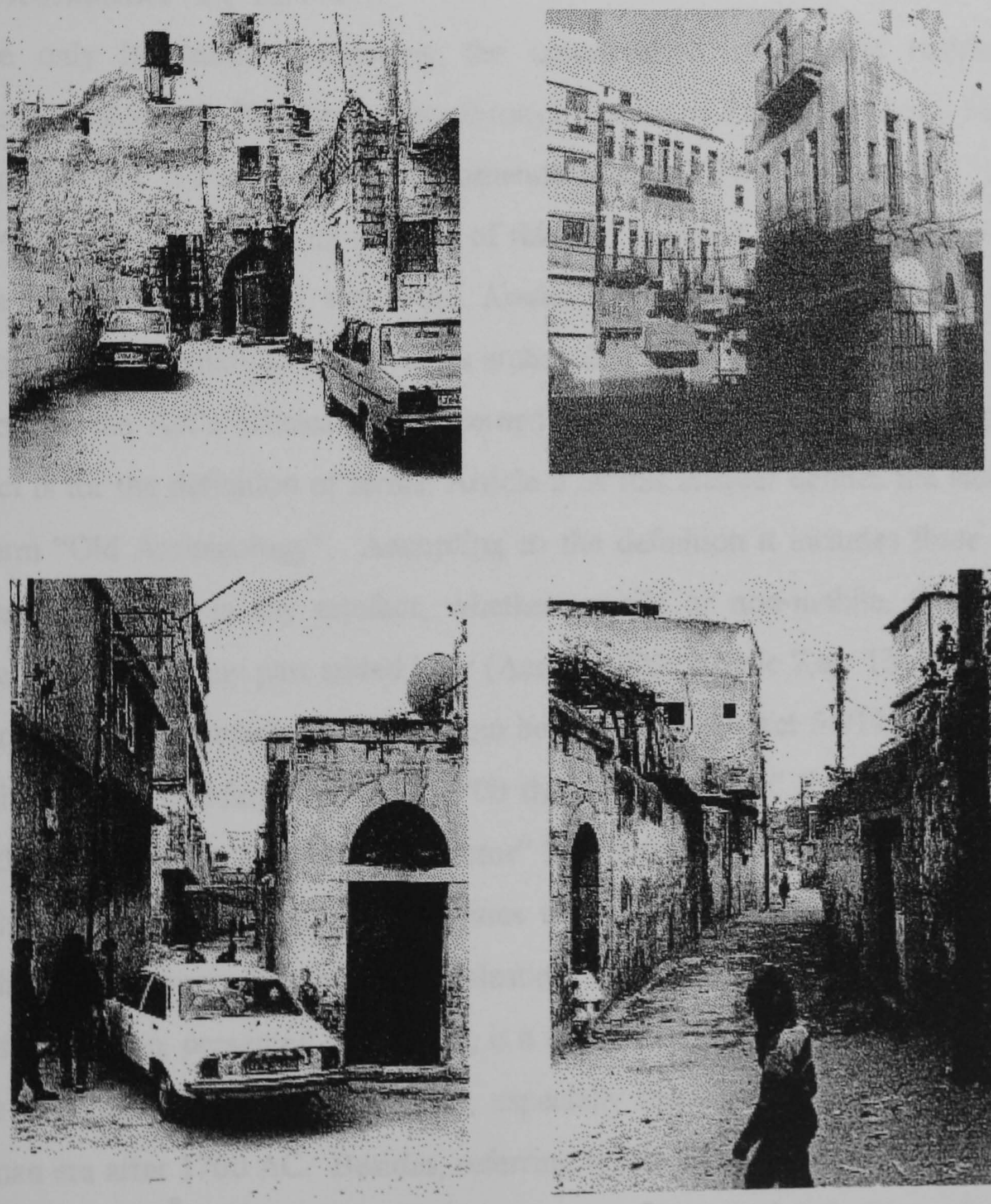


Fig. 5.23, Different views through historic areas in Gaza. (Source: the author).

5.5. CONSERVATION LEGISLATION IN GAZA

Legislation is considered one of the most important aspects in a conservation strategy for Gaza. However, the existence of legislation is not the only tool to save historic buildings and areas. The quality and content of legislation are also of vital importance. Therefore, this section will analyse existing conservation legislation in Gaza to find out its role and viability in the conservation of historic buildings and areas of the city.

5.5.1. Antiquities Act 51/1929:

The only legislation concerning the conservation of historic buildings and archaeological sites in Palestine comes through *Kanun Al Athar Al kadema* 51/1929 - Antiquities Act 51/1929-, and its amendments of 29/1934, 1/1937, 30/1943, 62/1946[11]. The translation of the title of this Act is vague. The Arabic word *Athar* means "Archaeology" and the word *Kadema* means "old". Therefore, the Act considers historic buildings and areas as archaeological objects.

Most of the Act's articles are concerned with archaeological sites. Chapter 1 of this act is for the definition of terms. Article 2 of this chapter defines the inclusion of the term "Old Archaeology". According to the definition it includes three different elements: The first is any artefact, whether mobile or non-mobile, that was built before 1700 AC or any part added later (Act 51/1929, Article 2,a). The second is any human or animal remnants that date from before 600 AC (Act 51/1929, Article 2,b). The third is any building built after 1700 that the "Director" lists as an old artefact (Act 51/1929, Article 2,c) . The "Director" here refers to the Director of Antiquities who heads the Department of Antiquities that relates to the administration of the British Sublime Envoy (Governor) in Palestine.

This definition, presented in article 2, is a clear reason to stop using this Act. Most of the buildings that survived in Gaza, especially residential ones, were built in the Ottoman era after 1700 AC. Besides, referring to the lists published by the "Director" according to part c of Article 2, there are no buildings declared old artefacts. The only list declared was under the title "List for historic sites and archaeological buildings" according to article 17 of 1929 Act which will be mentioned later in this section.

Chapter two of the 1929 Act deals with the ownership of the "old artefacts". The Sublime Envoy has the right to acquire, as a representative of the Palestine Government, any artefact discovered in Palestine (Act 51/1929, Article4(1)). The "Director" has to pay the value of the artefact to the original owner except if it is listed or was discovered in contradiction with the articles of this act (Act 51/1929, Article 5(1),(3)). The requirements for obtaining an excavation license are explained in chapter 3 of the 1929 Act while chapter 4 is devoted to the export of archaeological artefacts.

Chapter 5 of the 1929 Act comes under the title "historic buildings and sites" and is the only chapter which deals with this subject. The first article of this chapter (Article 17) states that the "Director" publishes in the *Alwaqa'a Alfilistinia* -Palestine official newspaper- a list of historic buildings. This list should be kept in police stations for public knowledge (Act 51/1929, Article 17). The only list declared was published in Index 2 of the "excellent volume" of *Alwaqa'a Alfilistinia* dated in 24.11.1944. The list includes 261 sites in Gaza District (According to the British Mandate administrative district divisions which are different and bigger than Gaza district today). Each site may include a couple of archaeological items. In 1981, two sites were added and declared in a list published in volumes 55,62 of "Orders and Publications" which was published by the Archaeology Affairs Officer (the Director) of the Israeli occupation. In these lists the Location of sites is described with the existing archaeological objects that are listed. From classifying these objects according to the type the following could be inferred:

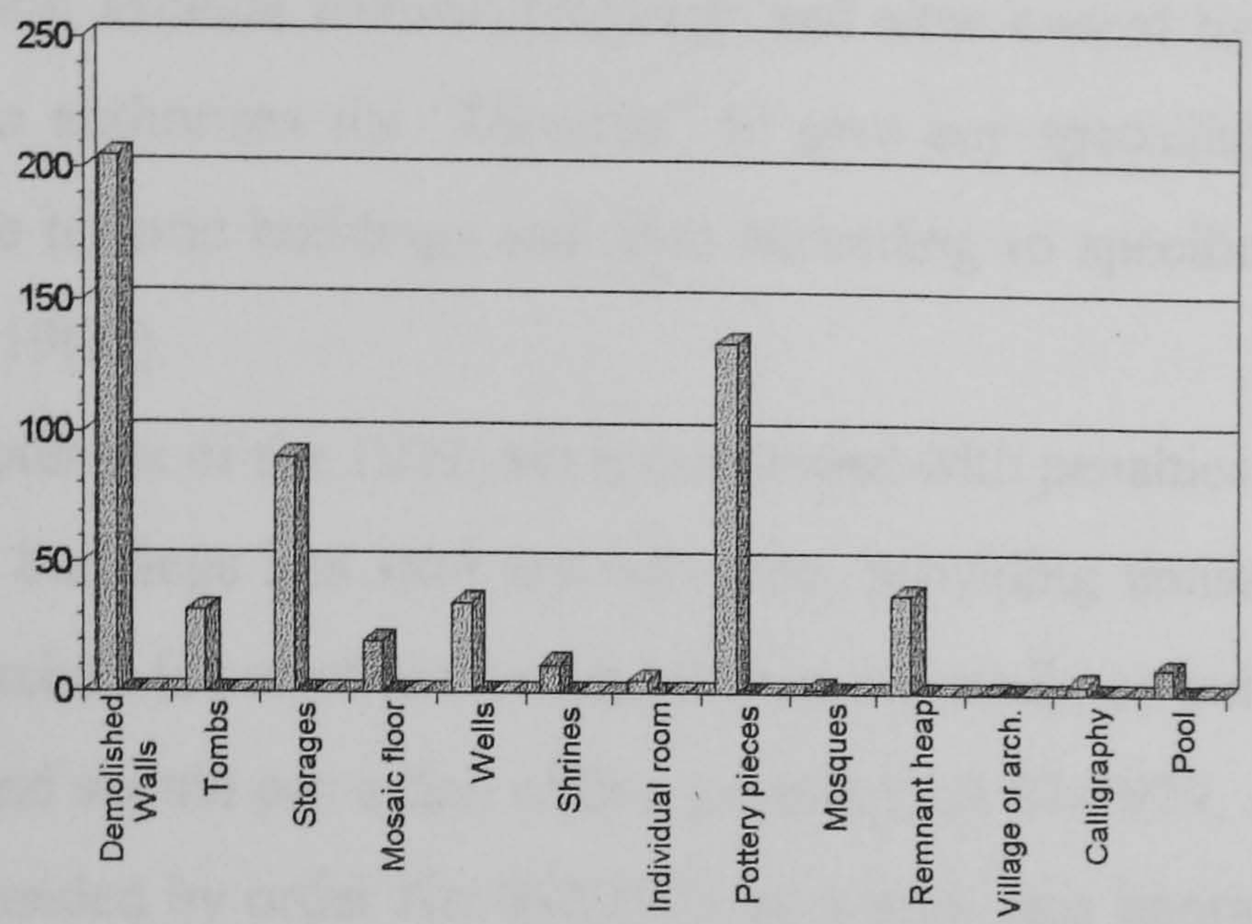


Diagram 5.2, Classification of listed objects in the 24.11.1944 list. (Source: The author).

The graph shows that the list included many archaeological objects and very little buildings or areas. This fact proves that according to 1929 Act, the policy was not directed towards the conservation of historic buildings but rather to archaeological sites and artefacts.

Although article 17(3) gave the "Director" the authority to define the limits of historic sites, there was no definition for conservation area limits. If the historic building or site is listed, it can not be demolished, totally or partly, without permission from the "Director" (Act 51/1929 Article 18(c)). The Act also prohibits the implementation of any maintenance or additions or other changes without a consent from the "Director". This excludes historic religious buildings and buildings owned by religious institutions (Act 51/1929, Article 18(D),(E)).

The 1929 Act provides for the care and keeping of historic buildings and at the same time the protection of private ownership rights. The "Director" has the right to make an agreement with the private owner to conserve or maintain the historic building and to provide financial support for that according to his conditions (Act

51/1929, Article 19 (1)(A)). He can also buy, rent or acquire the building (Act 51/1929, Article 19 (1),B,C). On the other hand, article 19(1)(D) gave the "Director" the right to totally or partly demolish an historic building. The acquisition, rent and demolition exclude historic buildings and sites owned by religious institutions. The Act also authorises the "Director" to give any specialised institution the license to preserve historic buildings and sites according to specific conditions (Act 51/1929 , Article 19(2)).

Chapter six of the 1929 Act is concerned with penalties. The articles that deal with historic buildings and sites are only two, providing limited punishment. If someone has searched for artefacts or demolished any walls or buildings without license he is guilty and should pay a fine of 200 pounds (Act 51/1929, Article 22(4)). This penalty was amended by order No.462/1973 by a one- year imprisonment or a fine of 30,000 Israeli Lire (This currency does not exist now and it is now equivalent to 3 Shiquels - $0.8-). Any one who altered any archaeological artefact through ignorance or intent is considered guilty and imprisoned for twelve months or a fine of 100 pounds or both. The mentioned penalties have not been amended according to the current currency or situation and could be described as ineffective.

Chapter seven of the Act is for general rules. The most relevant is Article 23 that states that the Sublime Envoy is responsible to set up a consultation board for archaeology headed by the "Director". On the other hand, the Act states that the "Director" is not to be restricted by the consultation board (Act 51/1929, Amended by 29/1934, Article 23(2)). The Sublime Envoy also has the right to issue any ordinances regarding the implementation of this Act (Act 51/1929, Amended by 29/1934, Article 30).

5.5.2. Old Archaeology Ordinance:

This ordinance is dated in 21/1/1930, 29/1/1932, 20/7/1932 and was amended in 14/7/1947, 25/1/1977 [12]. Most of the articles of this ordinance are for excavation and trading licenses. Relevant articles concern the establishment of the Old Archaeology Consultation Board (OACB). The OACB consists of a chairman, the "Director", and nine members appointed for a one-year period. They are appointed yearly by the Sublime Envoy (Part 5.30, 1 Feb 1930, Article 2(1),(2)). The "Director" has to consult the OACB for the proposed preservation projects and any amendments of the

Act (part5, 14.7.1997, Article2(7)). On the other hand, he does not have to be restricted by the OACB decisions (Act 51/1929, Amended by 29/1934,Article 23(2)).

The qualification of the OACB members is not described in the ordinance and this board does not exist since the British Mandate according to Mr. Shawa[13].

5.5.3. Antiquities "Sheds" Act (33/1935):

This Act is applied to each listed historic site and any place owned by the Department of Antiquities (Act 33/1935, Article 2 (A), (B)")[14]. The aim of the act is to give authority to the Sublime Envoy to organise the use of the above mentioned places and the methods to protect them from being ignored or misused.

5.6. EVALUATION OF EXISTING CONSERVATION LEGISLATION IN GAZA

The Existing acts and ordinances that relate to architectural and urban conservation are as follows:

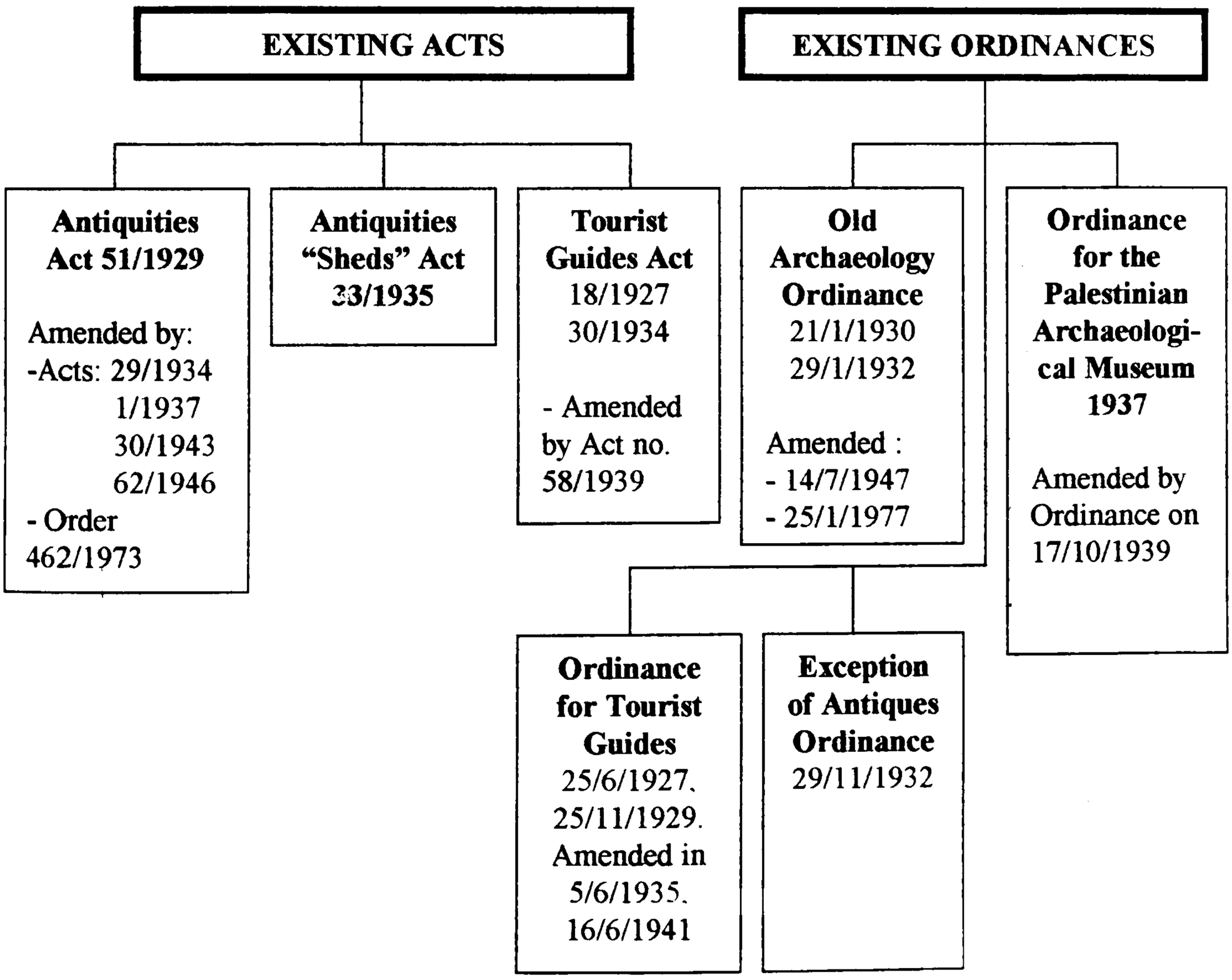


Diagram 5.3, Existing conservation legislation in Gaza. (Source: The author).

Although the Acts and Ordinances are still in effect according to the legislative status in Gaza, no adoption of any of them has been made by the current government.

Existing conservation Acts and Ordinances have the advantage that they exist so that it would be easier to amend them than to establish new ones. Article 19 of 1929 Act is positive as it gives the "Director" the authority to buy, rent or acquire any historic building or site (except those owned by religious institutions). Although most of public historic buildings in Gaza are owned by Islamic *Waqf* (Religious Affairs), Article 19 of 1929 Act could be a positive tool regarding private and public buildings not owned by Islamic and Christian Affairs.

On the other hand, the disadvantages and inefficiency of the existing legislation could be represented in the following:

5.6.1. Generality Versus Particularity:

The existing conservation legislation is a general one. It combines both archaeological sites and historic buildings in one definition. Most of the articles refer to archaeological sites and artefacts, with less attention paid to historic buildings. The list of listed buildings and sites has a very limited number of buildings and a large number of archaeological objects and sites. Most of the ordinances concern description of Acts and methods of implementation especially for archaeological sites. This comes through different ordinances like the "Ordinance for Palestinian Archaeological Museum"[15]. Article 2 of the 1929 Act defines the old archaeological object as any mobile and non- mobile object before 1700. This combination results in less attention being paid to historic buildings and a concentration on old artefacts that were of tourist and economic interest. In conclusion, the number of articles concerned with historic buildings and area conservation are very limited in comparison with the total number of articles in existing conservation Acts and Ordinances (Diagrams 5.4, 5.5).

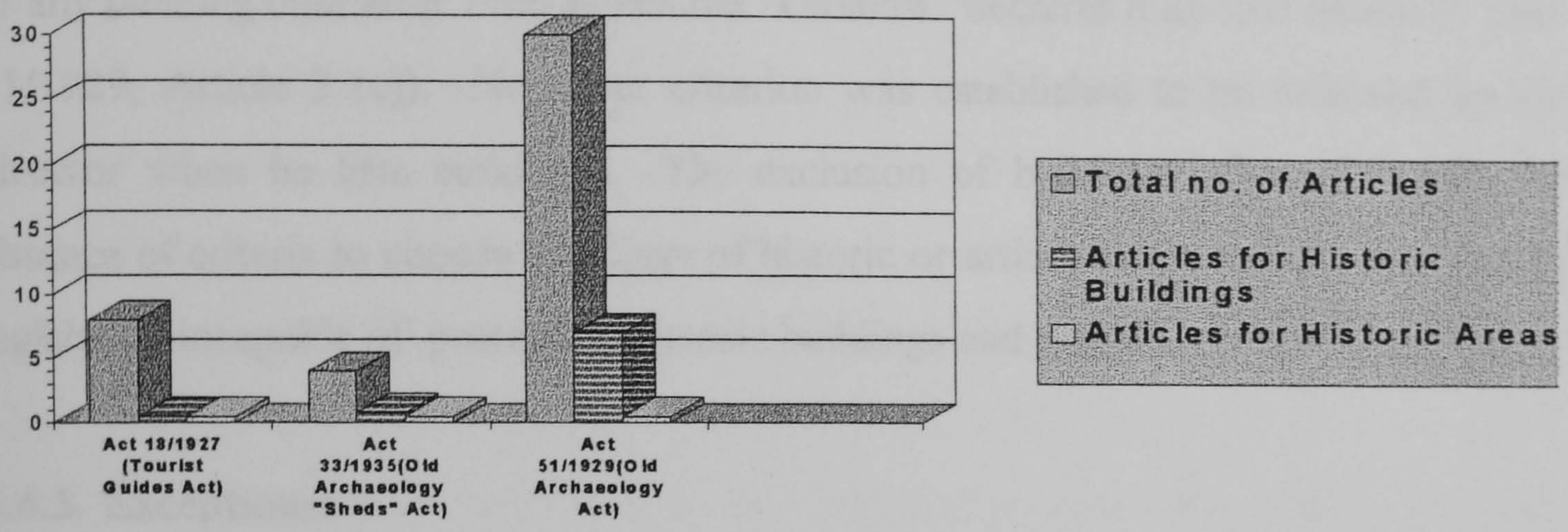


Diagram 5.4, Articles specialised in historic buildings and Areas in existing "Acts". (Source: The author).

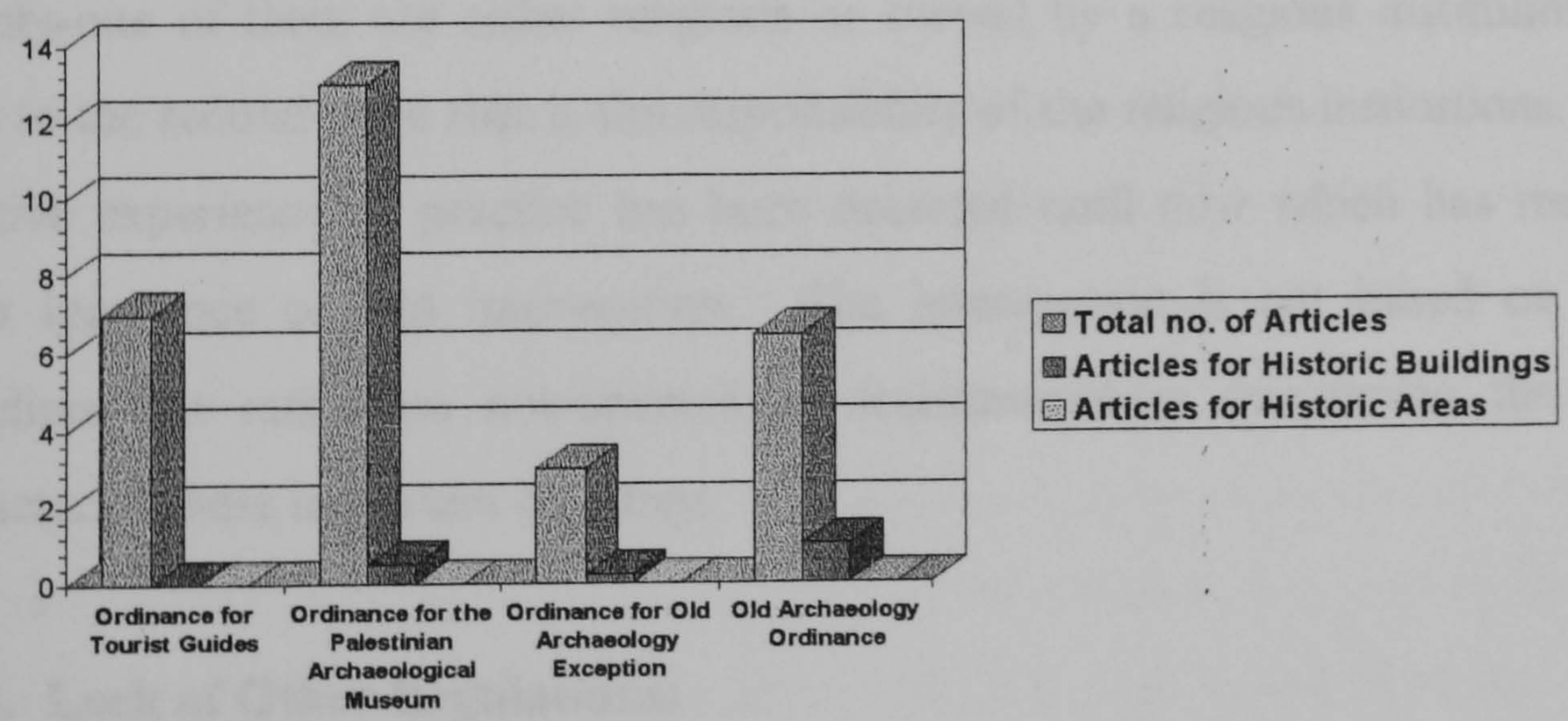


Diagram 5.5, Articles specialised in historic buildings and areas in existing "Ordinances". (Source: The author).

5.6.2. Criteria:

The only criterion to define historic buildings and areas is age. The historic building or artefact is any building built before 1700 AD (Act 51/1929, Article 2 (A)), or any building built after 1700 which the "Director" declares it as "old artefact" (Act 51/1929, Article 2 (c)). No other criterion was established to be followed by the director when he lists buildings. The exclusion of buildings after 1700 and the absence of criteria to choose buildings of historic or artistic interest made the existing legislation incapable of protecting historic buildings and areas.

5.6.3. Exceptions:

A noticeable compromise in the existing conservation legislation in Palestine and Gaza is the exclusion of religious buildings and the buildings owned by religious institutions. This exclusion has resulted into two disadvantages. The first is the absence of any compulsory maintenance for these buildings. This issue becomes more important because of the fact that most public historic buildings in Gaza are either religious or owned by religious institutions. For example, the report of the structural plan for Gaza describes twenty-two buildings of historic importance to be conserved. Twenty-one of them are either religious or owned by a religious institution. This leads to the second issue that is the responsibility of the religious institutions. A very negative experience of practice has been detected until now which has resulted in either ignorance or bad intervention. The intervention is not based on specific guidelines but rather on non-specialised decision-makers threatening the original character of these important buildings.

5.6.4. Lack of Other Regulations:

The mentioned Acts and Ordinances are only concerned with historic or archaeological artefacts. At the same time, they have nothing to regulate the areas adjacent to historic buildings and archaeological sites. There is also an absence of any planning regulations which govern this concern. The only planning law which exists is the "Urban Planning Law 28/1936" [16]. This Law refers to historic areas and buildings in only one article. Article 14 of this Law states that the master plans done for the

city should conserve the "archaeological and beautiful sites" (Urban Planning Law 28/1936, Article 14(2j)).

The Urban Planning Law, however, gave the local planning committees of the municipalities the right to establish any required regulations according to the articles of this law. The only relevant Ordinance was established in 1938 which is "Building Ordinance for the Old Gaza City"[17]. The city of Gaza, at that time, was only the same area of what is called now the "old city". This is because the decision of city enlargement had taken place in 1938. Consequently, the regulations mentioned in this ordinance were intended to organise the building process in Gaza. These regulations only limit building heights and the use of materials (Article 2,4). This ordinance, however, is not in effect now because the master plans of the city which came after have ignored it.

5.6.5. Responsibility:

The responsibility of applying the existing conservation legislation is committed to the "Director" of the "Department of Antiquities". The "Director" was appointed by the British Sublime Envoy who also appoints a consultation council for old archaeology. According to 29/1934 Act the "Director" does not have to follow the consultation council. After the British Mandate and during the Egyptian Administration this post was ended and the duty was delegated to the Deputy Governor or District Commissioner as Mr. Alshawa says[18]. Mr. Alshawa was the Deputy Governor at that time and he stresses the importance of public consciousness of historic buildings. During the Israeli occupation the responsibility was delegated to the "Archaeology Affairs Officer" who played a concentrated role without a consultation council or public participation. At the moment, the responsibility is not posted to a specific institution and the post of the "Director" is not filled yet.

5.6.6. Penalties and Incentives:

It is not a priority to talk about penalties at the time when the legislation is not yet applied. Like other parts of the Acts and Ordinances, the penalties are not applicable at the moment. The importance of penalties arises from the fact that they are a complementary part of any legislative system. Mr. Abu Alnasser explains that the

nature of the penalty depends on the violation. In any case, he says, penalties are an unavoidable act to guarantee the application of laws[19].

The existing legislation for historic buildings has no serious incentives for the protection and conservation of these buildings. The only incentive comes through the "Old Archaeology Act" that gave the "Director" the right to negotiate with the owner to provide him with financial help to preserve or maintain any works he -the Director- sees necessary (Act 51/1929 , Article 19 (A)). This article is subject to the acceptance of the owner and does not have any enforcement verification, whether for the "Director" or for the owner.

Conservation legislation includes no other social, economic, tax relief or any other incentives to encourage owners to preserve and conserve their buildings. It also does not include measures to balance penalties and incentives. This has resulted in the conviction that the legislation is against the benefit of the owners rather that an encouragement to conserve historic buildings and sites.

5.7. SUMMARY

Gaza city is distinct in its history which goes back through different civilisations. According to the existing political and socio-economic situation, it is necessary to establish a conservation strategy to protect the remaining historic buildings and areas of this city. This would help in re-establishing the continuity of the history that is needed to assert national identity. A conservation strategy would also foster for socio-economic prosperity. The review of the conservation activities in Gaza showed that no serious or comprehensive conservation strategy exists until the mean time although there are many factors demanding such a strategy.

A group of factors influences a suitable conservation strategy for Gaza. Besides cultural and socio-economic factors, there are administrative, documentation, enlightenment and legislative factors that exert influence to different degrees. For many years owners were free to use their land for the purpose for which it was economically or socially best suited. Today, most societies require not only that freedom be restricted for the public good, but also that the use to which land and property are put should be determined by the long- term interests of the community as a whole. This could be implemented by establishing adequate legislation to control the conservation process. Because of the scarcity of historic buildings and areas, and because of their continual ignorance and loss, appropriate legislation is considered one of the most important aspects in the conservation of historic buildings and areas in Gaza.

Unfortunately, the existing legislation relevant to architecture and urban conservation in Gaza is old, having never been updated, and is inefficient in the protection of historic buildings and areas (Diagram 5.6). Existing legislation is concerned more with archaeological artefacts with little mention of historic buildings and no mention at all of conservation areas. Moreover, this legislation does not include any regulations governing new buildings adjacent to historic buildings or within areas of historic importance. The disadvantages of existing legislation lie not only in the inefficiency of its articles and parts, but also lie in the methodology of application.

This conclusion suggests the need for updated and appropriate legislation as an urgent part of a conservation strategy. Such legislation will help to protect historic buildings and areas and also help promote socio-economic prosperity for the city of Gaza. The existence of legislation is not enough to establish a conservation strategy as happens in Gaza. Conservation legislation must be comprehensive, independent from archaeology laws and specialised for historic buildings and areas. It must also include protective and incentive measures. This model of legislation will be explained in Chapter 10.

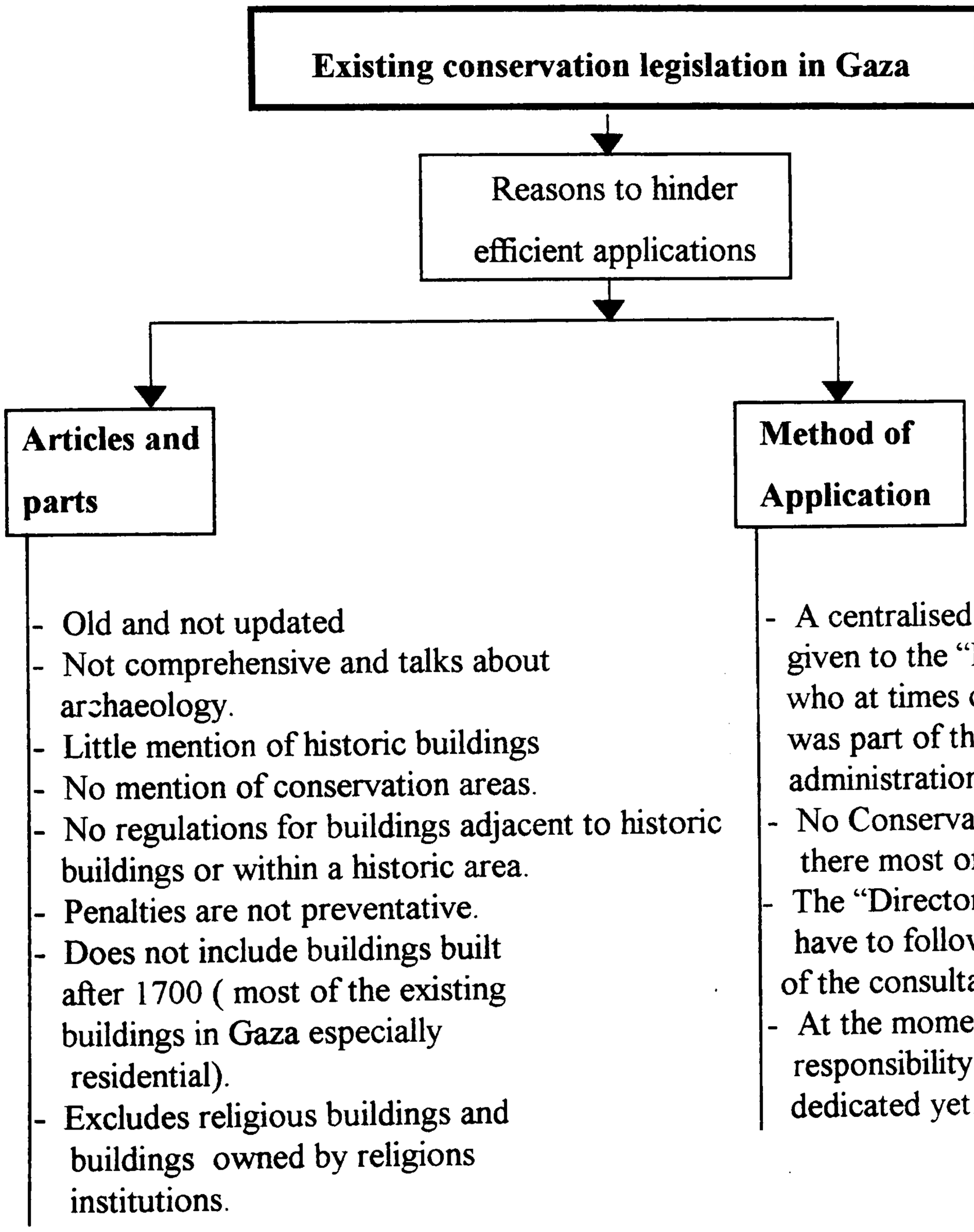


Diagram 5.6, Evaluation of existing conservation legislation in Gaza. (Source: The author).

Footnotes:

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2- Meyer,M., A., History of the City of Gaza from the Earliest Times to the Present Day, New York: Columbia University Press, 1907.

3- Glucker, C., op. cit., p. 4

4- United Nations, The legal status of the West Bank and Gaza, New York: United Nations, 1982, p. 2

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7- Ezaiza , Nahed, Head of Building Licensing Section, the Municipality of Gaza, Interview on 1.4.1998 .

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10- Shawa, Isam, Chairman, The Association for the Conservation of Public Archaeology in Gaza Strip, Interview on 15.4.1998.

11- Driton, R.H., *Kwaneen Filistine*, Jerusalem: Palestine Government, 1933, Part 5, Volume I.

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13- Shawa, Isam, op. cit.

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CHAPTER 6

LEGISLATIVE FRAMEWORK IN GAZA

CHAPTER 6

LEGISLATIVE FRAMEWORK IN GAZA

There are two definitions of legislation. The first is a general definition concerning the creation of required codes that organise the relationship between people in a society. Usually these rules are created according to known legislation sources or according to the existing customs. Legislation can also be defined as an expression of the will of the authority to force individuals to respect and follow specific rules to avoid being penalised.

The creation of the world's state system has lead to the establishment of legislation as a tool to amend and control the known original rules in societies. According to Abu Alnasser[1], the original rules are incapable to adapt with the development taking place, therefore, legislation is necessary to establish legal rules required to control different aspects of development in a society. Legislation, he adds, is a direct, distinct expression in a form of laws and ordinances that must be followed. The degree of implementation, however, differs according to the policy adopted by the authority responsible for implementation.

One of the aspects which affects the initiation and evolution of the conservation legislation needed to guide conservation strategies is the existing legislative system. Conservation legislation depends mainly on existing legislative system in the area of application. The legislative system includes applied legislation, establishment and amendment of legislation and the succession of legislation levels.

The evaluation of the existing conservation legislation in Gaza earlier in chapter 5 has shown that existing legislation is inefficient in guiding a conservation strategy for Gaza. So what are the different legal alternatives available for legislation establishment or amendment? The knowledge of legal alternatives requires an analysis of existing legislative system that governs all legal issues. Because of that; legislation and the legislative framework is considered as a major arm for the proposed comprehensive conservation legislation model explained earlier in the introduction to the research. Conservation legislation must be appropriately integrated into the

legislative system in order to guarantee the ease of implementation and the success of results.

This chapter will highlight the existing legislative system in Gaza to find out the potential of this system to initiate, amend or develop conservation related legislation. This study will help to identify the conservation legislative framework appropriate to the conservation of historic buildings and areas. It should be pointed out that until now, there is not a unified legislative system in Palestine. After the British Mandate departure from Palestine, the West Bank was administered by Jordan and the Gaza Strip was administered by Egypt. Consequently, different legislation was applied to them. The newly established Palestinian Legislative Council is trying to unify existing laws, but that takes time, as explained later in the chapter.

6.1. LEGISLATIVE SYSTEMS

The historic study of law includes two related aspects. The first is the origins of the legal rules whether they are based on religion, tradition, custom or any other sources. The second is the legal systems regardless of their origin such as general or private law, government system, penal system, etc. However, the study of the origin of legislation or the development of legislative systems would be deficient without the study of both intellectual and socio- economic factors affecting this development.

The three great families of law of modern civilisation are civil law (also called the Romano- Germanic law), common law (also called the Anglo- American law), and the soviet law (also called the Socialist law). These laws descend from ancient Roman and Germanic law, altered by various customs based, ecclesiastical, feudal, commercial and modern socio- political influences[2].

Civil law is applied world wide as most of European legal systems are classified as civil, especially France and Germany. From there it spreads to Latin America, Asia, Africa and the Middle East. In the civil law, statute is deemed the basic source of law. The civil code is made up of short articles on the assumption that the legislator can not pretend to foresee all circumstances that may arise in life. Only conciseness can make the code flexible enough to adapt old principles to new circumstances. When interpretation is required, it is the responsibility of the courts to give it, taking in consideration the spirit of the code in order to apply to each case the solution that would have been desired by the legislator[3]. These criteria give civic law familiarity and

the possibility of being applied in different places. Although the code is a work of logic; it relies mainly on experience. Consequently, it is recognised that law can not be inflexible, but must be adapted to the character, the habits, and the situation of the people for whom it is drafted[4].

Different from civic law, the English common law is based on judicial decisions and embodied in reports of decided cases. It originates in the early Middle Ages in decisions of local courts, which applied custom and reason to everyday disputes with the aid of few formal enactment. It has continued to be developed by judges, as opposed to legislators[5]. Besides England, common- law countries are Canada, Australia, New Zealand, the Republic of Ireland and those countries in which the law of England has been received or implanted.

Although it was classified by some legal scholars as a subdivision of the civil- law system, Socialist Law is a system of public order devised by communist politicians after the Russian Revolution of 1917 and emulated subsequently in different countries. The major task of this legislation is the elimination of the political power of the bourgeoisie depriving them of their ownership of productive resources. A complex institutional framework of courts was constructed. In principle, only the legislature's enactment was a source of law[6].

Western legal systems, supplemented by Islamic law, have come to prevail in most of Islamic countries. In these cases, Islamic law is applied in personal affairs which mean the rules govern the home and family, according to Dr. Alkhan and Dr. Al Bagha[7]. This includes marriage, succession, and family. Other legislative systems, however, are applied to other aspects of life. This type of law is applied in Palestine, Egypt, Jordan and others. Some Islamic countries, however, are applying Islamic law to all aspects of life, such as Saudi Arabia and Iran.

The sources of Islamic law which are called *sharia'a* or *Fikh* are the *Quran* (Allah's words), *Sunna* (Prophet sayings), *Ijma'a* (the accord of the faithful), *Ijtihad* (sound opinion) and finally *kias* (equivalent cases to decide for contemporary issues). According to the *Quran*, Islamic law should be applied to all aspects of life including political, socio-economic and others. Dr. Barood says that Islamic *sharia'a* is characterised by including detailed rules which govern all relations and concerns of individuals[8].

All legislative systems recognise that laws can not be inflexible but must be adapted to customs, habits and the socio-economic situation of the people for whom they are drafted. However, all rules delineated in the two main sources for legislation in Islam, *Quran* and *Sunna*, are considered compulsory and not flexible. These two sources do not include major rules for architecture and urban conservation as discussed earlier in chapter 1 (section 1.1.2). Consequently, it is possible to establish any new rules required for conservation without contradicting the concept of Islam outlined earlier in chapter 1.

6.2. LEGISLATIVE SYSTEM IN GAZA

The legislative systems that have governed Palestine are a result of a long history of political, historic and geographic factors. The Palestinian people have not had the chance to establish their own legislative system. All legal systems have been compulsory ones issued by foreign authorities. For a long period and before 1917, Ottoman laws were applied in the same way as in other parts of the Ottoman Empire. After the 1st World War, Palestine was ruled by the British Mandate that kept Ottoman Laws with some amendments according to Article 46 of Palestine Constitution Statute of 1922[9].

A group of laws and regulations were issued during the British Mandate. Two relevant laws were issued which are the Antiquities Act 51/1929 and the Urban Planning Act 28/1936. For the first time, the process of codification of laws had taken place in 1934 by Mr. Robert Driton, the official codifier of Palestine Government.

After the end of the British Mandate in 1948, Gaza Strip was administered by the Egyptian Administration. The Administrative Governor of Gaza Strip issued a group of compulsory orders. The most relevant is Order no. 6/1948 that kept in action the laws and regulations which were applied during the British Mandate. In 1955, a new statute for Gaza Strip was drafted to govern the legislative system. This statute, which was approved and put in effect by the President of the United Arab Republic in 1962, permitted the establishment of a legislative council in Gaza. This legislative council was committed to establish legislation that must be approved by the Egyptian Administrative Governor in Gaza (1962 Statute, Articles 30-50)[10]. Nothing related to architecture and urban conservation legislation had been modified or changed until the end of the Egyptian Administration in 1967.

The 1967 Six Days War ended the Egyptian Administration in Gaza Strip that was occupied by Israel. The Israeli occupation allowed the continuation of existing laws in Gaza Strip which did not contradict its established orders. The Legislative Council was not allowed to exist during the Israeli occupation, therefore, no changes took place in the conservation legislative framework. A relevant issue that could be mentioned is the establishment of a new master plan -part of the legislation- for the city that affected badly historic buildings and areas, as explained in chapter 5 (section 5.2).

The peace agreement that was signed by the Palestinian Liberation Organisation and Israel in 1993 had allowed the end of Israeli occupation and the establishment of the Palestinian Authority in some parts of the Palestinian territories of the West Bank and Gaza. Gaza had come under the rule of the Palestinian Authority and it is now the home of the Palestinian Government. On 20 May, 1994, Mr. Yasser Arafat, the chairman of the Palestinian National Authority, issued an ordinance to keep in action all laws, regulations and orders that were circulated before the Israeli occupation in the West Bank and Gaza Strip until the unification of these laws. This ordinance had thereby cancelled all orders issued by the Israeli occupation. The current legislation in Gaza Strip, therefore, includes Ottoman laws, British Mandate laws and the laws and regulations that were issued during the Egyptian Administration.

The legislative system in the Gaza Strip is based on a basic constitutional statute –the civic legislative system-. This system, according to the philosophy of the 1830 French civil statute, is based on the assurance of individual rights and freedom. It also requires the establishment of an independent legislative system[11]. The constitutional statute, however, is a group of basic rules which define the shape and the government system of a state. It also organises the state's authorities and the relationship between these authorities and individuals. Accordingly, it is presumed that the constitutional statute enforces individual rights and freedom. By this definition the constitutional law is considered a basis for administrative law. The constitutional codes explain general rules, while the details are explained through the administrative rules derived from the constitutional general rules. Because of this, no administrative details or ordinances could be issued before the establishment and approval of the basic constitutional statute.

The establishment of a unified constitutional statute for the Palestinian Territories is under debate now in Palestine. The Palestinian Legislative Council has issued a new constitution in 1996 that has not yet been approved by the President.

6.3. TYPES AND SUCCESSION OF LEGISLATION IN GAZA

Legislation, according to Dr. Barood, is the codification of rules in a written form done by a specialised authority in the state[12]. He adds that the term legislation is used to describe the legal rules that have been issued by this authority[13]. One of the conditions for codification according to the Encyclopaedia Britannica is that the law should be written in clear language, setting forth general rules and arranging them logically so that they might be accessible to every citizen[14]. This is considered a distinctive advantage as it arranges legal rules in a written form that leads to an equal dealing between all people.

The official and major source of law in democratic countries is legislation. Other sources are religion and tradition. Legislation is the major source according to Dr. Barood because it is easy to establish, amend or cancell[15]. This fact gives the flexibility to adapt with the development of society. In Gaza, however, religion is the source of law for personal affairs like marriage, divorce, succession...etc.

Legislation includes some categories differing in their importance. The degree of importance also determines the succession of legislation. Succession means that the lower grade legislation could not be active unless it is derived and allowed by a higher grade legislation (Diagram 6.2). Legislation in Gaza could be classified into three major parts. Those parts are the basic (primary) legislation, the regular (normal) legislation and the secondary (tertiary) legislation. The following is an explanation for each of the three parts.

6.3.1. The Basic Legislation:

The basic legislation is the primary and the most important one. It is called the Constitutional Legislation or the "Statute". The active statute is the 1922 Palestine Constitutional Statute (PCS) which used to govern the places under the British Mandate Ordinance in Palestine (PCS/1922, Article 1)[16]. The 1922 Statute basically describes the three authorities lodged in the state and the role of each one, i.e., the

Executive Authority, the Legislative Authority and the Judicial Authority. In 1962, the Constitutional Ordinance for Gaza Strip was issued within the Egyptian Administration and it is active and still in use. It includes the rules for the three major authorities in the state and other general rules[17]. All articles of the 1922 Statute or other ordinances that contradict the 1962 Statute Ordinance were cancelled (1962 Constitutional Ordinance, Articles 69)[18].

6.3.2. Regular Legislation:

The regular or normal legislation is usually issued by the Legislative Authority. It includes all laws except the Statute. A group of 281 laws in Gaza Strip governs different aspects of life[19]. An example of these laws is Act 51/1929 "Antiquities Act" that was explained earlier in chapter 5.

The procedure for initiation or amendment of Acts begins as a proposal by an executive council member or legislative council member or any other individual or institution. This proposal is discussed, amended and approved by the Legislative Council. Afterwards, it must be approved by the Sublime Envoy (Constitutional Ordinance for Gaza Strip, 1962, Article 20). In the mean time, the authority of the Sublime Envoy is legally lodged in the Chairman of the Palestinian Authority.

The following diagram (Diagram 6.1) shows the procedure involved in initiating or amending the regular legislation in Gaza. **Therefore, the first alternative for the conservation legislative framework in Gaza is the amendment of existing conservation Acts, e.g. Act 51/1929, or the establishment of totally new conservation legislation according to the following diagram:**

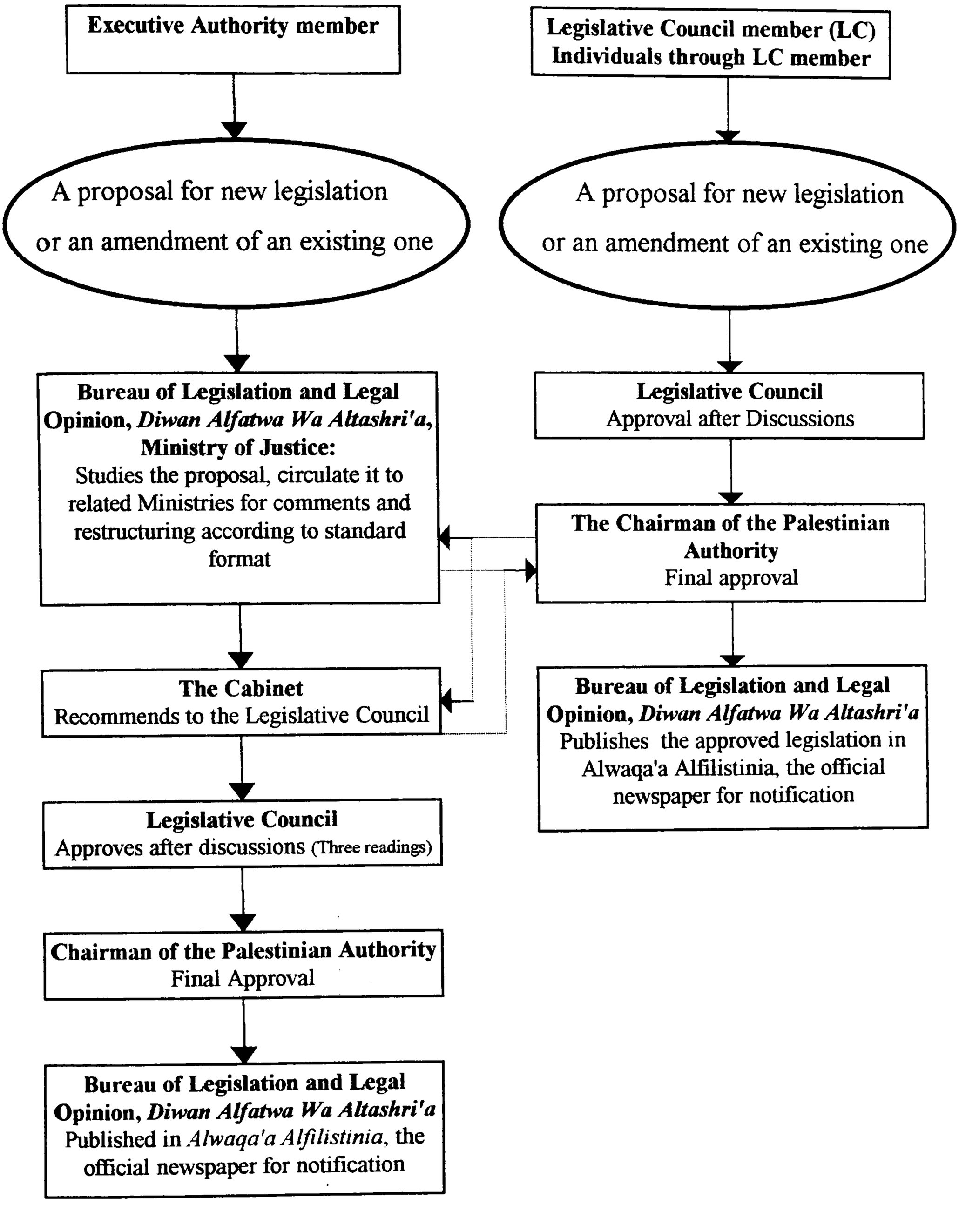


Diagram 6.1, The procedure of initiation or amendment of Laws (Regular Legislation), Gaza. (Source: The author).

6.3.3. Secondary Legislation:

Basic and regular legislation is a national legislation issued by the Legislative Authority and applied in the territories of the state that issued the legislation. Secondary legislation is usually issued by the Executive Authority -Ministers or executive officers-. Its major aim is to establish detailed explanation of implementation methods for basic and regular legislation. This aim assures the sound implementation and guarantees public benefit.

The secondary legislation comes in three different shapes. The first is the "Executive Ordinances" that are issued by the Executive Authority for the application of relevant laws. They include detailed rules to facilitate the execution of these Acts[20]. Dr. Abroad says that there is a need for executive ordinances because the Acts usually organise the basic and general issues of the subject leaving the details for further legislation[21]. The Executive Authority, he adds, is the most appropriate to initiate such a legislation because it is more involved and more able to understand the details. Locally, these ordinances are called "*Nizam*" which means a - system-.

The second form of the secondary legislation is the "Organising Ordinances". Organising ordinances are also issued by the Executive Authority. The main aim of organising ordinances is to co-ordinate the work between different governmental administrations[25]. According to Dr. Barood, these kinds of ordinances are independently issued by the President of the state and do not relate to the application of a specific act[23]. The third is the "Police Ordinances" which are issued by the Executive Authority to implement peace, security and public health and benefit[24]. Examples of Police Ordinances are traffic guidance and guidance for the professions whose actions have environmental effects.

It should be noted that these types of legislation are classified according to their importance. According to Judge Mazen Sisalem[25], secondary legislation should have no contradiction with either regular or basic legislation. At the same time, no contradiction should exist between the regular legislation and the basic legislation. In case of any contradiction, the most important Law is applied according to the following hierarchy:

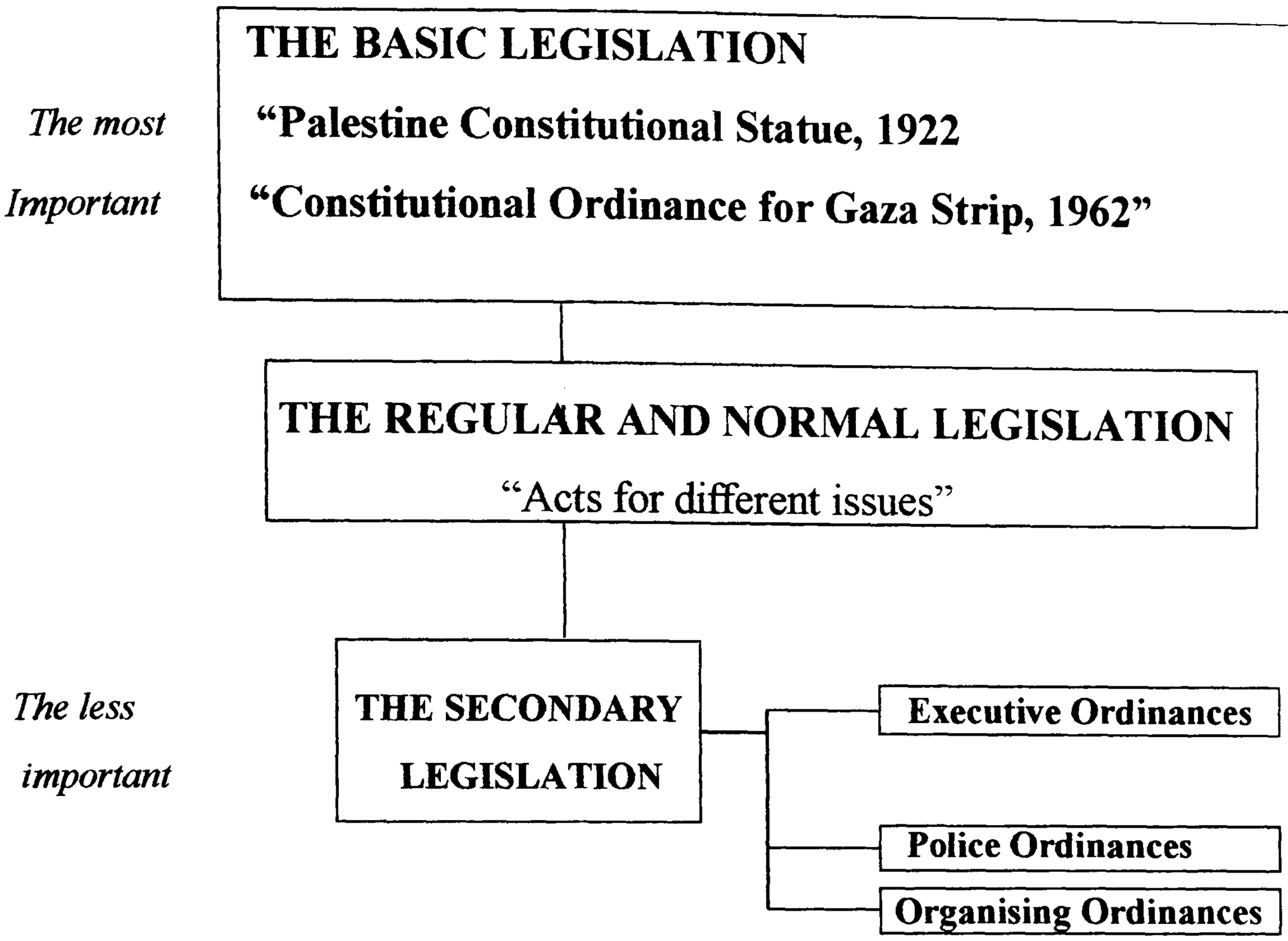


Diagram 6.2, The succession of different types of legislation in Gaza. (Source: The author).

It could be concluded that secondary legislation is a complementary legislation to the basic ones. From the previous definition of secondary legislation, it could be issued and applied at both national and local levels. It should also be noted that secondary legislation should be derived from basic relevant legislation. **This fact provides another alternative for a conservation legislative framework for Gaza. The alternative is to establish new conservation ordinances and guidance derived from existing regular Acts. This process needs only an Executive Officer (Minister, Mayor, etc.) approval without being processed through the Legislative Council. Therefore it is a shorter and a more flexible process.** A comparison between basic legislation, regular legislation and secondary legislation in terms of legislative framework level is shown in diagram 6.3:

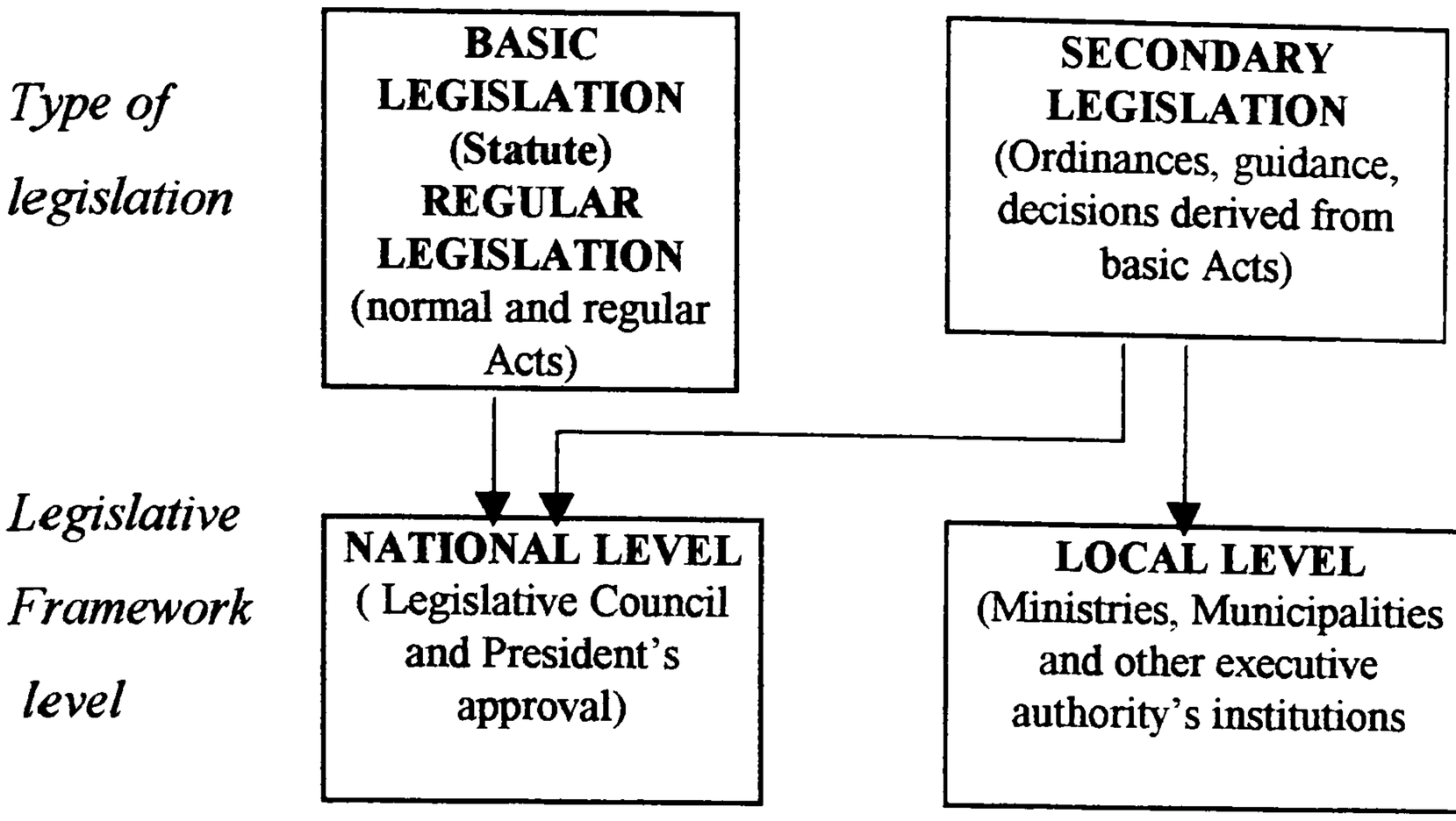


Diagram 6.3, Legislative framework levels in Gaza. (Source:The author)

6.4. EVALUATION OF THE LEGISLATIVE SYSTEM IN GAZA:

6.4.1. Reference:

The reference of the legislative system of Gaza is the 1922 Constitutional Statute and the 1962 Constitutional Ordinance for Gaza Strip. Both of them were put in place by non- Palestinian Governments. Constitutional Statues are usually initiated by governments according to the real conditions and needs of their people. Dr. Whaidi argues that the Mandate had issued the Statute as a political plan for the future political status in Palestine at that time[26]. He also adds that the procedure to issue this statute is a reflection of a mono- Governor system and the arbitrariness of freedoms and rights[27]. Dr. Whaidi appreciates the 1962 Constitutional Ordinance because it assured that the United Arab Republic (Egypt and Syria) is responsible for helping the people in Gaza Strip achieve their rights and liberation from foreign occupation[28]. He also adds that the 1962 Constitutional Ordinance has assured public rights and freedom. Mr. Husaini argues that the 1922 Statute should be cancelled because it was supposed to end by the end of the Mandate in 1948[29]. He also adds that the 1922 Statute has been cancelled by the establishment of 1962 Constitutional Ordinance for Gaza Strip.

This shows the need for a new statute which reflects the prevailing conditions. It should be a unified statute in the Palestinian Territories. Judge Mazen Sisalem, Assistant to the Attorney General in Palestine, argued for the necessity of having such a statute which is under process now[30]. The absence of a unified statute would not stop the establishment or the amendment of legislation. It will, however, facilitate the process as it organises different authorities in the State.

6.4.2. The Establishment of New Acts or the Amendment of Existing Ones:

According to the procedures for the establishment or amendment of legislation, explained earlier, this issue leads to the evaluation of the existing state of the Palestinian Legislative Council (LC), and the difficulties facing the creation of new acts. Interviewing Mrs. Rawia Alshawa, a Gaza representative LC member, on 5 May, 1998, she pointed out that there is a group of constraints facing the LC. She mentioned political constraints represented by the Oslo peace agreement between the Palestinians and the Israelis that restricts the responsibilities and activities of the LC. The relationship between LC and the Executive Authority is another constraint, according to Mrs. Alshawa, as the Executive Authority is restricted by foreign agreements, like security, international relations and others. She also added that the structure of the LC is yet another constraint, as the majority of the members support the governing party. Consequently, this makes decision making difficult. The existing structure of the LC is not yet ready, according to Mrs. Alshawa, for the establishment of required new laws.

All these constraints occur because of the fact that legislation is a reflection of statehood and this is not yet the case in Palestine. Since the establishment of the LC in January, 1996 until now, twelve law proposals have been studied and only five of them are approved. None of them is new but rather an amendment of existing ones. At the same time, none of the studied, approved or even proposed laws are related to architecture and urban conservation or city planning. The current state of the LC shows the difficulties it faces in the establishment and amendment of legislation.

6.4.3 Existing Authorities:

Both the 1922 & 1962 basic legislation in Palestine and Gaza aim to organise the establishment of three authorities. The three authorities are in place now. The first is the Palestinian Authority that represents the Executive and is represented in the Chairman, different Ministries, central government and local governments. The second is the Legislative Authority represented in the Palestinian Legislative Council. that was first elected in 1996. The third is the Judiciary Authority represented in the High Court and other courts according to the Constitutional Ordinance (Constitutional Ordinance for Gaza Strip, 1962, Article 15-17). The Judiciary is supposed to be completely independent and the only authority governing it is the law (Constitutional Ordinance for Gaza Strip,1962, Article 51). Mr. Na'aook states that Judiciary is playing a pioneer role to protect human rights according to the existing Statues[33]. Although the peace treaty between Israel and the Palestinians has put some restriction on the Palestinian Judiciary, this restriction concerns only political issues[34]. The existence of the three authorities is a positive factor towards the creation and implementation of legislation and, at the same time, the judiciary of conflicts takes place.

Most of the authorities exist at the national level for both the West Bank and Gaza Strip. There are executive authorities at the local level such as the municipalities, as will be explained in chapter 7. The establishment or amendment of conservation legislation, however, needs to be done by existing authorities according to its gradation as shown in diagram 6.3.

6.4.4. Gradation:

The gradation of legislation in Gaza is a matter for discussion. No secondary legislation, like Ordinances or Guidance, can be issued by the Executive Authority without being covered by an approved Act. For example, the existing conservation and town planning legislation show that most Acts and Ordinances were laid before 1948. Looking at the list of Palestinian laws in Gaza Strip shows that for the above mentioned subjects only one ordinance for town planning was issued after 1948 and before 1967[31]. The Palestinian Authority's decision that has approved the Acts that were in action before 1967 until new ones are established[32] resulted in a real gap. This gap is represented by the absence of ordinances since 1967. This means that the

Acts and Ordinances that are in action now are mainly established before 1948. This is unreasonable in the context of the great changes in the demographic, social and physical status of the Palestinian society. The only relevant guidance issued within the Palestinian Authority is the guidance for multi-storey buildings that was issued in 1995.

The gradation of the legislative system in Gaza is useful to the case of conservation. Since the establishment and the amendment of regular legislation are considered difficult and slow processes; legislative framework allows for the derivation of secondary legislation from existing Acts. Moreover, it was shown in the previous section (section 6.3.3) that secondary legislation could be easily established by the Executive Authority. Consequently, the establishment of a secondary legislation for conservation initiatives is a handy alternative for the conservation legislative framework.

6.5. SUMMARY

The legislative system in Gaza belongs to the widely used civil legal system, except for the application of Islamic *Sharia'a* rules for personal affairs. Generally speaking, the existing legislation is old and was issued in quite different conditions than the prevailing ones. Besides, the Laws that exist in the Palestinian Territories are not unified. Existing laws in Gaza are partly Ottoman, partly British Mandate Laws and partly Egyptian Administration Laws.

Existing legislation relevant to the conservation of historic buildings and areas can not facilitate the implementation of the objectives and aims of the conservation strategy discussed earlier. This is because the existing Acts and Ordinances were intended only to protect archaeological objects from theft or export. That was the main issue needed at that time. The evolution of awareness and tendencies of investment and conservation of historic buildings and areas around the world has accelerated at a fast rate, especially after the Second World War. This was accompanied by a parallel evolution of necessary laws, ordinances and other regulations. By contrast, no evolution of the legislation in Gaza has taken place since then. Existing legislation cannot cope with contemporary needs. These needs are the protection of historic buildings and sites for cultural significance and at the same time the contribution of these buildings and areas to the socio- economic prosperity within the city.

However, one of the advantages of the legislative system in Gaza is that it is characterised by wholeness. It includes every aspect of life although it is based on out of date requirements and standards. The lack of a unified basic legislation in Palestine -the Statute- is considered an obstruction to the establishment of some new Acts and Ordinances of political consequences. This is not the case for the Acts and Ordinances of civic interests, like the conservation of historic buildings and sites.

The analysis of the legislative framework in Gaza leads to three relevant conclusions. The first is that there is no need for the change of the existing legislative system. The existing legislative system allows the establishment and the amendment of both regular Acts and secondary legislation.

The second conclusion concerns available options for the conservation legislative framework. There are three options for this framework. These options are the amendment of existing conservation related Acts, the establishment of totally new Acts and the third is the establishment of new Guidance and Ordinances allowed by existing Acts (Diagram 6.5). According to the prevailing political and legislative conditions in Palestine, the option of creating secondary legislation, Guidance and Ordinances, is the most handy and could be implemented in a short period of time. The choice of the appropriate conservation legislation framework depends also on other factors such as the institutional framework and the aims of the targeted legislation. This will be explained later in chapter 10.

The third conclusion for the legislative framework in Gaza is its relation with existing authorities. The establishment and amendment of either regular or secondary legislation need to be done at specific legislative and institutional levels. This requires the study of different executive authorities. The following chapter (chapter 7) will explain the institutional framework in Gaza. Finally, the involvement of an appropriate conservation legislative framework with an appropriate institutional framework will be a corner stone in the establishment of the comprehensive conservation legislation model.

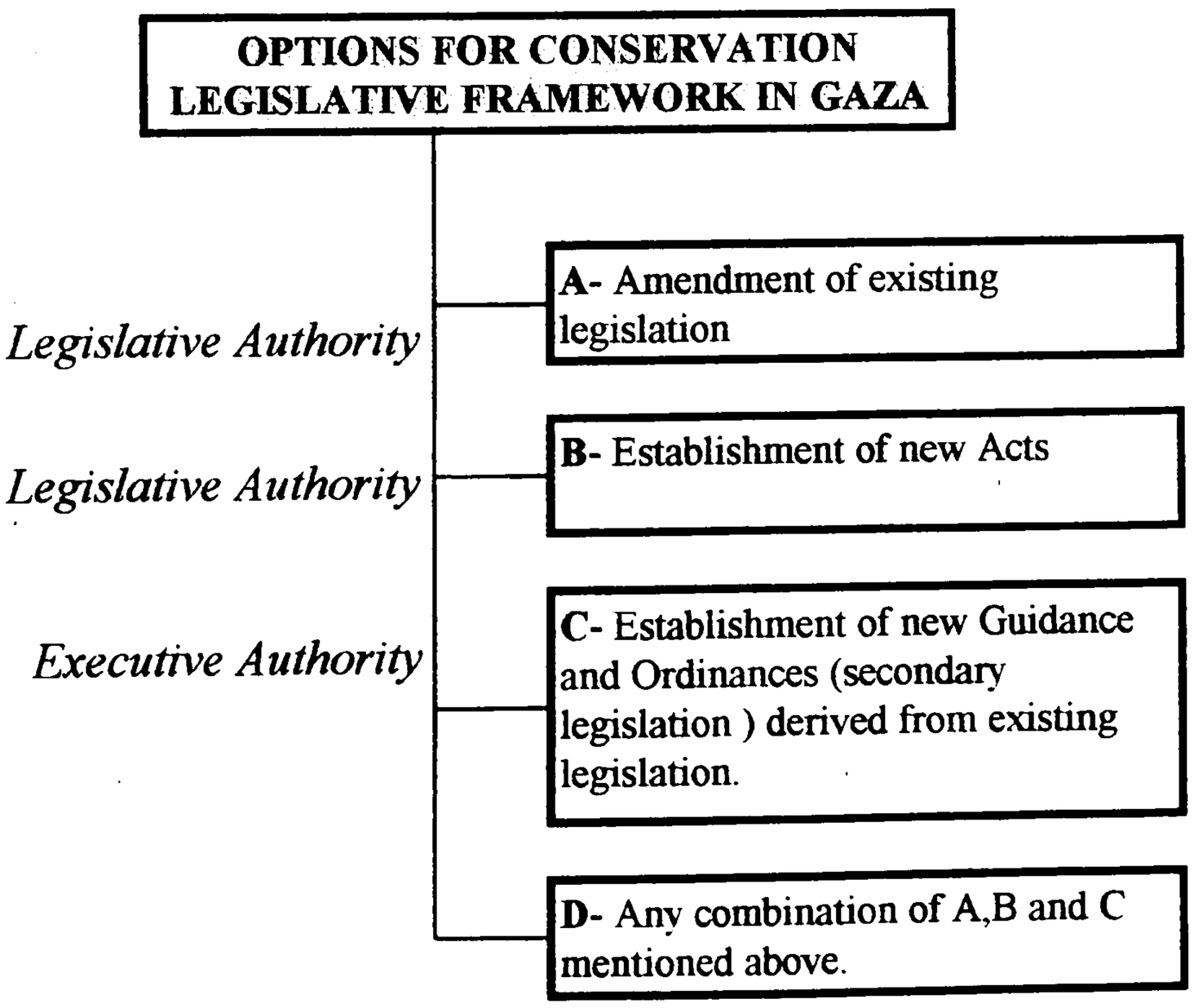


Diagram 6.4. Options for appropriate conservation framework in Gaza according to existing legislative system. (Source: The author).

Footnotes:

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25- Sisalem, Mazen, Judge, Assistant Attorney General, Gaza, Gaza: Interview on 11.2.1998.

26- Whaidi, Dr. Fathy, op. cit., p. 169.

27- Ibid, p. 170.

28- Ibid., p. 388.

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3- President Yasser Arafat, President P.L.O. & Palestinian National Authority Decision, Tunis, 20.5.1994.

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CHAPTER 7

CONSERVATION- RELATED INSTITUTIONS IN GAZA

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CONSERVATION-RELATED INSTITUTIONS IN GAZA

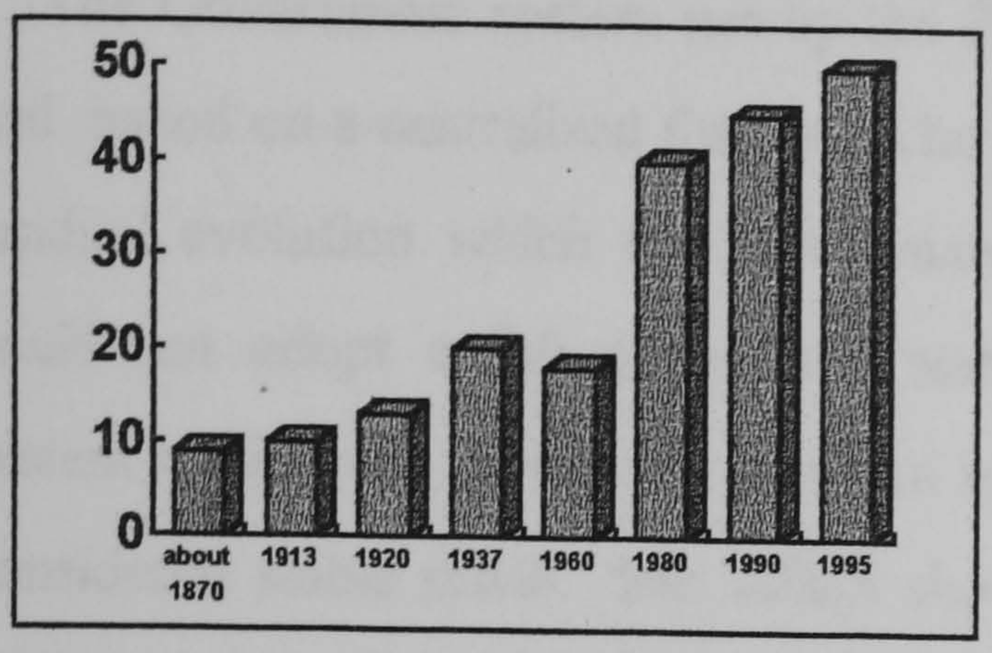
Another important factor of a conservation strategy is the administrative framework responsible for implementing conservation policies. This framework depends mainly on existing institutional structures in a targeted area. The structure of an institution includes its composition, its responsibilities together with a job description for every unit of the institution to be able to implement its duties. The capability of each institution, however, depends on its structure, trained personnel, the availability of equipment and the ability to take and implement required decisions.

The approach of the twenty first century brings great promise of change and hope. In a world of dizzying changes of markets, civil societies and global forces, the state and its institutions are under pressure to become more effective. There is no unique model for change, and reforms will often come slowly because they involve a fundamental rethinking of the roles of institutions and the interactions between citizens and government. Over the last century the size and scope of government have expanded enormously, particularly in the industrial countries. This is shown in the total government expenditure in the world (Diagram 7.1) that reflects the expansion and growth of states.

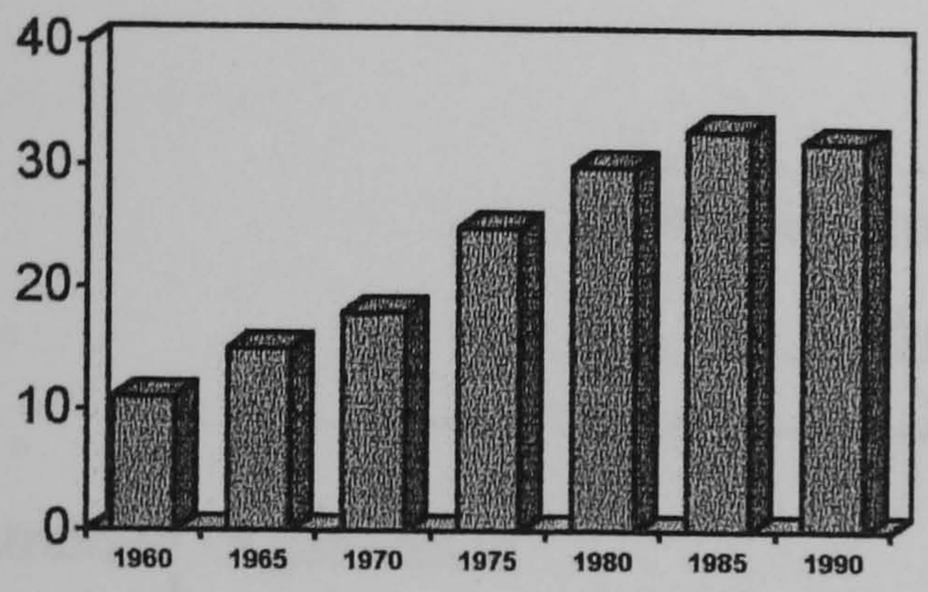
The basis of any strong and capable government is to be established upon considerations of rules and statutes. According to the World Bank report about development in the world [1], this is not enough. The report stresses that the capability of any state is increased by the emergence of institutional structures in the state. The major duties of the institutions are to strengthen partnership with influencing elements at both national and international levels [2].

In Palestine the story is a little different. The institutions were run by military occupation forces for a long time and on a military- colonial style. Because of that, the Palestinian National Authority has taken the initiative to establish the basis of rule. According to General Iz Aldeen[3], this basis of rule was represented in the establishment of Institutions and Ministries to fulfil Palestinian's aims and needs to live peacefully under law and the protection of their own state [4].

Total Government expenditure
(Percentage of GDP)



OECD Countries



Developing Countries

Diagram 7.1, The state has grow everywhere
(Source: World Development Report, 1997, The world Bank, Washington, D.C.)

Existing institutions in the Palestinian Territories do not include any unit or directory for the conservation of historic buildings and areas. This institutional state contradicts the need for an appropriate administrative framework required for the comprehensive conservation legislation model explained earlier. To be effective, the establishment of an administrative framework should easily integrate within the existing institutional system. Therefore, there is a need to analyse the institutional system in Gaza and the conservation-related institutions to outline the possibilities for a legal administrative framework appropriate to guide conservation initiatives.

Consequently, this chapter will highlight the institutional structure in the Palestinian Territories in general, and conservation- related institutions in particular to analyse existing conservation-related institutions' capacities. The chapter will also outline the options for the establishment of a conservation administrative framework.

7.1. ADMINISTRATIVE STRUCTURE IN PALESTINE

The Government system run by the Palestinian National Authority is a young one and based on a centralised format. The only explanation for this is the philosophy of gradual evolution which the Palestinians are used to, as the revolutionary system could not adopt a full democratic and decentralised system (Diagram 7.3). This system is different from what exists in most of the neighbouring countries which are considered stable states. Mr. Allam shows a model for a more decentralised system which exists in Egypt (Diagram 7.2).

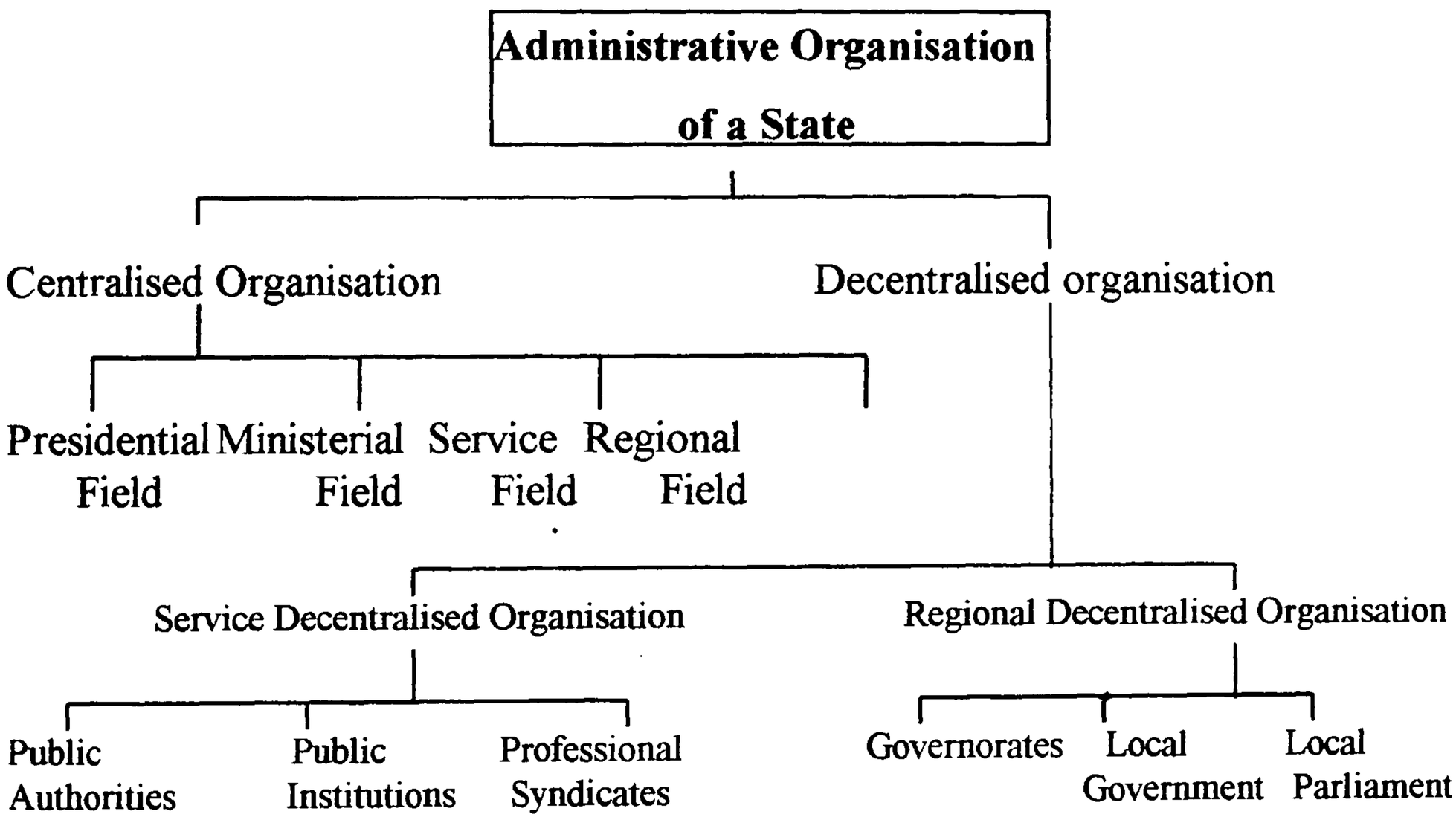


Diagram 7.2, Administrative Organisation of A state (Source: Allam, A.kh., Altashriat Almonazima lilomran , Cairo: Anglo Pub. lib., p. 14-18)

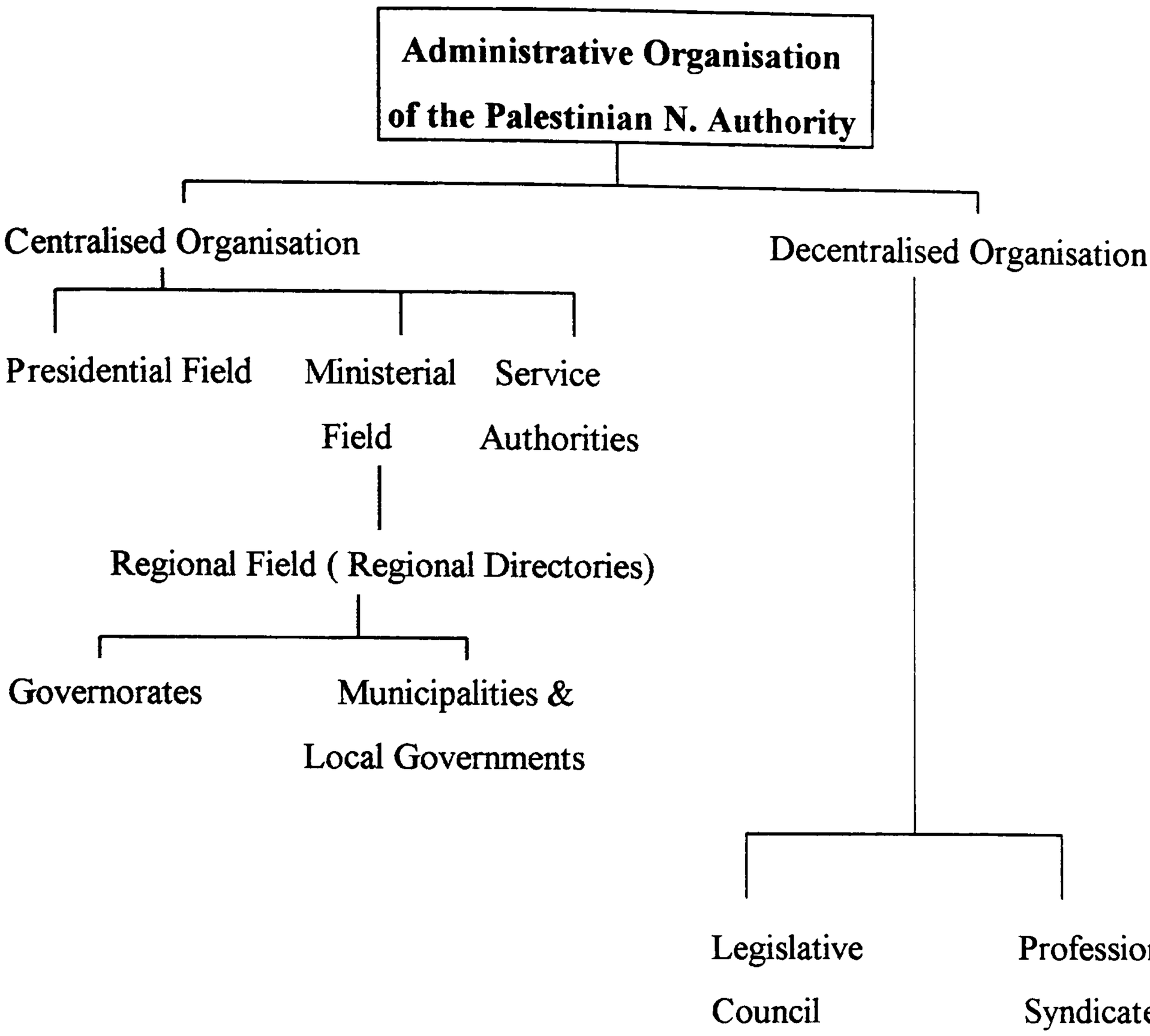


Diagram 7.3, Administrative Organisation in Palestine. (Source: The author).

The institutional structure in Palestine is newly established and the skeleton of some institutions is still under study and approval. A strong debate between the political parties exists regarding the institutional structure and what is called "administrative inefficiency" which is outside the interest of this research. The basic institutional structure of the Palestinian Authority is shown in diagram 7.4.

THE PALESTINIAN NATIONAL AUTHORITY

- Assistants
- Consultants
- Archive
- Secretary
- The Cabinet

The President

Ministries (M.)	**Authorities & Institutions**	**Directories & Foundations**
M. of Planning and International Cooperation (MOPIC)	- Monetary Authority	- Public Administration of Borders' crosspoints
M. of the Interior		
M. of Information	- Authority of power & Energy	- *Wafa* foundation for News
M. of Culture		- **Palestinian Housing Council**
M. of Justice	- Authority of Water	- Palestinian Council for Economics of Reconstruction (PECDAR)
M. of Economy & Trades		
M. of Industry	- Authority of Civil Aviation	- Civil Defence Directory
M. of Agriculture		
M. of Labour	- Bureau of Public Control & Monitoring	- Palestinian Bureau of Statistics
M. of Public Works		
M. of Housing	- Bureau of TV& Broadcasting	- Palestinian planning Centre
M. of Transport		
M. of Mail & Communication	- Bureau of Petroleum	- Palestinian Red Cross
M. of Health		- Palestinian Olympic Committee
M. of Local Government (**Municipalities** / Local Govern.)	- Bureau of Tobacco	- National Guidance Institute
M. Of Catering		-Palestinian Green Wedding
M. of Tourism & Antiquities		- Smoking Combat Foundation
- **M. of *Waqf* (Religious Affairs)**		

Diagram 7.4, Institutional Structure of the Palestinian Authority, 1997. (Source: The author).

Some of the mentioned institutions in the diagram are related to the subject of architectural and urban conservation. The planned strategies and duties of these institutions are related in some degree to the conservation of historic buildings and areas. Some of them are at the national level such as the Ministry of Tourism and antiquities, the Ministry of Planning and International Co-operation, the Ministry of Local Government and the Ministry of Culture. Others are at the local level such as the Municipality of Gaza. The following is an analysis of these institutions which aims to quantify how much they can contribute to the strategy of architecture and urban conservation in Gaza.

7.2. CONSERVATION-RELATED INSTITUTIONS

7.2.1. Ministry of Tourism & Antiquities (MTA):

The main aims and objectives of MTA include the conservation of archaeological and tourist sites in Palestine and how to turn them into attractive tourist areas. Tourism provides one of the most important national incomes[5]. Although these aims are well defined, the actual plans and even the administrative structure of the Ministry are not prepared to be able to implement the mentioned aims. This can be observed in the published achievements of the Ministry through the first three years[6] and the explanations of the Deputy Minister of the MTA[7]. Both sources explain the achievements as the development of 100 archaeological sites, the increase of hotel rooms and the establishment of an administrative structure for the Ministry. Most of the achievements mentioned by different departments of the Ministry are for the delivery of tourist guides, post cards, and workshops in different subjects especially tourism and licences for tourist offices and projects. A great number of excavations were mentioned for archaeological sites all over the country.

In the field of documentation, the achievements mentioned include the documentation of some archaeological sites and all discovered archaeological pieces. In the field of maintenance, the Ministry has maintained all found archaeological pieces. According to the mentioned sources, none of the historic buildings of Gaza has been maintained. Another achievement that the Ministry mentioned was the attention that it pays towards public consciousness of conservation. This was made

available by showing the importance of archaeology through workshops, seminars and visits to archaeological sites.

The practice and achievements of the MTA show that no particular strategy exists to promote the conservation of historic buildings and areas. Many indications support this fact, as nothing has been done to stop the demolition of historic buildings and areas. The Ministry has also done nothing to rent, acquire or buy any of the important buildings that could be a source of tourist revenue. The financial situation is the excuse for that, according to Mr. Hijazy[8], Deputy Minister of MTA. It could be said that the main reason is the absence of a strategy for conservation. Even in the field of studies which cost less, no clear criteria for historic buildings or guidance for restoration have been issued and the concentration on archaeological sites is among the top priorities of the Ministry.

The most decisive indicator for the absence of a strategy for the conservation of historic buildings and areas is the administrative skeleton of the Ministry which is as follows:

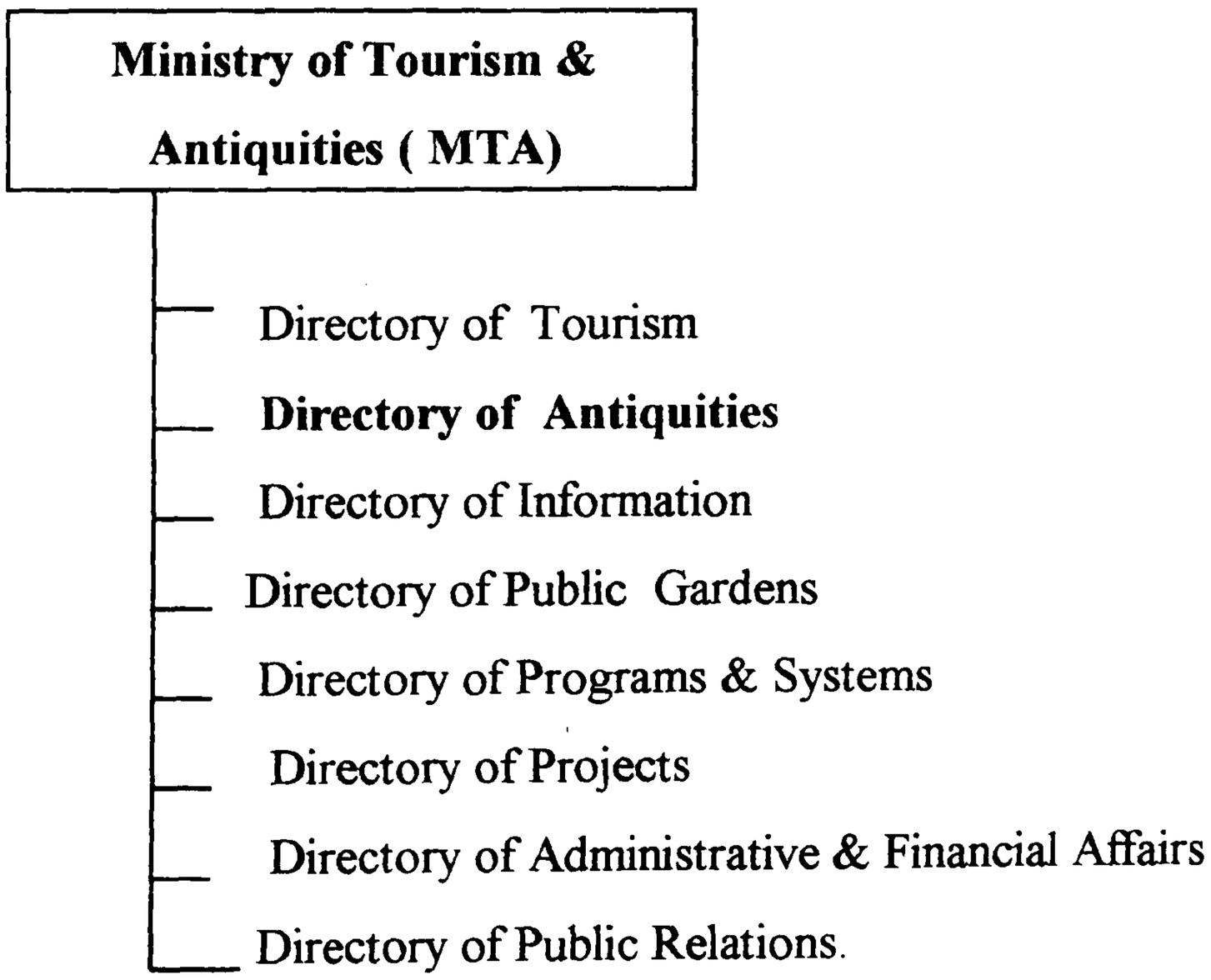


Diagram 7.5, Administrative structure of the Ministry of Tourism & Antiquities, 1998. (Source:The author).

For political and logistic reasons of separation, each one of these directories has a subdirectory in Gaza and another subdirectory in the West Bank and some of them also in East Jerusalem. When asking for the relevant directory for the conservation of

historic buildings and areas the answer was the Directory of Antiquities. Mr. Abu Saleem[9], the General Director for the Directory of Antiquities in Gaza Strip explained the different directorates of his Directory as follows:

MTA, Directory of Antiquities

Directorate of Excavations:

- Excavation of archaeological sites.
- (1) specialised director, some supervisors and workers.
- Preliminary equipment: shovels, axes, hatchets .... etc.
- No modern archaeological equipment for archaeology.

Directorate of Maintenance:

- The conservation of archaeology finds.
- (1) director, (3) specialised technicians and a secretary.
- Preliminary equipment: Chisels, brushes, glue....Etc.

Directorate of Documentation:

- Documentation of discovered pieces (in a special form).
- (1) director only (specialised).
- (1) P.C. , software and cameras.

Directorate of Museums:

- The establishment and management of archaeology museums.
- (1) director (specialised), 3 responsible for 3 proposed museums.
- No equipment.

Directorate of Inspection:

- Inspection of buildings proposed for demolition.
- (1) person specialised in archaeology.
- No equipment.

Directorate of licenses:

- Licenses of demolition, buildings of related projects.
- (1) person specialised in archaeology.
- No equipment.

Directorate of Surveying:

- Surveying of archaeological sites and drawings for these sites.
- (1) person specialised in surveying.
- Normal surveying equipment (meters, sticks...etc) and one P.C. for drawings.

Diagram 7.6, The administrative structure of the Directory of Antiquities, MTA. (Source:The author).

This structure gives many indications of the ignorance regarding the conservation of historic buildings and areas. The absence of specialised directories for this issue and the absence of specialised personnel severely handicap efforts in this field. The composition of the administrative departments and staff indicates that the priority is for excavations, conservation of archaeological pieces and the development of the tourism sector. The idea of establishing an adequate conservation strategy for historic buildings and areas is not yet developed. The Financial situation puts further pressure on the Ministry as no national development budget is dedicated to it. Most of the completed projects, according to Mr. Hijazi, are subsidised by international aid[10].

In conclusion, MTA can contribute to the conservation of historic buildings and areas through the current strategy which it implements. This could be achieved by the development of historic buildings and sites through tourism development programs. The Ministry could also contribute to the public awareness of historic buildings and areas through its programs, such as posters, site visits and others.

7.2.2. Ministry of Planning & International Co-operation (MOPIC):

Decision no. 26/1994 of President Arafat has established MOPIC to play a major role in the building process in Palestine. Three major Directories were established in the Ministry as follows:

MOPIC

- **General Administration**
  - Administrative control for different sections
  - Organising relations with other Palestinian Authority Departments.
  - Rehabilitation and development of Government employees locally and abroad through training courses and workshops.
  - Supervision of the Government Computer Centre that runs computer programs for other Ministries.
- **International Co-operation (equivalent to the Dept. of the State)**
  - Supervise donations, projects and gifts to the Palestinian people.
  - Asking for additional help for large scale projects like the harbour & the airport.
  - Run the Palestinian investment and development program and its priorities.
- **Planning Directory**
  - Policy making: economical, social, general development plan, resource planning, national planning, regional planning and local Planning.

Diagram 7.7, Administrative structure of the Ministry of Planning and International Cupertino. 1998. (Source: The author).

The relevant directory to the conservation of historic buildings and areas is the Planning Directory. According to the Minister Decision No. 280/1998 on 14.4.1998, the Planning Directory of MOPIC consists of the following sub- directories:

MOPIC
PLANNING DIRECTORY

- **General Directorate (GD) of Urban & Rural Planning.** ←
- GD of Institutional Building and Human Development.
- GD of Infrastructure Planning.
- GD of Strategic Projects Planning.
- GD of Policies &Plans.
- GD of Economy Planning.
- GD of Technology & Scientific Planning.
- GD of Research & Studies.
- GD of Social Planning.
- GD of Women Social Development.
- **Norwegian Project (Institutional Capacity Building).** ←

Diagram 7.8, Administrative structure of the Planning Directory, MOPIC, 1998. (Source: The author).

The above directories are not yet structured. The active section in planning is the Norwegian Project in which Norway has financed a long-term project for Institutional Planning. This project has been established since 1994 and has produced some achievements. The existing structure of the Norwegian Project is intended to be distributed into the proposed directorates of the planning directory according to specialisation. Since this distribution has not taken place yet it is useful to analyse the capacity of MOPIC in the planning sector through the existing Norwegian Project. The structure of the this project (Diagram 7.9) is well organised and equipped to implement its duties which are the development of the physical planning sector in Palestine.

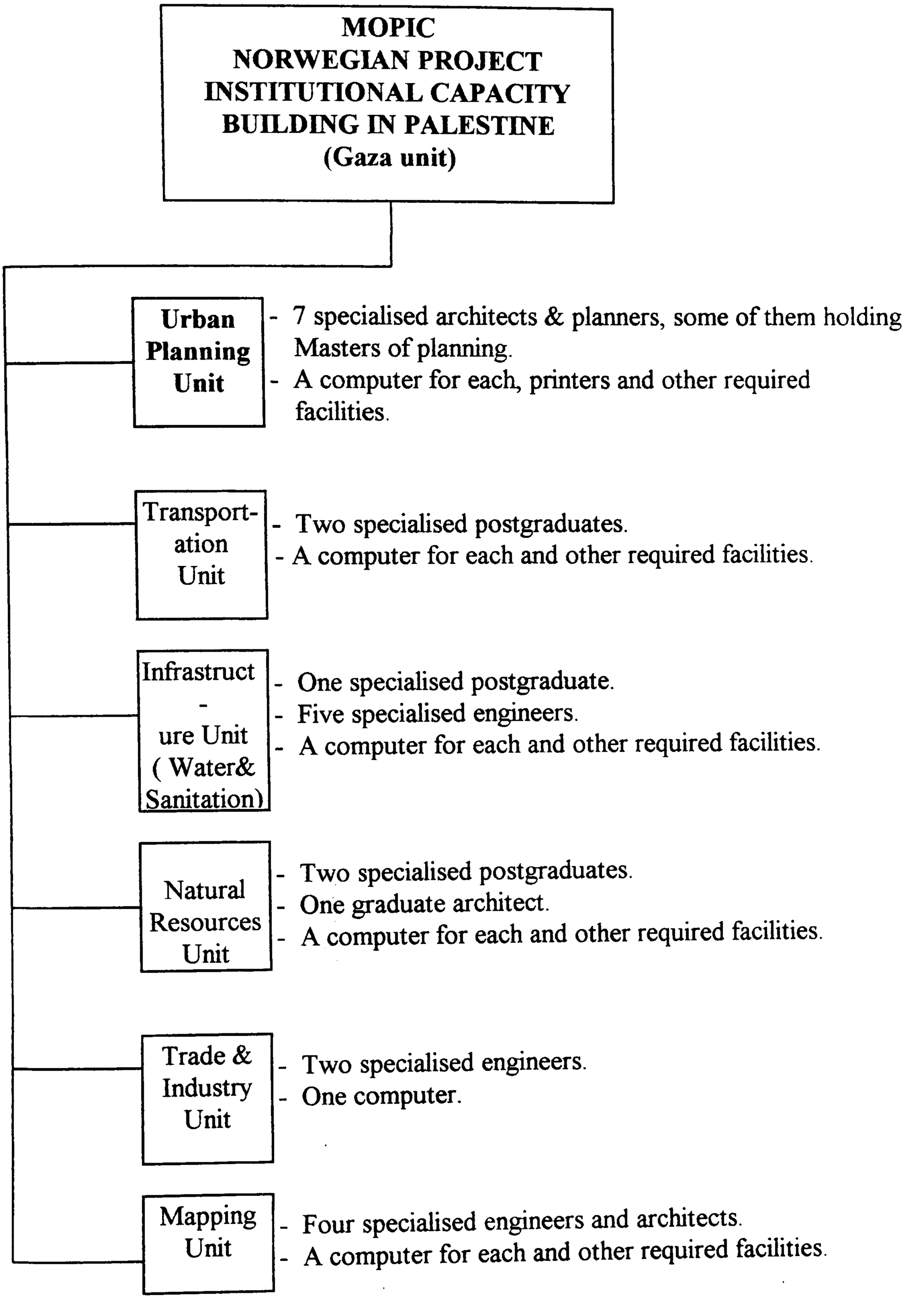


Diagram 7.9, Administrative structure of the Norwegian project " Institutional Capacity Building", MOPIC, 1998. (Source: The author).

Other supporting members in the Ministry participating in planning are surveyors, administrators (Secretary, interpreters, public relations, and advisors -two specialised Norwegian advisors and other visiting advisors). Additional supporting equipment is also available for all the departments, such as a coloured plotter, high quality computers, scanners, digitizers, over-head projectors, printers and required software (Archinfo, Arcad, Cad, GIS, Coarel Draw, Page Maker and access to the Internet). Mrs. Mona Durdangi, director of the Urban Planning Unit explains the achievements of the project in the field of planning[12]. These achievements are the Master Plan for Gaza, the Regional Plan for Gaza Strip and work on the National Plan. She also mentions studies such as the urban structure analysis for Gaza, housing strategy, Habitat report and the coastal zone plan.

MOPIC is one of the most important institutions working in the field of planning and development. Their plans, however, are concentrated on the regional and national level and could include conservation initiatives. The only local- level plan in Gaza was the one for Gaza city which began in 1994. MOPIC was the only institution able to respond to the urgent need for such a plan. The importance of MOPIC lies in its role as the initiator of the yearly national development plan. In this plan, national project proposals of other ministries are put in priority for national budget or international donations. Its importance lies in its equipment and training courses, weather locally or internationally, to develop the capacity not only of MOPIC employees, but also of all employees working in official institutions. Finally, according to Dr. Sha'at[13], MOPIC has a distinguished work relationship with all government or non-government institutions in Palestine.

7.2.3. Ministry of Local Government (MLG):

The Ministry of Local Government (MLG) is responsible for the administrative and financial aspects of the Palestinian municipalities, towns and villages. The degree of relations between the Ministry and other municipalities is different according to the extent of independence of the municipality. This is determined according to the ability of the mayor, the municipal council and the organisational structure of the municipality. This issue is under debate, and because of that, the Local Government Council (LGC) Law was approved by the Legislative Council in 1997. According to this law[14], the MLG is responsible for general policy and for the administrative and

financial control (LGC Law, Article 2(1)). It is also responsible for administrative, financial and physical regional planning in Palestine (LGC law, Article 2(2)) . While MLG is responsible for the establishment, the elections and the expansion of municipalities' limits, the municipality has financial independence (LGC law, Article 3,4). According to the law, the municipal council has the power to establish any regulations or guidance to control the work at local level (LGC law, Article 15(8)). This includes local physical and urban planning, building licences within the limits of the municipality, water, electricity, sewage, markets, professions, public health, green areas and parks, cultural and sport facilities, advertising, building demolition and others (LGC law, Article 15(A)). The current structure of the MLG is shown in diagram 7.10. The relevant directory is the Directory of Planning and Building Control. This directory plays a role in reviewing urban plans and regional plans. It is also runs the Central Planning Committee that approves these plans. Diagram 7.11 shows the structure and duties of the Directory of Planning and Building Control.

MLG

- Administrative Directory.
- **Directory of Planning and Building Control.**
- Directory of Legal Affairs.
- Directory of Inspection and follow- up.
- Directory of Public Relations.
- Directory of Finance.

Diagram 7.10, Administrative structure of the Ministry of Local Government, 1998. (Source: The author).

In conclusion, the technical and financial ability of the MLG is very limited. Mr. Khusndar[15], the General Director of the Planning Directory, says that because of these limitations the Ministry does not play a role in initiating programs or projects in the field of planning and development. He also indicates that no programs were run in the field of conservation because of the lack of technical experience and because

MLG, Directory of Planning and Building Control

- **Planning Directorate**
  - Reviewing Urban Plans and Regional Plans.
  - (4) architects and planners + draftsman.
  - No equipment except normal ones (drawing tables, rulers ..... Etc.).
- **Inspection Directorate**
  - Follow-up of activities of Local Planning Committees.
  - (2) engineers.
  - No equipment.
- **Road Net Work Directorate**
  - Planning and execution of regional road net work.
  - (1) engineer
  - No equipment
- **Building Control Directorate**
  - Building license and control in regional areas and public buildings in local areas.
  - (2) engineers
  - No equipment.
- **Central Planning Committee**
  - Run by Planning Directory.
  - Approves all master plans, detailed plans or any planning regulations prepared and approved by Local Planning Committees.
  - Controls building process for areas outside municipal limits (regional areas).
  - Approves local planning committees' licences for public buildings and buildings of multienvironmental effects like factories.
  - Headed by MLG, members are Ministries of Planning, Transport, Agriculture, Health, Interior, Housing, Public works, Justice and the Syndicate of Engineers and Architects.
  - (1) Director, (1) Secretary and (2) legal advisors

Diagram 7.11, Administrative structure and duties of the Directory of Planning and Building Control, MLG, 1998. (Source: The author).

most of the historic buildings and areas are located within city limits and not in the regional areas that are directly run by MLG. However, the importance of the planning directory of the MLG lies in its leadership of the Central Planning Committee. According to the Town Planning Law, any plans or regulations of municipalities must be approved by the Central Planning Committee (Town Planning Law no. 28/1936, Articles 4,14,18). This, however, makes the MLG play a role in any proposed development schemes for the conservation of historic buildings and areas. What increases the importance of this role is that most of the Palestinian Ministries and the Syndicate of Engineers and Architects are members in the Central Planning Committee. Therefore, any proposed plans should take in consideration the requirements of the members.

7.2.4. Ministry of Culture (MC):

The Ministry of Culture (MC) subsidises the infrastructure of Palestinian culture. To fulfil this aim, all programs run by the Ministry are concentrated on increasing cultural awareness[16]. The directories of MC are: Children, Cultural media, Cultural Development, Projects (museums, opera, cinema, libraries...etc.), Fine Arts, Exhibitions, Music, Literature, Administrative Affairs, Personnel, Public Relation and finally the Directory of Traditional Crafts.

Most of the activities done and proposed by MC concentrate on exhibitions, film shows, literature competence and handicrafts interest[17]. The importance of MC lies basically in two different issues. The first is its role in promoting cultural awareness through a range of programmes. The second is its interest in the traditional crafts/skills related to architecture and urban conservation, either through conserving the existing crafts or through training people for maintenance and reproduction.

7.2.5. Municipality of Gaza (MG):

Gaza is the biggest city in the Gaza Strip in terms of population and power. The Municipal Council was appointed in 1994 and since then has made a noticeable development in the administrative structure of the Municipality. The MG aims to have qualified staff to be able to manage the proposed development projects and activities. Because of that, Gaza Municipality has gained independence in its administrative and

financial concerns. It has the power to sign contracts with international donors and to execute projects in the city. The present administrative structure of the Municipality is as follows:

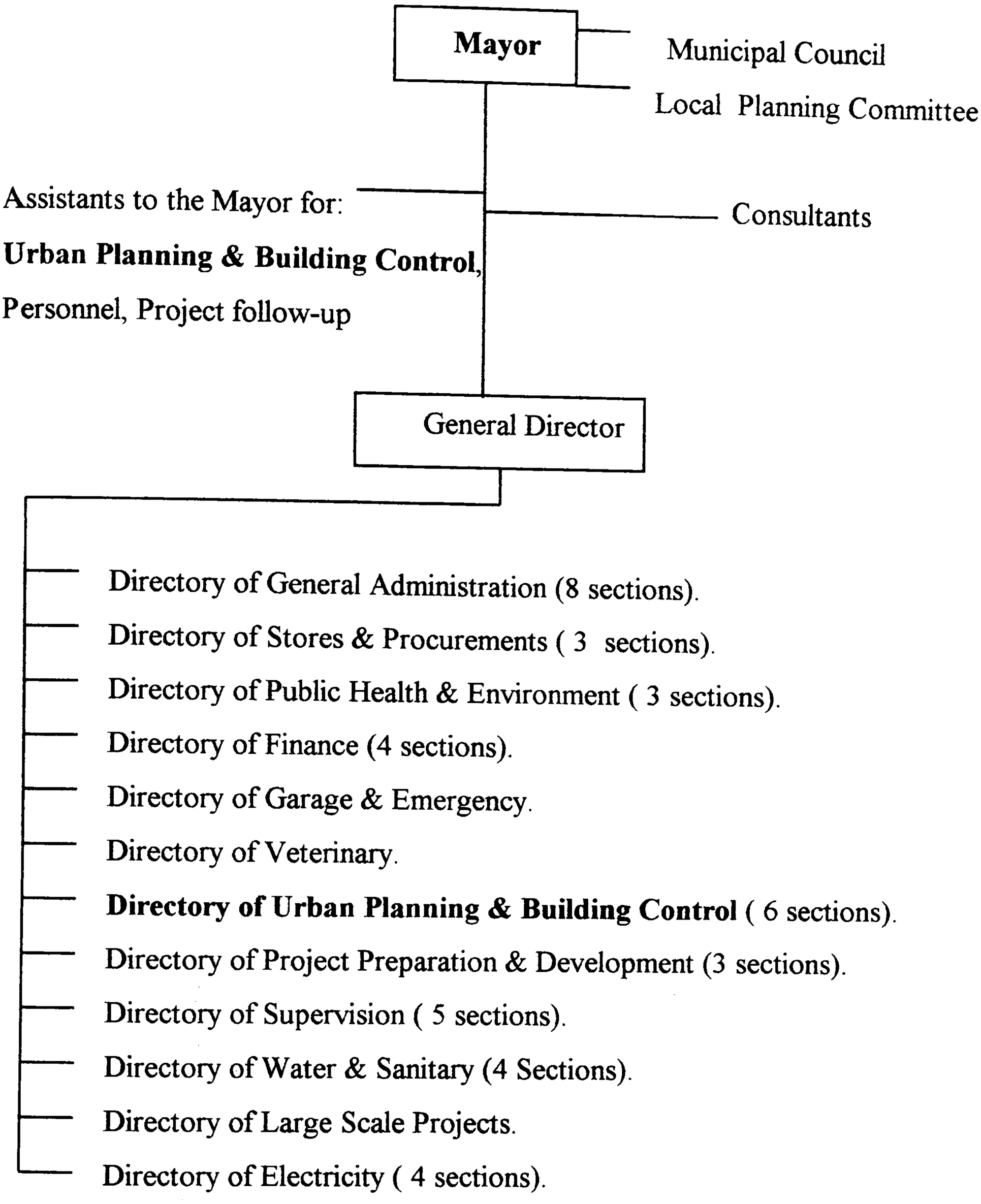


Diagram 7.12, Administrative structure of the Municipality of Gaza, 1998. (Source: The author).

The relevant directory for architecture and urban conservation is the Directory of Urban Planning & Building Control and the Local Planning Committee (LPC). The LPC is a committee that discusses and approves proposals from different departments of the Directory. Such proposals include building or demolition licence, urban plans, development plans and any other regulations. It should be noted also that since 25 February 1998 the author has occupied the position of the Assistant to the Mayor for Urban Planning and Building Control. The Directory of Urban Planning and Building

control was newly established at the Municipality (1996). This Directory plays a major role in controlling the overall development in the city. The administrative structure of the Directory is as follows:

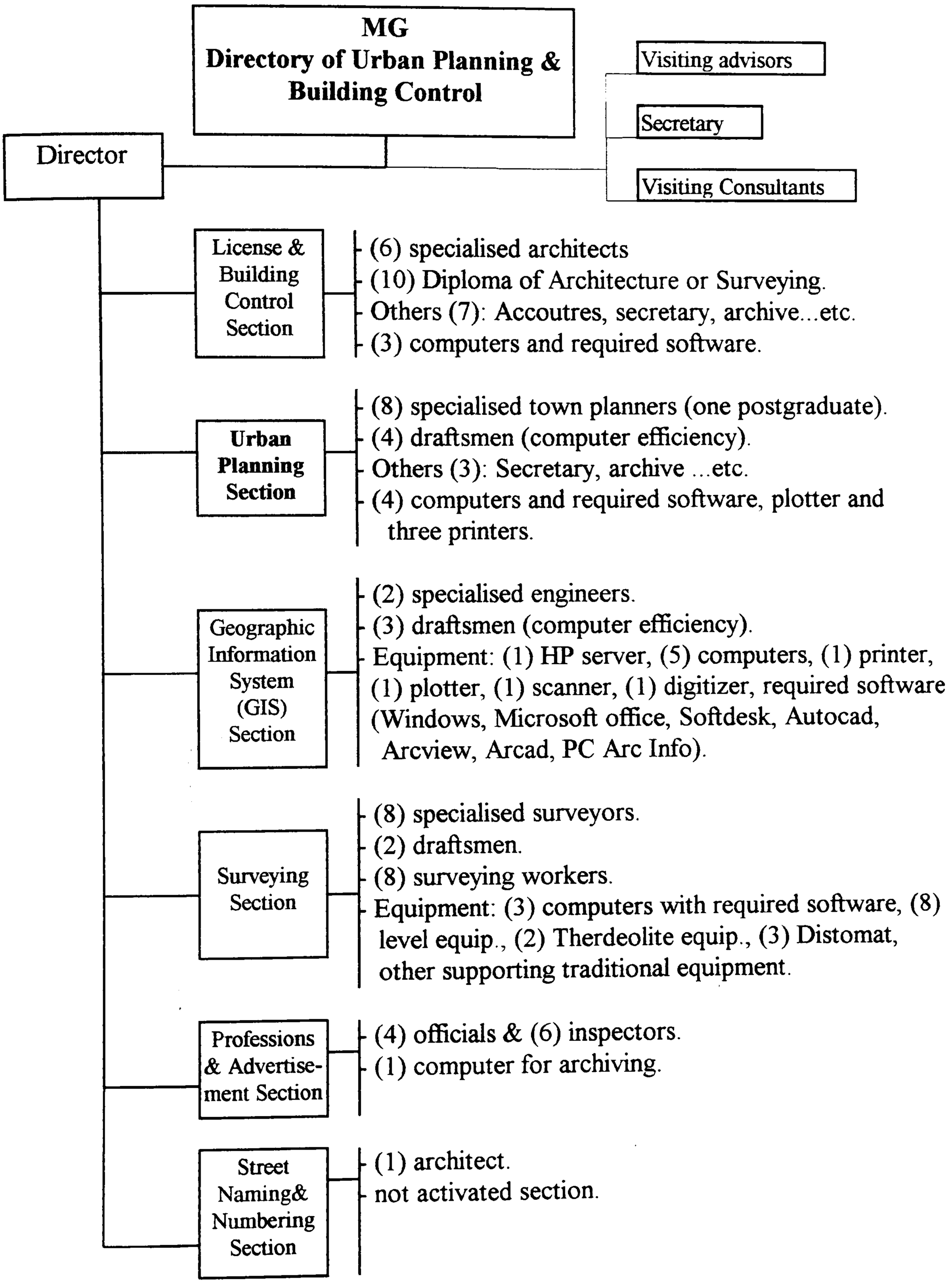


Diagram 7.13, Structure of the Directory of Urban Planning & Building Control, the Municipality of Gaza, 1998. (Source: The author).

Each section of the Directory has its administrative structure, job description and duties. The most relevant for architecture and urban conservation is the Urban Planning Section with the following administrative skeleton:

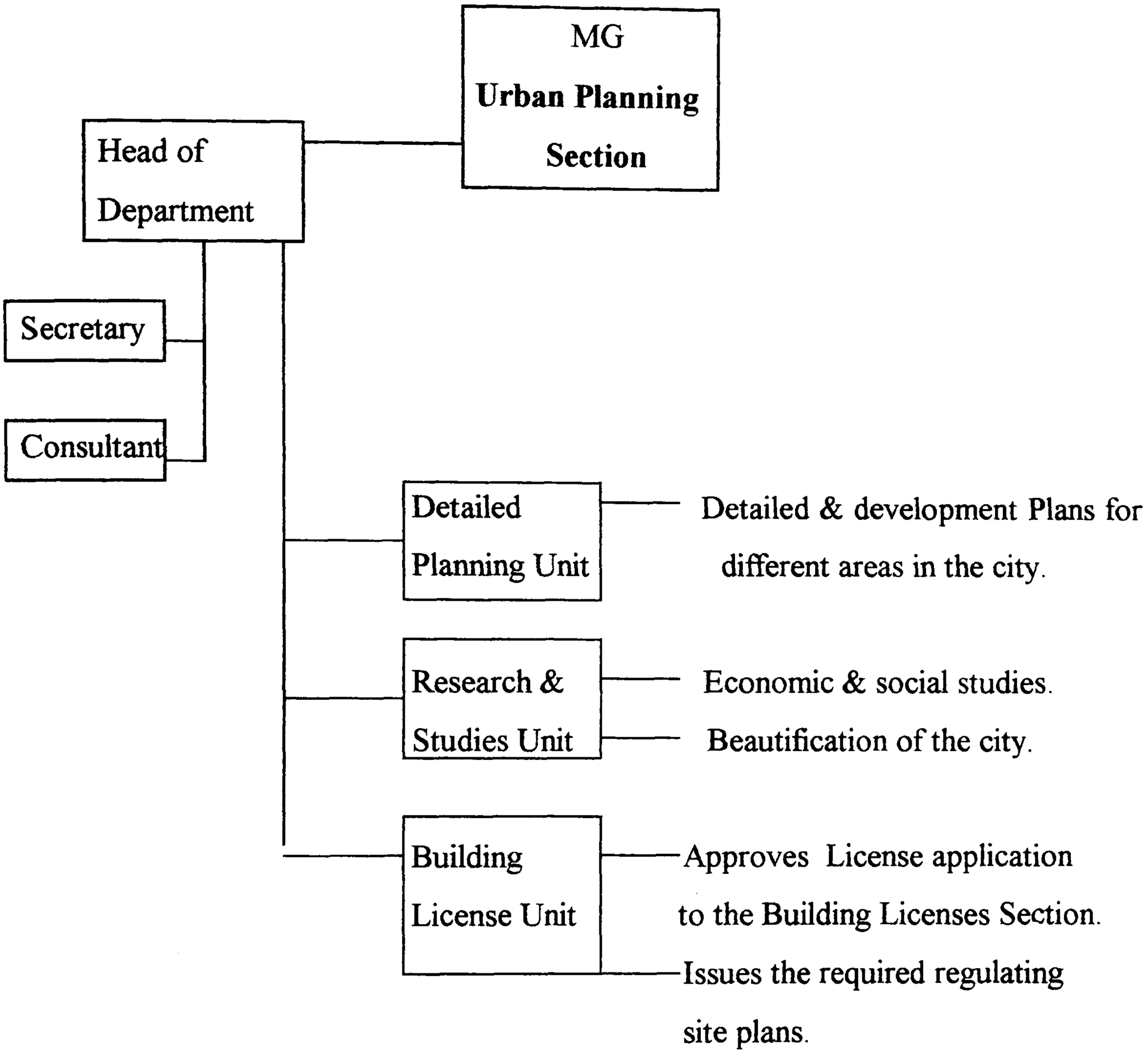


Diagram 7.14, Structure of the Urban Planning Section, Directory of Urban Planning & Building Control, Municipality of Gaza, 1998. (Source: The author).

A new Unit, proposed by the researcher to the Mayor is to be established within the Urban Planning Section. This unit is called "Unit for the Conservation of Historic Buildings & Areas". The Urban Planning Section has completed the Master Plan of Gaza, 1997 and some detailed plans for parts of the city.

The role that the Municipality of Gaza can play in architectural and urban conservation is an important one. This is because of three different reasons. The first is the capacity of the Municipality, the second is the municipal authority in planning

according to Town Planning Law and the third is the involvement of the Municipality, being a local authority, in different aspects of life in the city.

The capacity of the Municipality of Gaza is not only represented by the staff and equipment of its directories as shown earlier, but also its financial and logistic ability. The Municipality owns much equipment and employs many staff through the different sections. It also has its own court and a police force (the police force is administered by the General Directorate of Police). In addition, for the first time, the Municipality has been able to depend on itself to manage its regular budget since 1996. The surplus, however, is devoted to development projects together with donations and help[18].

The Municipality's authority in planning is derived from "Town Planning Law no. 28/1936"[19]. This law gives the Local Planning Committee of the Municipality the authority to issue any regulations or guidance according to this law for the implementation of its articles (Town Planning Law no. 28/1936, Article 9 (2)). The law also gives the local committee the right to prepare master plans and detailed plans for any areas within the city limits. (Town Planning Law no.28/1936, Articles 12,14). Besides, Article 14 (2J) of the law directly states that any detailed plan should take in consideration the conservation of sites with archaeological and aesthetic interest (Town Planning Law no.28/1936, Article 14 (2J)).

In conclusion, the Municipality of Gaza has a considerable role in the development of the city, both because of its capacity and of the legal power it enjoys. The lack of a conservation strategy in the city has led to the ignorance of this issue and no serious efforts have been made to protect historic buildings and areas. This has even lead to issuing licences to demolish some of the historic fabric of the city.

7.3. EVALUATION OF EXISTING RELEVANT INSTITUTIONS:

The study of the institutions relevant for architecture and urban conservation in Gaza shows that they are different in their duties and their capacity. The capability of each institution depends on its structure, job description, relationship between different directories and relationship with other institutions. This section will highlight an evaluation of the existing administrative framework in Gaza:

7.3.1. Capacity Building:

Institution	Ministry of Tourism & Antiquities	Ministry of Planing & Int. Co-operation	Ministry of Local Government	Ministry of Culture	Municipality of Gaza
Direct historic building and Areas conservation Depts. or Units	-	-	-	-	1 Unit proposed
Indirect Departments or Units	Directory of Antiquities	Urban Planning Unit (Norwegian Project)	Directory of Planning & Building control	Directory of cultural Media - Directory of Traditio-nal Crafts	- Directory of Urban Planning & Building Control
Personnel	(10) specialised in Archaeology concerns + other workers and secretary	(24) specialised architects, Planners and Engineers + secretary	(9) planners & civil engineers + secretary	Administra tive officials in Media and Handi-crafts	(22) specialised architects & Planners + (32) technicians in surveying and architecture + (26) administrators (secretary, accouters…etc.)
Equipment	-(2) Computers - (1) Printer -Preliminary equipment for excavation	-(20) Computer -(6) Printers - (1) Plotter - (1) Scanner - (1) Digitizer - Required software	-(1) Computer for secretary - (1)Printer -Preliminary equipment for drawing	- (2) computers for secretary - (1) Printer	-(19) computers - (1) Server - (8) Printers - (2) scanners - (1) Digitizer -Required software -Developed surveying

					equipment.
Special Programs for conservation of historic buildings	-	-	-	-	A detailed plan for the old city. 1996, (now is frozen)
Related programs & Activities (Existing)	- Maintenance of some historic buildings . -Documentation of some historic buildings.	- Regional Plans& National Plans.	-	- Cultural awareness -Conserva-tion of traditional Crafts	- City Master Plan -Detailed urban plans -Development of Infrastructure

Table 7.1, Capacity building of institutions relevant to architecture and urban conservation in Gaza. (Source: The author).

7.3.2. Relationship Between Institutions:

Although the Palestinian Authority tries to practice democracy through its Ministries and institutions it still lives under occupation and severe restrictions. This puts pressure in terms of co-ordination between the departments of the same Ministry that exist in both the West Bank and Gaza. It also restricts the co-ordination between different ministries. The relationship between institutions could be described as follows:

A- Relationship Between Units of the Same Ministry:

There is not an open corridor between the West Bank and Gaza Strip at the moment. There is, therefore, a restriction of travel since it required to be allowed by Israel in the form of travel permission. Therefore, all Ministries have two administrative bodies one for the West Bank and the other for Gaza Strip (Diagram 7.15). The Minister and the Deputy Minister usually have two offices, one in each. This duplicates the work and the facilities and most of the projects are initiated at the regional level instead of the national level.

B- Relationship Between Ministries:

If the relationship between the sections of the same Ministry is usually explicit, this is not the case in the relationship between different Ministries and institutions. Many are the reasons for the vague relationship between different institutions: the inefficiency of existing laws and regulations that draw up distinctions, the absence of a

Prime Minister's office to co-ordinate the activities, and finally, the limited experience of these newly established institutions. This results in an overlapping of activities and a waste of efforts made by different institutions on the same subject.

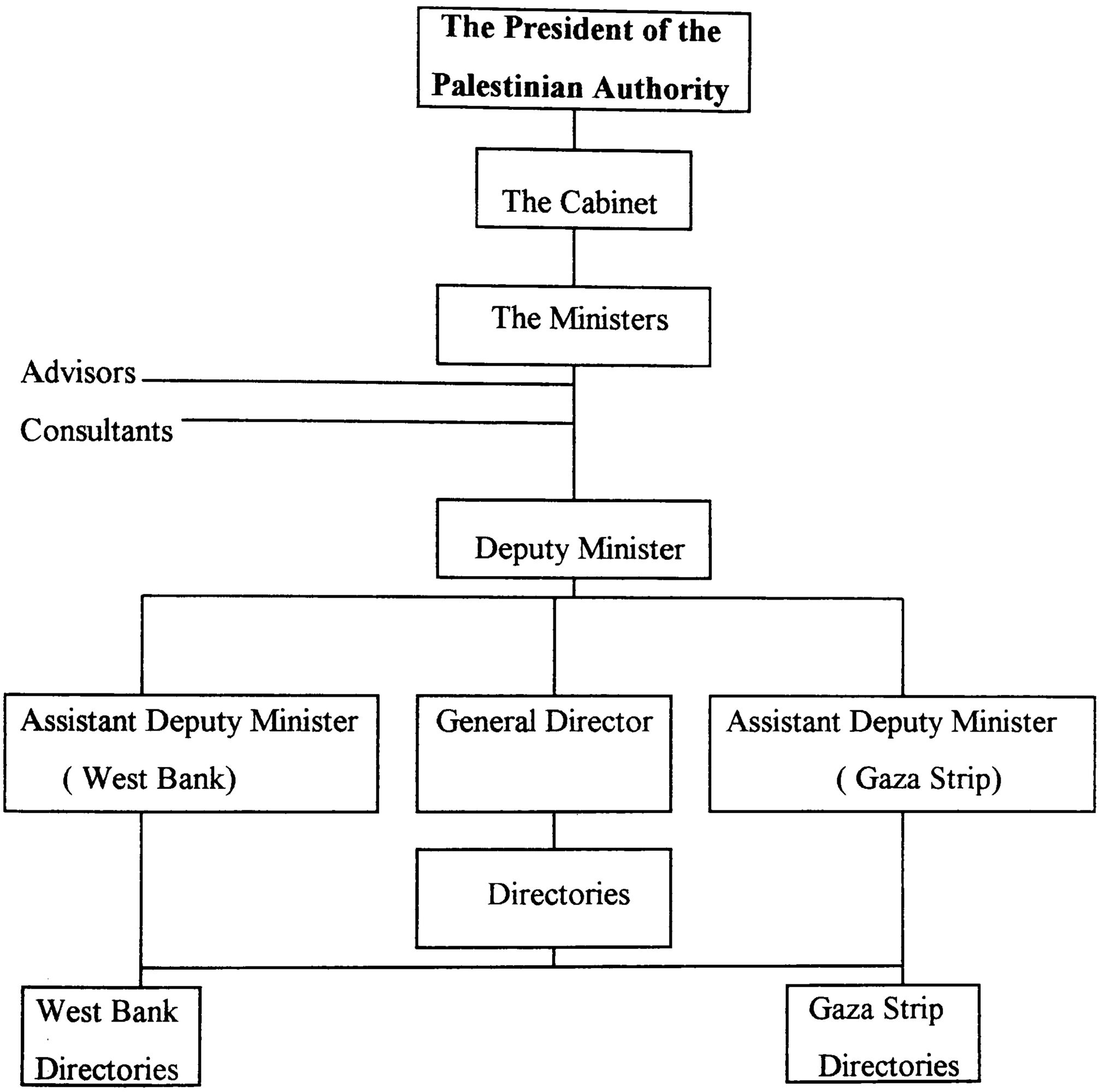


Diagram 7.15, Structure of Ministries of the Palestinian Authority in the West Bank and Gaza, 1998.
(Source: The author).

7.3.3. Job Description:

Few sections in the institutions discussed have a job description which specifies the duties of each single department, unit or even a person. The lack of job descriptions and specialisation has lead to a vagueness in responsibilities. For example, the issue of architecture and urban conservation could not be directly classified under the duties of any existing institution. This results either in ignorance of issues by all institutions

or the overlapping of each other's activities. At the national level, the same is the case for ministries and institutions.

7.3.4. Lack of Non-government Conservation Institutions:

Conservation institutions do not exist at the non-government level. The analysis of existing institutions shows that there are no conservation trusts, associations, individuals or groups currently exist either at the national level or at the local level. This reflects the public awareness of this subject and also reflects the handicap of existing legislation to activate conservation initiatives.

7.3.5. Alternatives for the Conservation Administrative Framework:

The analysis of existing institutions in Gaza shows that conservation responsibility is not yet delegated to any of them. The study also shows, according to the capacity building and strategies of different institutions, that every one can play a supportive role in the conservation of historic buildings and areas. These facts show the need for a leading conservation administrative framework. The institutional structure in Gaza provides three options for the establishment of this framework.

The first option is to delegate the responsibility to one of the relevant ministries at the national level, i.e., the Ministry of Tourism and Antiquities. The second available alternative is to have the conservation administrative framework at the local level, i.e., within the structure of the Municipality of Gaza. The third alternative is to establish a new institution at the national level responsible for the conservation of historic buildings and areas in Palestine. Other alternatives available include the combination of one or more of those mentioned. The choice of the appropriate alternative for the conservation administrative framework depends on many factors. These factors include the capacity of existing institutions, the legislative framework and the objectives of the conservation strategy. After the study of other case studies, the conservation administrative framework for Gaza will be discussed in chapter 10 (Section 10.3).

7.4. SUMMARY

A more capable state can be a more effective state. It could be argued that effectiveness and capability are not the same thing. Capability, as applied to states or institutions, is the ability to undertake and promote collective actions efficiently. Effectiveness is a result of using capability to meet society's demand in different aspects. A state or institution may be capable but not very effective if its capability is not used in society's interest.

The Palestinian institutions related to architectural and urban conservation are varied in their capability in terms of structure, specialised personnel, programs and equipment available. The conclusion from the analysis of these four aspects is that no individual institution is capable of running a conservation strategy. Besides, the existing deficiency in co-ordination between the different institutions puts additional pressure on their ability to implement co-operative programs.

Palestine, as a state, is not yet a complete model as of now it is not recognised as a state. The basis for statehood, however, does exist - the composition of the Ministries and the establishment of some new complementary ones, the Legislative and Judicial Authorities, the existing community with distinct traditions and cultures, and the land and buildings rooted in its long history-. Some constraints, however, handicap existing institutions.

Most of these constraints are political. Political status makes the Palestinian Territories closed to the World and to their different parts. This leads to an economic decline and a segregation of the government and non-government institutions. Other constraints are due to the inefficiency of existing legislation that does not include an administrative legal framework for the conservation of historic buildings and areas. The noticeable evolution in the administrative structure of old and new institutions is not paralleled by an evolution of existing legislation. This has lead to deficiencies in job description and specialisation. All this causes inefficiency in the activities of otherwise capable institutions.

Finally, a key function from each analysed institution could be used to promote architecture and urban conservation. The Ministry of Planning and International Cupertino has a central role in initiating the national yearly development plan in

Palestine. This plan lists projects in priority for funding. This institution also provides training for the formal institutions' employees either inside the country or abroad. In addition, the Ministry plays a major role in national and regional planning which has an effect on local planning. The Ministry of Tourism and Antiquities plays a role in the maintenance and documentation of historic buildings and in the development of tourism, which could be integrated into the development of a conservation strategy. The Ministry of Local Government has its role as a head of the Central Planning Committee that approves proposed plans and regulations while the Ministry of Culture has a role in the public cultural awareness and in the revival of traditional crafts. Lastly, the Municipality of Gaza has a direct role in licensing building and demolition, in infrastructure rehabilitation and in initiating and executing local master plans and detailed plans.

Consequently, an independent and specialised conservation institution which has representatives of all mentioned institutions could be one of the alternatives for the conservation administrative framework. Other alternatives could be established at the national level such as one of the relevant ministries, at the local level such as the Municipality of Gaza or a combination of these. The advantages and disadvantages of each alternative determine their ability to contribute to the comprehensive conservation legislation model.

Footnotes:

1- The World Bank, *Aldawla Fi Alam Mutaghaier*, Report about development in the world, 1997, Washington, D.C.: World Bank, 1997, Translated by *Al Ahram*, Cairo.

2- Ibid., pp. 85 - 86.

3- General Mazen Iz Aldin, General Political Deputise, General deputised for National Guidance, Palestinian National Authority.

4- Iz Aldin, M., "Introductory", *Injazat Al Altariq*, Palestinian National Authority, National and Political Guidance Institute: National Guidance Deputisation, First Publishment, 1997, pp. 9-10.

5- Ibid., p. 163.

6- Ibid., pp. 163 - 169

7- Hijazi, A., Deputy Minister, Ministry of Tourism & Antiquities, Gaza: Interview on 18.5.1998.

8- Ibid.

9- Abu Saleem, Samir, General Director of Antiquities, Ministry of Tourism and Antiquities, Gaza: An Interview on 23/5/98.

10- Hijazi, A., op. cit.

11- Palestinian N. Authority, National and Political Guidance Institute, *Injazat Ala Altariq*, National Guidance Deputisation , first publishment, 1997, pp. 24 - 29.

12- Durdanjy, Mona, Director of Urban Planning Unit, Ministry of Planning and International Cupertino, Gaza: Interview on 30.5.1998.

13- Sha'at, Dr. Ali, Deputy Minister, Ministry of Planning and International Co-operation, Gaza: Interview on 9.5.1998.

14- Palestinian Legislative Council, *kwanin Aqaraha Almajles Altashrie Alfilistini*, Special Issue, January 1998, pp. 3-9.

15- Khusndar, H., General Director, Directorate of Planning, Ministry of Local Government, Head, Central Planning Committee, Gaza Strip, Gaza: Interview on 27.5.1998.

16- Palestinian National Authority, *Injazat Ala Altariq*, op. cit., pp. 37-42.

17- Ibid.

18- Municipality of Gaza, Directory of Finance publications, 1998.

19- Published in issue 589 of *Alwaqa'a Alfilistinia*- The Official News paper of Palestine Government on 4.5.1936. Amended by Acts 58/1936, 8/1938, 5/1939. 30/1941, 257/1957.

CHAPTER 8

CASE STUDIES

CHAPTER 8

CASE STUDIES

The lack of local studies providing a basis for comparison requires an analysis of other relevant experiences. It is advantageous to have this analysis to learn some successful lessons and avoid errors. " We learn some truth by observing the events taking place in the world around us" says Leedy[1].

Previous chapters analyse and quote experiences from around the world in order to explain some concepts and principles of conservation. It is the aim of this and the following two chapters is to analyse relevant case studies. These chapters will include a general overview of the relevant cases and a detailed study and analysis of two specially relevant case studies. The first is the conservation strategy in Saudi Arabia, especially Jeddah, and the second is in Egypt, especially Cairo. It should be stressed that it is not the aim of this study to make an assessment of the mentioned cases, but rather to evaluate the role that conservation legislation plays in their conservation strategies. Therefore, the study will concentrate on a detailed analysis of the conservation legislation and the performance of this legislation in terms of the evolution, the administration and the implementation of the conservation policy.

There are different reasons for the selection of the two cases. Both of them have drawn-up a conservation strategy and began to implement it. Therefore, they can be criticised and evaluated. The other reason for the choice refers to their similarity and relevance to the situation in Palestine, especially Gaza. This relevance is represented in three aspects. The first is the **cultural aspect**, especially the awareness of people. the ignorance of historic heritage, their attitude towards the old and their technical and planning management ability. The second is **the similarity of goals and objectives** as in the two cases there was the aim to conserve the heritage as a motive of cultural and socio-economic prosperity. This is similar to what was proposed for Gaza at the beginning of this research. The third is **the similarity in the legislation.** While there is a civil legislative system applied in Egypt, there is a *sharia'a* system applied in Saudi Arabia. *Sharia'a* (Islamic Law) is not fully applied in Gaza but it is

applied in all social and daily life of the majority of people. The similarity of the Egyptian legislative system to the situation in Gaza and the matching with Saudi Islamic law make a good combination and reference for the case of Gaza.

This study comes in two chapters. The current chapter will include a general overview of similar experiences and a comprehensive analysis for the case of Jeddah. The following chapter will include a comprehensive and detailed analysis for the conservation strategy of Cairo.

8.1. AN OVERVIEW OF RELEVANT CASES

Most of the cities in the Arabic World are under constant change. They are facing similar problems mainly due to the impact of industrialisation and urbanisation. Some of the relevant problems are the rapid change and the development of new structures replacing the old ones. Other problems are due to social disintegration, demographic pressures and the absence of comprehensive planning. One of the results is that the architectural heritage has been neglected. "Sadly, too many traditional forms so much akin to the surrounding communities have been lost (and with them the talents of sensitive craftsmen: The plasterers of Morocco, the bricklayers of Baghdad, the carpenters of Damascus), by neglect and decay, and ultimately sacrificed to the bulldozer", explains Antoniou Jim [2].

In Western Arabia (Tunisia, Algeria and Morocco), much has been done for the conservation of heritage especially in Tunisia and Morocco. Conservation activities are mostly oriented towards tourism. At the same time, these activities have successfully kept the essence of the old, such as traditional handicrafts. Artisans are now available in Morocco specialised in different aspects of traditional building and ornamentation. The Municipality of Tunis has established the "*Association Sauvegarde de la Medina*" (ASM) in 1967 for the conservation of historic buildings. The process of preserving and enhancing the "*Medina*" of Tunis is now well underway and this helps the survival of its historic character. The ASM has created a conservation area plan for the "*Medina*" to strengthen the existing protection regulations in the local land use plan[3]. This policy helps the creation of a quality project, creating a mix of housing, commercial premises and social infrastructure. This policy, that mainly adopts the strategy of area rehabilitation, is one of the

distinguished strategies that helped the conservation of the historic slum. According to the "Islamic Capitals & Cities", there is an increasing interest in old Tunis from investors, councillors as well as Tunisious[4].

Another example that could be mentioned is the proposal for the conservation of historic buildings and areas in Sana'a, Yemen Republic. The Shankland Cox Partnership's report to UNESCO[5] had recommended a conservation strategy for Sana'a. The strategy stresses the idea of defining conservation areas and the necessity to have suitable regulations to protect historic buildings and artefacts. "The Minister should establish within the Ministry a (Conservation Unit)" says the report[6]. This unit is proposed as an integral part of the Physical Planning Implementation team of the Ministry of Public Works and Municipalities. It does have a comprehensive responsibility within the defined conservation areas supervising both private and public sector activities.

Item (iv) of the Conservation Unit responsibilities in Sana'a is to receive all applications for building permits within conservation areas, examine, undertake negotiations and make recommendation to the Minister of Public Works and Municipalities. The duties of the Conservation Unit are also to maintain records for all changes in the historic area, develop any necessary regulation or control procedures for the conservation areas and motivate publicity for the conservation policies within Sana'a.

The Conservation Unit, which is composed of a senior conservation architect, junior architect, draughtsman, record clerks and a general clerk, is supported by a Conservation Advisory Council. "The purpose of such an advisory council is to tender to the Minister, on a regular basis, advice on conservation for his consideration" says the report [7]. This council consists of fifteen members headed by the Deputy Minister for Municipalities and representative members from *Waqf*, Tourism, University, UNESCO, international planners and conservation architect and others.

This proposed strategy defines a conservation administrative framework for both local and national levels. The definition of conservation areas (three areas were designated), the establishment of the Conservation Unit at the planning level (the authority responsible for urban planning) and the establishment of an advisory council

who approves the policies make up an integral policy. The report did not propose precise or elaborate laws, codes or regulations although it considered this as an important and urgent issue. At the same time, the report mentions the importance of developing conservation legislation. "They (Laws and regulations) should be developed by the Conservation Unit in collaboration with the appropriate government officials and legal advisors" states the report[8]. It also refers to the availability of model regulations from UNESCO as a basis on which to build-up particular rules appropriate to Sana'a. This also seems to be a good start because new regulations need to be discussed by legal advisors in relation to government priorities and institutional resources.

Other steps were applied in Manama, Bahrain, in the Gulf area. His Excellency Sheikh Khalid Ibn Abed Allah Al Khalifa, Minister of Housing has introduced a project report called " Manama Urban Renewal Project". He says that the old areas' development policy should not be limited to "superficial treatment", but rather to the development of the " humanistic issues" to produce an environment of cultural and socio-economic prosperity[9]. This project, which proposed the conservation of Old Manama, included a complete study and analysis of the historic area: History, urban development, social structure, economic situation, physical environment and urban structure as well.

The development strategy of Manama proposes direct policies of rehabilitation of some areas, both socially and physically, and indirect policies for increasing the housing credit and methods of urban control. The development strategy is represented in eight items which include the preservation of the housing balance, the equilibrium of urban uses, the conservation of urban and cultural heritage, the development of environment, infrastructure, traffic, visual and social conditions in the area[10]. The strategy proposes the availability of four aspects as a condition for policy success: the efficiency of planning authorities, the existence of central, effective and authorised implementation institute, the existence of effective and affordable urban regulations and the participation in the development process[11]. Three alternatives were proposed and evaluated against the aims and an implementation program was proposed for each. The strategy proposes the establishment of conservation legislation that takes in consideration the following items[12]:

- Establishment of conservation legislation to protect historic buildings and buildings of distinguished architectural value.
- Establishment of special legislation to deal with the ownership of historic buildings.
- The proposed legislation should include regulations for public health, environment, safety and control.
- Define a pilot study area (*Alhammam* area) to apply the proposed legislation as a practical model.

The development project was divided into three consequent stages: evaluation of the existing situation, strategy layout and then the drawings and specifications. The proposed system for the implementation is as follows:

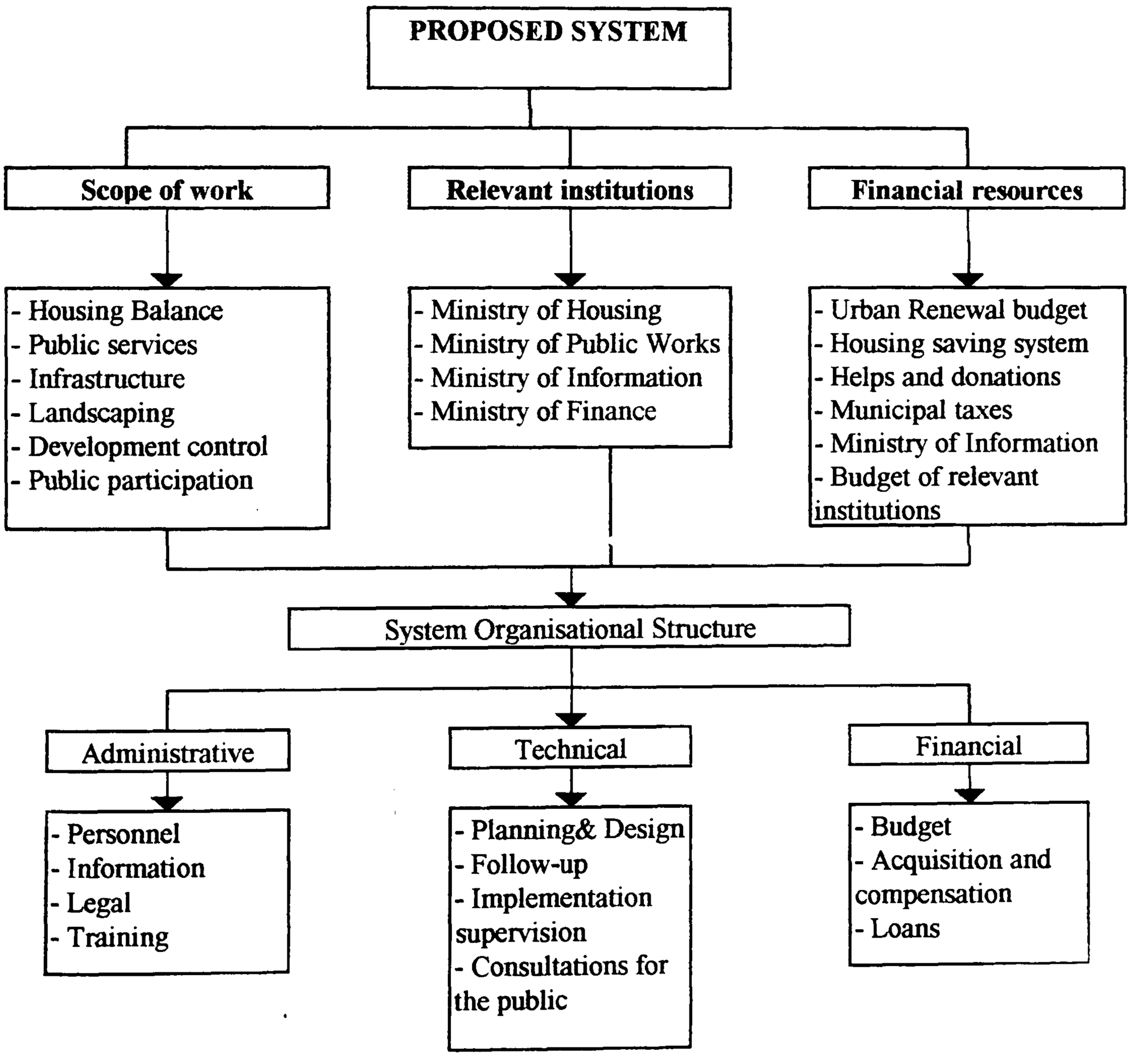


Diagram 8.1, Proposed system for the development of the historic urban areas, Manama. (Source: Directory of Physical Planning, Ministry of Housing, Manama Urban Renewal Project, 1986, p. 78).

It could be argued that the development strategy for Manama is a planning study rather than a conservation strategy. The conservation of old buildings is an item within the strategy. The strategy is the rehabilitation of the whole area: roads, services, historic buildings... etc. and does not only concentrate on the protection of historic buildings from demolition. The organisational chart for the proposed development system requires the actual and essential participation of different Ministries and Institutions. This makes the comprehensive development difficult because of the overlapping of responsibilities or the possible carelessness of one of the relevant institutions.

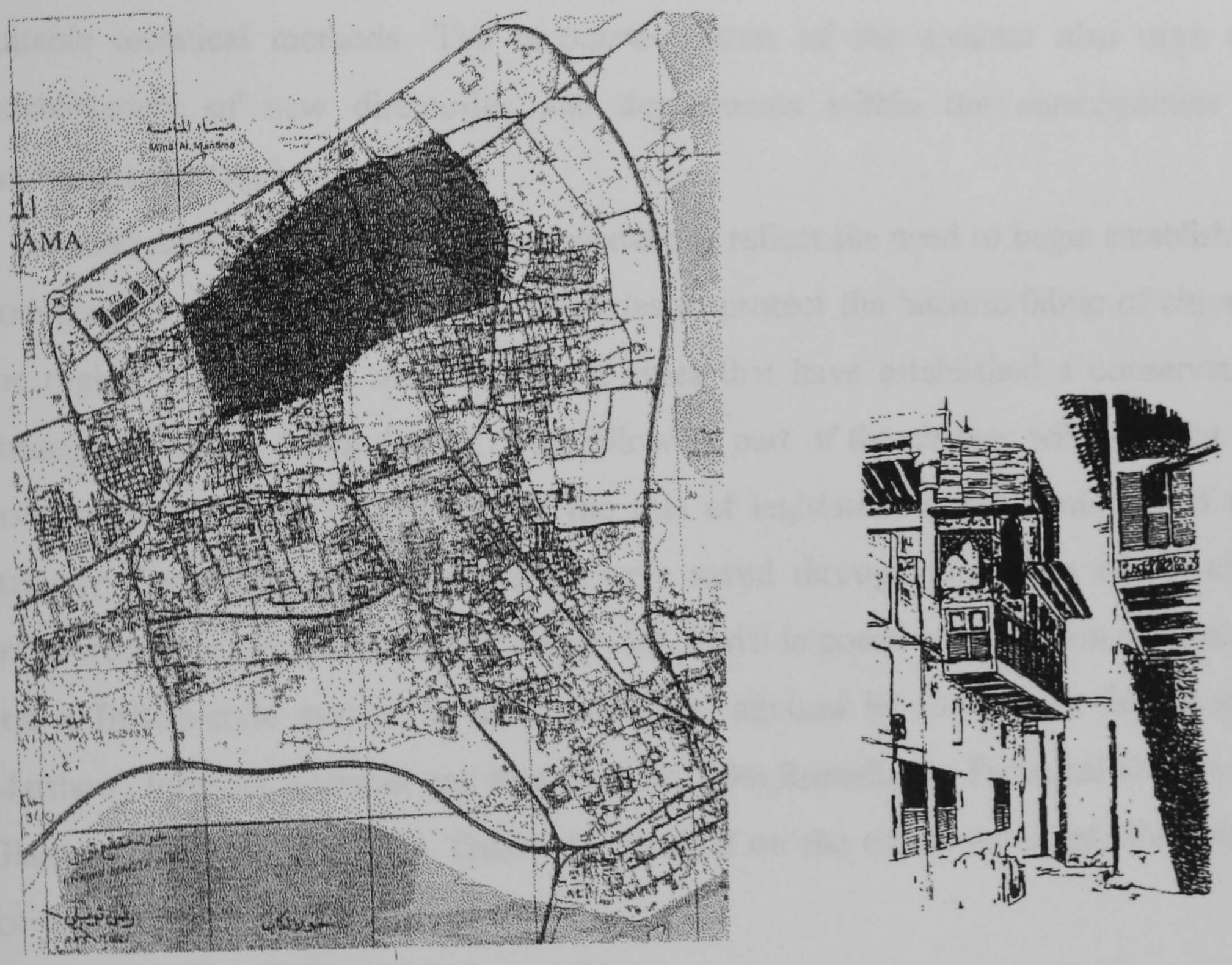


Fig. 8.1, Almanama: The location of the historic area and a general view within. (Source: Directory of Physical Planning, Ministry of Housing, Manama Urban Renewal Project, 1986, pp. 14, 59).

It is also relevant to introduce the proceedings of a seminar for the conservation of the Gulf's urban heritage held in Qatar in 1994[13]. The aims of the seminar were to establish basis and guidance rules for the preservation of the most distinguished of the Gulf's heritage. The recommendations of the seminar, which was initiated on a decision by the Municipal Ministers of the Arab Gulf Council, included three major

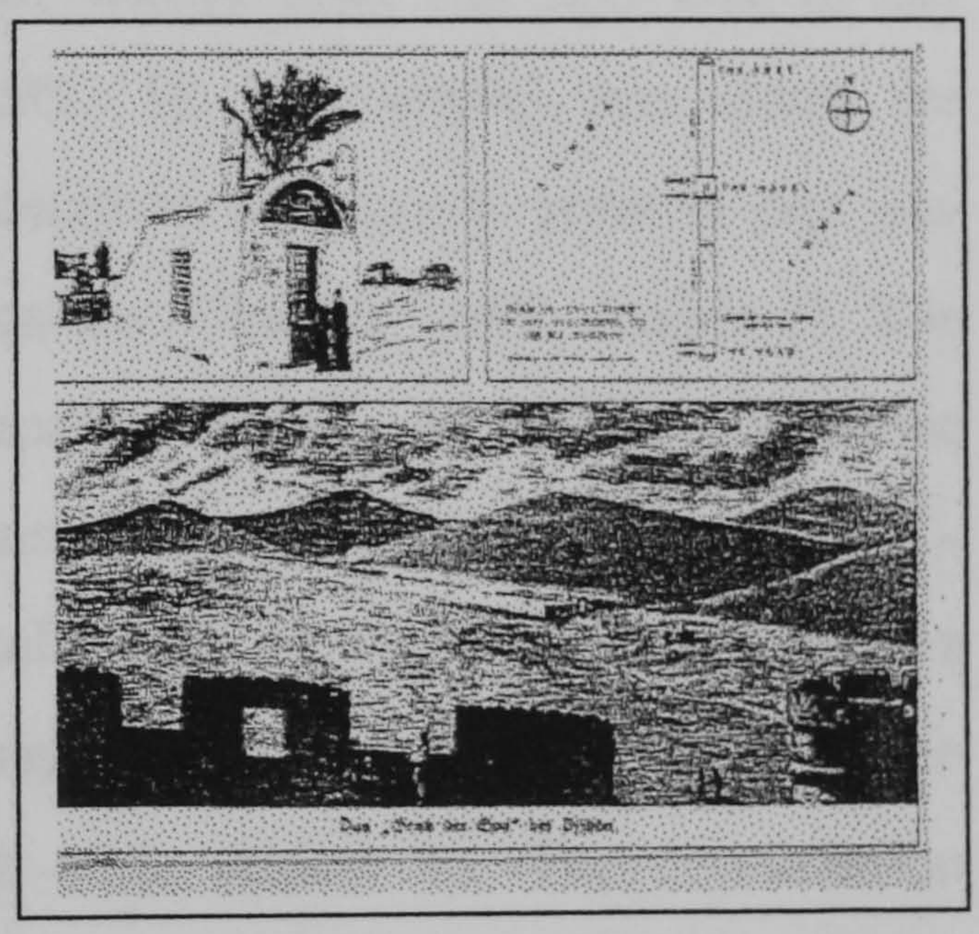
aspects. The first was the necessity of developing research, know-how exchange, co-operation with Arabic, regional and international relevant agencies and strengthening co-operative relations between municipalities and universities. The second recommendation was the development and updating of urban regulations and legislation to protect the identity of historic areas. The seminar has called in its recommendations for the urgent need to establish the required legislation needed to protect historic buildings and to acquire the ownership of historic buildings to be able to maintain them. The third category of recommendations was to urge the Municipalities of the Gulf cities to establish conservation actions for historic buildings through comprehensive surveys, documentation, maintenance and preservation using suitable technical methods. The recommendations of the seminar also urge the establishment of new directories and departments within the municipalities to implement the required work.

In conclusion, the seminar's recommendations reflect the need to begin establishing conservation strategies in the Gulf countries to protect the historic fabric of cities in the region. One of the most important cities that have established a conservation strategy is Jeddah, Saudi Arabia. The following part of the chapter will highlight the conservation strategy of Jeddah and the role of legislation in the evolution of this strategy. The buildings of old Jeddah were saved through the vision of the city's architect-mayor, Mohammed Said Farisi Mr. Farisi imposed conservation regulations and a British-style system of listed buildings, advised by the British firm Robert Matthew, Johnson, Marshal and Partners. Dr. John Russell, the Technical Director of Glasgow West Conservation Trust who worked on the conservation of Old Jeddah for years made available his experience.

8.2. THE CONSERVATION STRATEGY OF JEDDAH

It is likely that Jeddah came into existence eight centuries before the advent of Islam. It came under the influence of the Persian and Mamluk civilisations that established Old Jeddah. The buildings still have Islamic touches, where complete privacy is one of the most important influences on design. The exterior of these buildings, mostly white in colour, has harmonious Islamic carvings and *Koranic* forms. The urban composition in some parts of Jeddah still keeps its homogeneous tissue. As happens in most of the cities in the area, this homogeneous urban tissue of Jeddah is subject to the threat of demolition. This usually happens because of either the establishment of new developments or the neglect of historic buildings and areas.

Before analysing the conservation strategy for Jeddah, it is essential to discuss the conservation legislation in Saudi Arabia and its role in the conservation of historic buildings and areas.



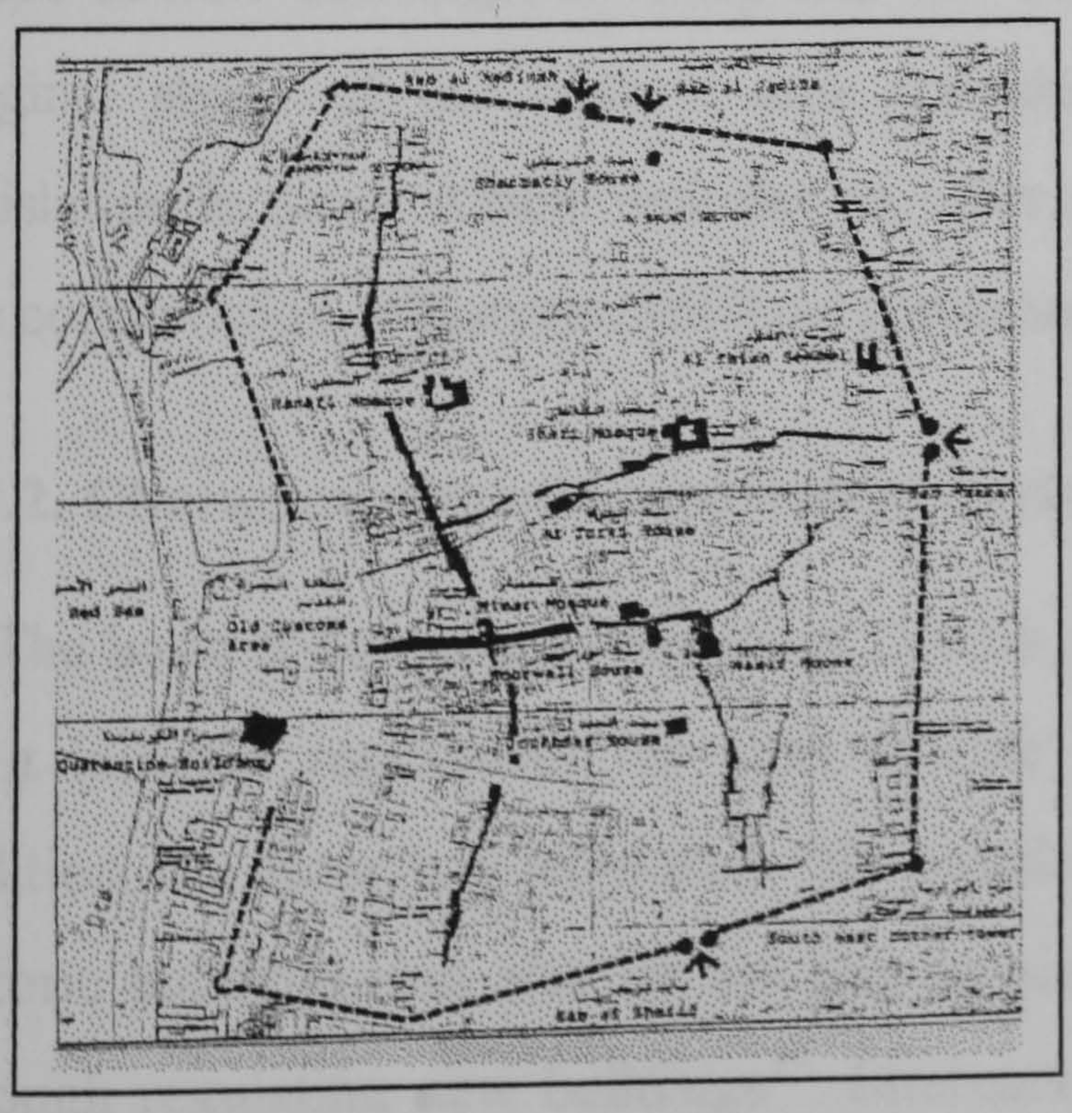


Fig. 8.2, Map of Old Jeddah showing prominent structures. (Source: Banihour, 1762).

8.2.1. Conservation Legislation in Saudi Arabia:

The basic conservation legislation in Saudi Arabia is the Archaeology System called "*Nizam Alathar*". This legislation was issued by the King's Ordinance M26 in 23.6.1392 AH (1971)[14]. This legislation is totally considered a law but is not called a law because there is no legislative institution in Saudi Arabia. The absence of this system refers to the adoption of Islamic Law "*Sharia'a*". The Archaeology System "*Nizam Alathar*" will be explained in detail in section 8.2.2 of this chapter. In addition to the basic conservation legislation, there is a group of circulars issued by the Ministry of Municipal and Rural Affairs. Examples of these circulars are 154/5 in 1983[15] and 80/5 in 1985[16]. Both circulars are derived from *"Nizam Alathar"* and circulated to all the municipalities.

Circular 154/5 includes three major rules. The first prohibits building licenses in the sites adjacent or close to historic buildings, except after the approval of the Archaeology Directory (Circular 154/5, Article 1). The second rule states the necessity to propose required conservation initiatives for historic areas in any new plans for cities in order to preserve cultural values (Circular 154/5, Article 3). The third rule urges the municipalities to prepare cultural, social and economic development plans for the rehabilitation of historic heritage (circular 154/5, Article 4). As a complementary to Circular 154/5, Circular 80/5 includes regulations for the shape of new buildings. It states that the design of new buildings must respect the original shape of the historic area (circular 80/5, Article 1). The conservation legislation in Saudi Arabia includes no other explanatory guidance or regulations for the conservation of historic buildings and areas.

8.2.2. Characteristics of Conservation Legislation in Saudi Arabia:

The basic conservation legislation "*Nizam Alathar*" is comprehensive and efficient as it includes regulations for both historic buildings and conservation areas. In addition, the secondary legislation "the circulars" insists not only on the protection of historic buildings, but also on the preservation of the original character of the area through regulating new buildings[17]. International charters were also put forward to regulate the conservation policy. It was a successful procedure that some cities, like

Jeddah, have established their own system of guidance for both historic buildings and conservation areas within the framework of existing legislation.

The basic legislation in Saudi Arabia "*Nizam Alathar*" is written in plain Arabic and is divided into seven chapters. Each chapter is subdivided into articles that run successively through the whole text. The first chapter is for definition of terms and the duties of the administrative system responsible for conservation. The second chapter is for the regulations of "fixed artefacts". Fixed artefacts, according to the *Nizam*, are all artefacts attached to the ground (*Nizam Alathar*, Article 7). This includes historic buildings and structures. The third chapter is for "mobile artefacts" that are usually separated from the ground and liable to be mobile. The fourth chapter includes rules for the archaeology trade while the fifth chapter is for the export of archaeological artefacts. Chapter six is for the conditions to search for archaeological objects and the parties involved. The last chapter, chapter seven, includes the sanctions in case of violation of the *Nizam's* articles. Excluding the first and last chapters, only one chapter out of five is for the conservation of historic buildings and areas. This proves that it is a disadvantage to combine historic buildings and areas with archaeological artefacts in one law and with the same definition. The following is an analysis for the relevant articles of "*Nizam Alathar*":

8.2.2.1. Building Conservation:

Historic buildings and structures are considered part of the fixed archaeological objects according to the basic conservation legislation "*Nizam Alathar*". This legislation includes rules for the conservation of historic buildings and structures covering three aspects. The first is the criteria to define historic building as part of archaeological artefacts. The second is the acquisition rules and the third is the interventions and preservation procedures.

The criteria used to define the relevance of an object are its age and its historic and artistic value. Objects (including buildings and structures) which are more than 200 years old or less than this age but of historic or artistic value are considered archaeological artefacts (*Nizam Alathar*,M 26/1392 AH, Article5). The Archaeology Directory has the power to list historic buildings according to the mentioned criteria and after the approval of the High Archaeology Council and the Minister of

Knowledge (*Nizam Alathar*, M26/ 1392 AH, Article 16). Contrary to the system employed in Gaza and Cairo, the Saudi conservation legislation includes planning regulations. The historic building's listing decision should include regulations for adjacent buildings. These regulations should be publicised to the owners and to the local authorities. All Ministries and Local Planning Committees should work in accordance with the mentioned regulations. The regulations usually include design limits (height, building materials, colours...etc) or a special architectural style for the neighbouring buildings to be followed (*Nizam Alathar*, M26/1392 AH, Article 17).

Nizam Alathar gives the Archaeology Directory the right to own any listed historic building or archaeological site (*Nizam Alathar*, M26/1392 AH, Article21). At the same time, it has also the right to own any building or land adjacent to historic buildings and sites (*Nizam Alathar*, M26/1392 AH, Article 21). Building and land acquisition should be in accordance to the acquisition rules applied in the country. Interviewing Dr. Abed Allah, Director of the Archaeology Directory[15], he referred to this contradiction. He said that the legislative system in Saudi Arabia is in accordance to the Islamic Law "*Sharia'a*" that totally respects private ownership. No compulsory acquisition exists; consequently, the Archaeology Directory has to negotiate with the owners for compensation. In case of refusal, they resort to the Islamic court to judge according to the " *Sharia'a*".

Dr. Abed Allah adds that great efforts are made to ensure public awareness of historic artefacts. Consequently, many people have offered their historic buildings for two reasons: First, the compensation system is effective and usually they get more than the market price. The second reason is that in case of an ownership conflict, the Archaeology Directory resorts to the court that might not give the same advantages as the negotiating body[19]. The Archaeology Directory is the only agency responsible for maintaining and conserving listed buildings and there is no right of objection for the owner or occupier (*Nizam Alathar*, M 26/ 1392 AH, Article 22). There is also a penalty system for anyone who demolishes or alters a listed building without permission from the Archaeology Directory (*Nizam Alathar*, M26/1392 AH, Article 67). Although the Islamic *Sharia'a* prohibits compulsory acquisition, conservation legislation gives the right to the responsible body to interfere and conserve historic buildings for public benefit.

Nizam Alathar gives the right to the Archaeology Directory's employees to enter, study, measure or photograph any historic building or site (*Nizam Alathar*, M26/1392AH, Article 25). This helps the responsible agency to make any documentation works required. One of the missing issues in the building conservation legislation is historic building consents. *Nizam Alathar* includes no regulations for listed building consents. There is no mention for building rehabilitation, alterations or reuse for historic buildings.

8.2.2.2. Area Conservation:

One of the distinguished characteristics of Saudi conservation legislation is its inclusion of historic area regulations. The Archaeology Directory has the right to list historic areas and neighbourhoods and designate them as "conservation areas" *(Nizam Alathar*, M26/1392AH, Article 16). *Nizam Alathar* also states that historic areas must be conserved in any planning schemes put forward for the city (*Nizam Alathar*, M26/1392, Article 12). The municipalities must not license any new building or any preservation in the historic area except after the approval of the responsible body to guarantee proper preservation (*Nizam Alathar*,M26/1392AH, Article 13). Secondary legislation also ensures the conservation of historic areas and the necessity to prepare development schemes for these areas (Circular 154/5, 1404AH, Article 3,4).

The conservation legislation in Saudi Arabia does not include detailed rules for the upkeep of "conservation areas". For example, there is neither a definition for the criteria of designation nor regulations for developments in the conservation areas. The existing mentioned legislation for conservation areas, however, has great advantages. This legislation has paved the way for the municipalities to take the initiative. A good example for that are the detailed regulations and rules that the municipality of Jeddah put forward for the conservation of the historic areas. This will be explained in section 8.3.3 later in this chapter.

8.2.2.3. Management:

Nizam Alathar does not include management regulations for the conservation process. The parties involved in legislation are the Archaeology Directory, the High Archaeology Council, the municipalities and the owners. Although the duties of each party are precisely described, no clear relationships between parties are clarified. The duties of the parties, however, will be described in section 8.3.2 of this chapter.

8.2.2.4. Finance:

Nizam Alathar states that the Archaeology Directory has to finance maintenance and preservation works for listed buildings with no right of objection for the owner (*Nizam Alathar*, M26/1392AH, Article 22). In addition, the Archaeology Directory has the right to own any building after acquisition (*Nizam Alathar*, M26/1392AH, Article 21). On the other hand, conservation legislation does not include financial incentives to encourage owners to preserve their properties. Conservation legislation also does not include any fixed budget for the conservation of historic buildings and conservation areas.

Local authorities had mostly granted the budgets needed to finance the conservation strategies in some parts of Saudi Arabia. There were also steps to encourage private sector participation in finance. Jeddah is a good example for this aspect as will be explained in the implementation of the conservation strategy in Jeddah (section 8.2.3.3). Both private and municipality financial initiatives are permitted by legislation through the development plan at the local level. This is considered an advantageous flexibility in order to finance the conservation of historic buildings and areas.

8.2.2.5. Penalties:

Saudi conservation legislation includes protective measures against historic buildings and areas' demolition works. The penalty section of *Nizam Alathar* includes fines for each violation to the *Nizam's* articles. Three articles are relevant to the conservation of historic buildings and areas. The first is a month to three years imprisonment and a 250 to 10000 Saudi *Ryals* fine (about $ 70- 2850) for every partial or full demolition or alteration of a listed building (*Nizam Alathar*,

M26/1392AH, article 67). The second is a month to two years imprisonment and a 100 to 1000 Saudi *Ryals* fine (about $ 30-300) for any addition to a historic building or site. This fine is also applicable to the violation in the areas adjacent to historic buildings and sites (*Nizam Alathar*, M26/1392AH, Article 70). The third article is a one to four weeks imprisonment and a 10 to100 Saudi *Ryals* fine for any deformation of a historic building or site (*Nizam Alathar*, M26/1392AH, Article 72). Writing, painting, or fixing advertisements over historic buildings and sites could trigger these penalties.

One of the most distinguished advantages of the Saudi conservation legislative system is its inclusion of a defined judiciary mechanism. *Nizam Alathar* states that the Prime Minister establishes a three member judicial committee to judge conservation legislation offenders (*Nizam Alathar*, M26/1392AH, Article 77). The establishment of this specialised committee is essential to facilitate procedures required for the protection of historic buildings and sites. Another workable tool is what the Municipality of Jeddah executes in case of demolition of historic buildings. In such cases, the Municipality prevents any building license in the site of the demolished building.

8.2.3. Conservation Legislation Performance in Jeddah:

8.2.3.1. Legislation Performance in the Evolution of Conservation Strategy:

The major motive for the conservation policy initiation in Jeddah was a cultural one. HRH the Crown Prince gave the order to establish the "Heritage Village", drawing attention to the necessity of preserving the heritage. In a report published by the Municipality, the concept of the strategy was explained in terms that conservation need not be an expensive luxury. Properly managed, within the context of an enlightened conservation policy, improvements in the built environment can bring about increased investment and profitability through environmental improvements that attract more visitors and shoppers seeking both goods and services[20]. In such a setting, the report continues, living " in town", close to offices, shops and restaurants becomes and attractive proposition to many professional people, as has been demonstrated in many historic cities, such as Paris, Quebec, Sydney and Edinburgh.

The architect Mr. Farsi, Mayor of Jeddah having evaluated this policy of city rehabilitation after years said: "No losses were incurred since every attempt is made to maintain an equilibrium. The elderly may miss moments of tranquillity but today they enjoy more comforts and greater prosperity"[21].

Dr. John Russell summarises the conservation strategy of Jeddah in nine items[22]. He mentions that the Municipality initiated the conservation policy for historic buildings and areas through the planning schemes of the city. Old Jeddah, he adds, was not intended to become an open-air museum. On the contrary, **in order to meet the legitimate demands of the people living in historic areas, change was seen to be essential. Consequently, the policy encourages beneficial change and enhancement and discourages non-beneficial change. This includes change of use of historic buildings; the addition of elements to adapt with contemporary needs and allow alterations. At the same time, this policy aims to preserve, as much as possible, the historic character and the architectural heritage and to achieve the optimum distribution of population, employment, vehicular servicing and car parking.**

Dr. Russell also explained the definition of a conservation area, which is about one third of the studied area (most of old Jeddah - about 58 ha and 45000 people), in which the Municipality adopted the policy of maximum conservation. About 537 buildings were recommended to be listed. Nineteen of them, were demolished, destroyed or collapsed in the following five years (1981 - 1986) according to Dr. Russell. Within the identified area, car parking, urban design proposals in some areas, landscaping and regulatory controls were proposed. The regulatory controls mentioned include the following:

A. **Regulations to control restoration, repair, rehabilitation and redevelopment of listed buildings:** Listed buildings are classified into three codes C1, C2 and C3 classes. Those classes define national significance, regional significance and local significance respectively. The regulations for listed buildings include the following rules:

- Permitted works for class 1 buildings are only preservation and restoration in all conservation area grades. Class 2 buildings are permitted to have, besides restoration, rehabilitation works. On the other hand, class 3 buildings could be liable to

rehabilitation and redevelopment in grade B and C conservation areas and liable to restoration and rehabilitation in grade A conservation area.

- Works for demolition, alteration or extension require consent.

-Other regulations such as maintenance, acquisition, fines, ...etc are in accordance to *Nizam Alathar*.

B. Regulations to control conservation areas: Conservation areas are classified into three grades, A, B and C. No criteria are defined for the selection. Conservation area regulation categories differ from one grade to another. The categories included regulations for listed buildings as described earlier, non-listed buildings, vacant land, trees and advertisements. The proposed regulations control land use, building bulk and height and they are applicable to development inside conservation areas. Special "conservation policy" regulations are demonstrated as follows:

A- Non-listed buildings: Buildings are classified into codes according to the location and state of the building whether a traditional or a modern one. There are special regulations controlling the rehabilitation and redevelopment (traditional) of non-listed traditional buildings in all conservation area grades. The regulations also control the redevelopment (traditional) of non-listed modern buildings in all conservation area grades. Regulations include also the prohibition to demolish any non-listed building within a conservation area without consent. Where a non-listed building requires urgent repair in order to preserve or improve the character or appearance of a conservation area, the owner, lessee or occupier should be directed to undertake the necessary works within a fixed period of time. If the owner fails to comply with such a direction, the Municipality should execute the necessary works and recover the full costs incurred.

B- Vacant land: In case of development, vacant land should be developed in traditional style in all conservation areas. New designs should consider applicable conservation policy of adjoining listed buildings to which it should be sympathetically designed. Where a parcel of vacant land requires to be cleared or landscaped in order to preserve or improve the character or appearance of a conservation area or the setting of a listed building, the owner, lessee or occupier should be directed to undertake the necessary work. If they fail to comply with

such requirements, the Municipality should execute the works and recover the costs incurred.

C- Trees: All trees situated within the boundaries of a conservation area should be retained and protected and the uprooting or destroying of trees should require consent. At the same time, license approvals for developments within conservation areas should include appropriate provision for tree planting.

D- Advertisements: Measures should be taken to regulate advertisement dimensions, appearance and location.

The control and civic design were proposed for conservation principles and practices and planning regulations. The Venice charter was included in the Appendices, together with a summary of relevant UNESCO Conventions and Recommendation.

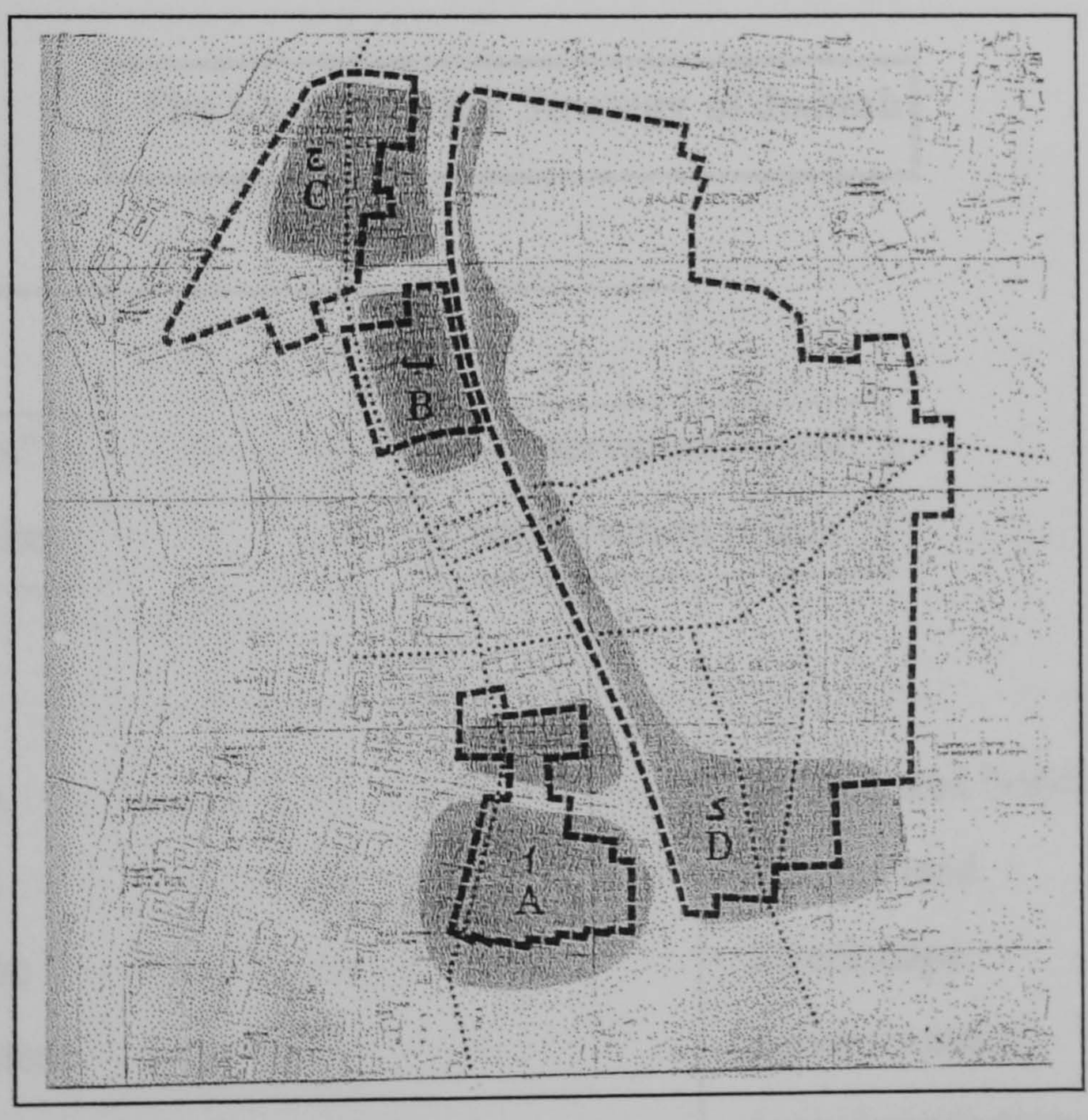


Fig. 8.3, Jeddah, conservation area neighbourhoods designated to be protected. (Source: Associated Consultants Bureau (ACB), Old Jeddah Historic Area 1399-1404AH, Municipality of Jeddah, 1984, p.35)

In conclusion, the conservation strategy adopted in Jeddah recognises the principle and attitude of a comprehensive development. The buildings that

were listed according to special criteria were subject to special conservation policy regulation controlling preservation, restoration, rehabilitation and redevelopment. The designated conservation areas were also subject to special conservation policy regulations controlling non-listed buildings, vacant land, trees and advertisement. The legislative framework depended mainly on the establishment of historic building and area regulations derived from conservation and planning Acts. This comprehensive strategy helped to **convince people to accept it and at the same time made the historic area an animated place for both local inhabitants and tourists.** One contradiction to the strategy could be inferred regarding the provision of social facilities. The concentration, however, was on physical development without noticeable efforts on social and community development.

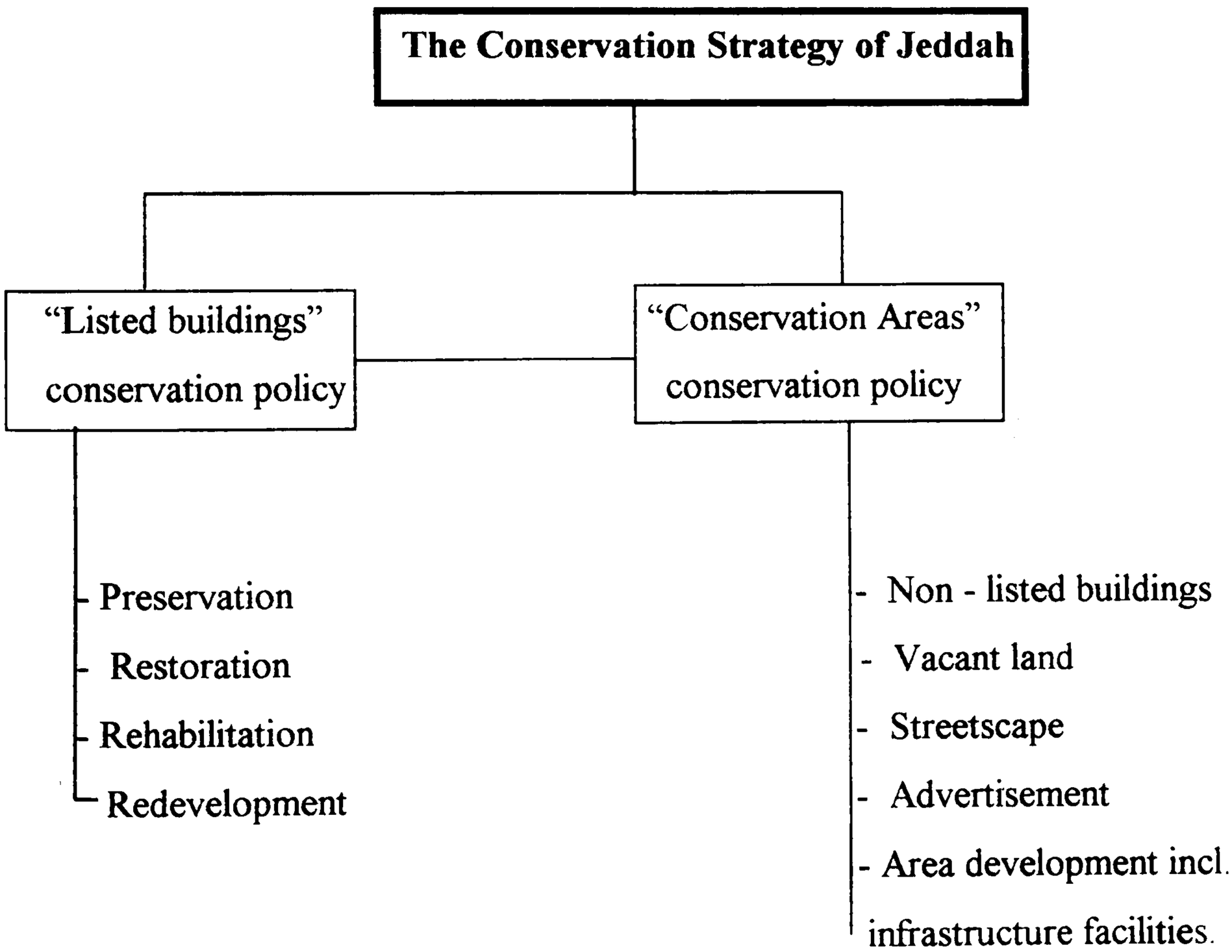


Diagram 8.2, Conservation strategy of Jeddah. (Source: The author based on references no. 19 and 20 in the footnotes of this chapter).

8.2.3.2. Legislation Performance in the Administration of the Conservation Policy:

The responsible body for archaeology in Saudi Arabia is the Archaeology Directory that is supported by the Higher Archaeology Council. The Higher Archaeology Council is responsible for drawing-up the conservation policies and the amendment of the Archaeology System " *Nizam Alathar*". It is also responsible for composing the general conservation strategies (*Nizam Alathar*, M26/1392 AH, Article 2). The Higher Archaeology Council is headed by the Minister of Knowledge and composed of eleven members. The members are representatives of the ministries of Finance, Interior, Knowledge, *Waqf*, Information, Municipal Affairs, the Archaeology Directory director and three interested members (*Nizam Alathar*, M 26/1392 AH, Article 1).

The administration of the conservation strategy in Jeddah is a distinguished one, and is considered a major factor of success. The Municipality adopted the conservation policy initiation in Jeddah. The Municipality took advantage of controlling the planning sector and had adopted a conservation strategy within the overall plan of the city. As shown earlier, special attention was paid to the historic area. The Municipality was the planner, policy maker, financing institution and also the implementation party. All these Factors helped in reducing overlapping responsibility, conflict and time.

In conclusion, the conservation administrative framework in Jeddah depended mainly on the local level. The Municipality of Jeddah was the conservation institute responsible for policy-making, finance and implementation of conservation initiatives in the city. The overall conservation institutional framework in Saudi Arabia is as follows:

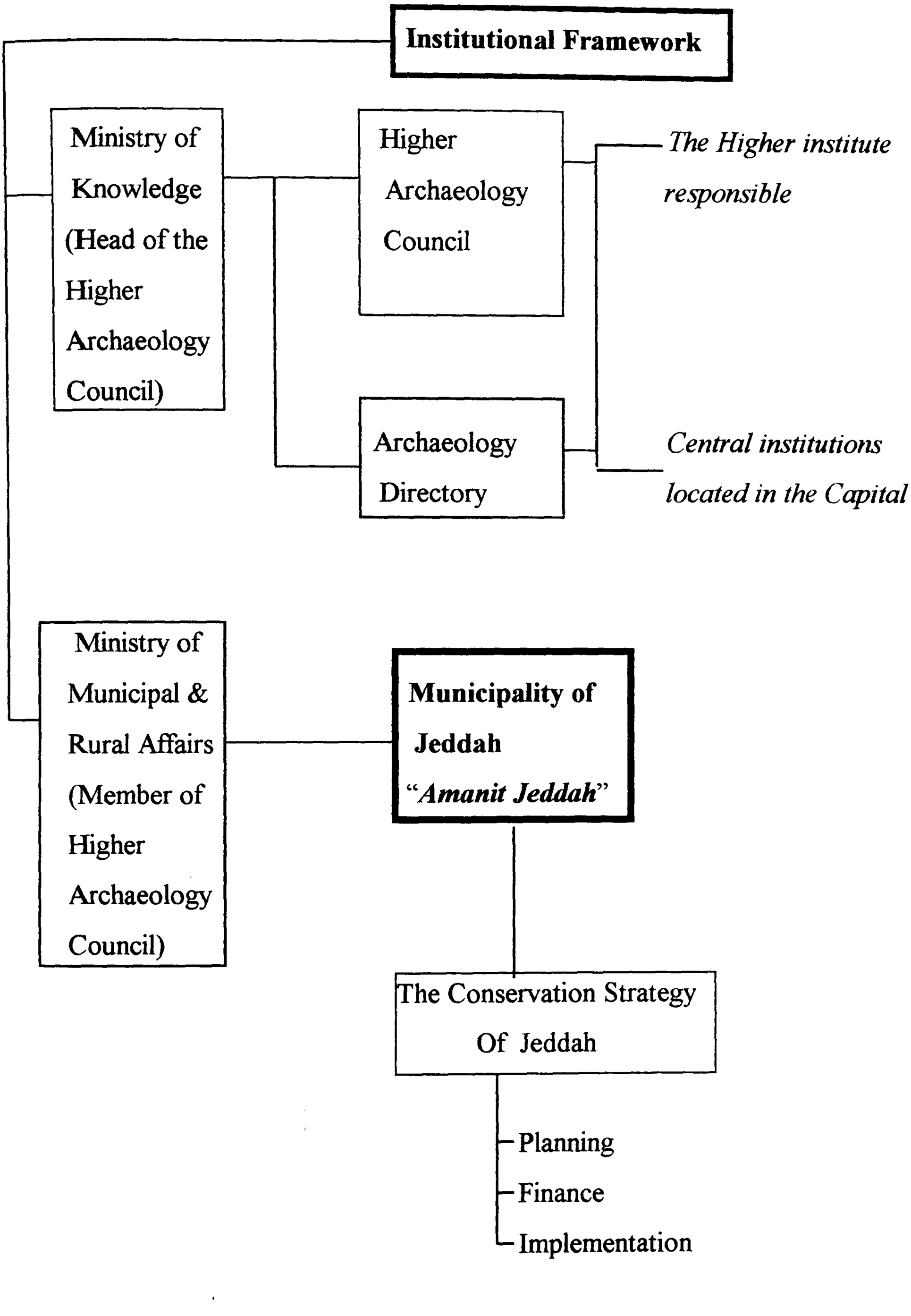


Diagram 8.3, The administration of the conservation strategy of Jeddah. (Source: The author).

8.2.3.3. Legislation Performance in the Implementation of Conservation Policy:

Basic legislation represented in *Nizam Alathar* gives the responsibility for the conservation of historic buildings and areas in Saudi Arabia to both the Archaeology Directory and the Higher Archaeology Council. Both of them are exercising their duties at national level. The Ministry of Municipal and Rural Affairs, member of the Higher Archaeology Council, had issued conservation circulars for the municipalities to follow. The actual conservation policy of Jeddah was initiated at the local level and in accordance with both basic and secondary legislation. The secondary legislation that the Municipality of Jeddah established through the master plan of the city was a complementary legislation to guide the implementation of the conservation policy.

The practical steps that the Municipality had taken were its commitment to a specialised office to prepare a comprehensive study. The major aim was the preparation of a detailed study for Jeddah with special concentration on the conservation of historic buildings. The steps in which the study was executed included two stages according to research explaining the conservation experience of Jeddah[23]. The first was survey work, where 797 buildings of historic or architectural importance were classified into three categories (buildings of national importance (4.4%) , buildings of regional importance (41%) and buildings of local importance (54.6%)). Dr. Russell has showed his site notes of surveying data arranged in systematically organised form for different building details[24].

The second stage of the study was the survey analysis and urban design proposals. Jeddah was divided into three areas: The sea front, the central commercial area and the old city. The study of the old city recommended the conservation of both historic buildings, streetscape, alleys and the whole urban structure. The study also recommended the maintenance and preservation of historic artefacts and training for the establishment of vanished handicrafts. The ground floors were supposed to be changed into commercial stores and great efforts had been made to establish parking spaces. The study also proposes the provision of all necessary services. In subsequent steps, the Municipality of Jeddah took the initiative to implement the proposed regulations.

Mr. Khalifa explains, in extended research, the implementation steps of the conservation strategy[25]. The Municipality had hired consultants to get international

and Arabic expertise for technical issues and to train local workers on preservation works. According to Mr. Khalifa, the following steps were taken:

- The initiation of regulations to prohibit the demolition or alteration of any historic building (This item is not accurately described because the law (*Nizam Alathar*) was already in existence and what had been done was the establishment of regulations and guidance for conservation). The regulations were very protective against the procedures of change which results due to increased land prices. At the same time, the Municipality was very serious in implementing these regulations. For example, if a house was demolished, it was replaced by a garden and the owner did not get building permission unless fulfilling special regulations of height, elevations and style.
- The purchase of historic buildings by competent owners who could afford purchase, maintenance and preservation of the buildings (This either reflects the growing conscience toward the cultural heritage or/ and the investment potential in this heritage).
- The Municipality (*Amanit Jeddah*) paved the whole area with marble and granite using Islamic patterns and ornaments that costed around 70 Million S.R. and had also installed a complete lighting network of about 20 Million S.R. .
- The rehabilitation of the landscape and streetscape according to the traditional forms.
- A great number of historic houses were rehabilitated by the Municipality both from the interior and the exterior to act as an example for people to follow. The Municipality had also bought a group of buildings to be used for public services.
- A campaign to increase public awareness by inviting local newspapers to publicise the conservation strategy. The Municipality had co-ordinated with the private owners as well as the government agencies like *Alwaqf* to provide technical consultation and trained workers. In such a case, *Alwaqf*, who owns many historic buildings and the private owners only have to pay for the maintenance.
- The upgrading of historic markets with all facilities required and the encouragement to change some courts into coffee or craft shops to animate the area.

The implementation policy, according to Mr. Khalifa, had faced many problems especially people's objections and follow-up responsibility. The infrastructure works in Jeddah are the responsibility of different institutions which make it difficult to co-

ordinate the works. The problem became more difficult when there was a need to execute the work in a short time. Mr. Khalifa also mentions the lack of appropriate trained workers and a lack of experience. This had increased the maintenance cost. Finally, some historic buildings are owned by many people or rented to others who are not interested in maintaining them according to Mr. Khalifa[26].

Similarly, Dr. Russell summarised the implementation steps that the Municipality of Jeddah had taken[27]. Those steps included public services and utility installation, floorscape and beautification program, restoration and repair of historic structures, traffic management and finally development control and design guidance.

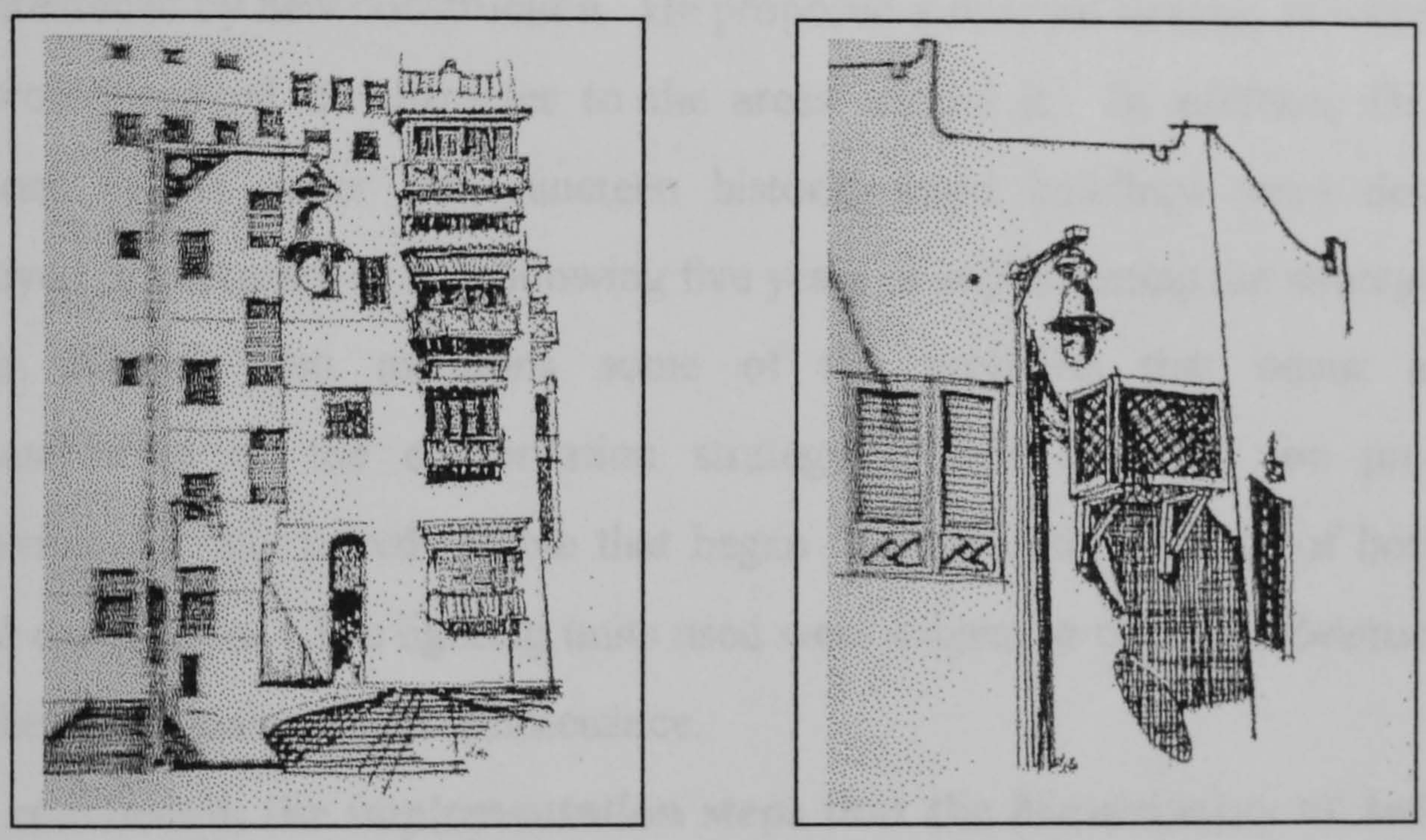


Fig. 8.4, Jeddah, the old area after development. Minute details like lamp posts and air conditioning systems were included within the development. (Source: Centre of Planning and Architectural Studies, Up-Grading of the Urban Environment of Cities, Egypt: Dar-Al-Shorouk, 1986, p.3).

Dr. Russell states that the cost paid for implementing proposals was estimated in 1981 at S.R. 1.36 Billion (£ 180 million at the prevailing exchange rate of the time). Of this sum, about 50% were the estimated cost of restoring the 537 listed buildings and 62 listed building groups recommended for preservation. This sum excluded the cost of acquisition, compensation, professional fees... etc.

The budgets needed to finance the conservation strategy in Jeddah were mostly granted by the Municipality. This is not a big issue in a wealthy city such as Jeddah,

especially at the time of the conservation strategy implementation (around 1980). The Jeddah Municipality also tried to urge the private sector to participate in finance. Some interested people and investors purchased threatened historic buildings and renovated them for conversion to permitted new uses according to contemporary requirements. The Municipality also purchased some historic buildings and changed their use to public buildings for the community. The Municipality had also financed technical assistance and physical development projects such as infrastructure facilities.

On the other hand, some people criticised the implementation performance. In a workshop on architecture and urbanisation in Jeddah, Dr. Farhat Abed Mohsen criticised the amount of works done. He said that although great efforts were made in the conservation of Jeddah, they were still not enough[28]. The old city, he added, was still threatened by new construction. He proposed a reversal strategy in which the old city would expand its character to the areas around it. In addition, Dr. Russell mentions in his paper that nineteen historic listed buildings were demolished, destroyed or collapsed in the following five years of implementing the strategy[29].

Mr. Khalifa also mentions some of the problems that occur after the implementation of the conservation strategy[30]. He mentions the problem of preserving the new paved marble that began to deteriorate because of both misuse or/and excavations. The lighting units used were subject to continual destruction that cost the Municipality much maintenance.

In conclusion, the implementation steps that the Municipality of Jeddah has taken are considered comprehensive and guided by conservation legislation. The steps included historic building preservation, conservation area rehabilitation, training and the focus on conservation related issues. This process had given shape to the old city of Jeddah, in terms of its history and culture.



Fig. 8.5, Jeddah: The old city before development. (Source: *Center of Planning and Architectural Studies, Up-Grading of the Urban Environment of Cities, Egypt: Dar-Al-Shorouk, 1986, p.8).*

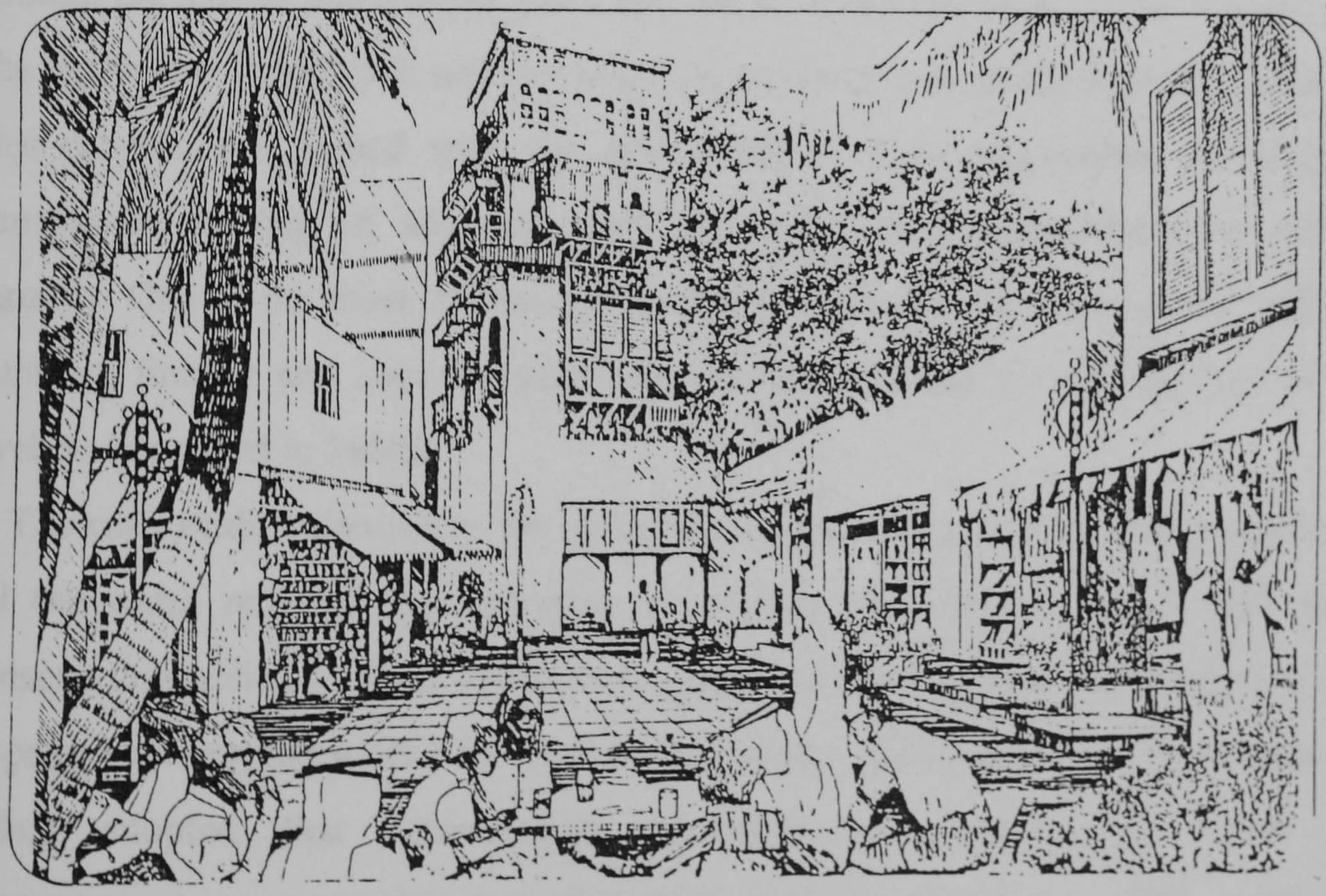


Fig. 8.6, Jeddah: One of the proposals that had been applied for the development of the old city. (Source: *Center of Planning and Architectural Studies, Up-Grading of the Urban Environment of Cities, Egypt: Dar-Al-Shorouk, 1986, p.8).*

8.3. SUMMARY

The case studies mentioned in this chapter reflect the reality in the Arab World in which the conservation of historic buildings and areas is a new task that has only been recognised recently. This occurs because of many reasons both at the government level and at the public level. One of these reasons is that most planning schemes ignore the conservation of historic buildings and areas. Both master plans and development plans for Arabic cities usually concentrate on new development areas leaving the old areas for further detailed studies which are usually delayed. This ignorance of the old parts of cities exists in Gaza. The experiences of the Medina of Tunis, Manama, San'a and Jeddah are different in detail but they have things in common. They all recognise the importance of having a clear conservation strategy combined with practical steps for implementation. They also demonstrated the importance of the local level for both policy initiation and implementation. This was one of the recommendations of the seminar on the conservation of the Gulf's heritage held in Qatar in 1994. Local authorities established required legislative framework through the master plans of the cities and the development plans of the historic areas. The legislative framework was derived from existing conservation-related legislation. This process was joined with the establishment of an appropriate administrative framework, training of adequate staff and appropriate management for different partners. One of the most effective institutional structures, is where policy initiation, planning, finance and implementation are all co-ordinated by one institute at local level, as happened in Jeddah.

The case studies also prove the deficiency of the existing conservation legislation. All the cases required the initiation of suitable legislation to guide and govern conservation policies. Most of the cases depended mostly on establishing regulations through planning and guided by international advice and local needs. This reflects the policy adopted that recommends comprehensive development rather than concentration on preserving historic buildings and monuments. This policy was guided by cultural and national attitudes, especially in the Gulf countries, and by economic prosperity through tourism and investment, especially in Tunis and Morocco. An adverse policy was adopted in Egypt based on museum conservation

for individual buildings and objects focussed on tourism. This emphasises the strong historical values that exist in Egypt as will be discussed in the following chapter.

The conservation strategy of Jeddah was initiated to fulfil cultural values. At the same time, it included initiatives to encourage socio-economic prosperity through the overall development of the historic area. The conservation legislation for historic buildings and areas in Saudi Arabia is part of the archaeology legislation. This makes the conservation of historic buildings and areas a minor issue and buildings are looked at as "archaeological artefacts". This is a common disadvantage in the conservation legislation in Arab countries, including Palestine.

Two important aspects could be learnt from the experience of Jeddah. The first is the adoption of conservation policy at a local level. The Municipality was the planner, policy maker, financing institution and also the implementation party. Accordingly, the Municipality of Jeddah established secondary legislation through the planning system that included rules for building and area conservation. The Municipality was also responsible for the implementation of policy. The second aspect of the strategy was the concentration on physical issues while ignoring social facilities. A great amount of money was spent on the physical development of infrastructure, beautification and building preservation. It would have been more valuable if some of the budget had been used in sustainable items to guarantee the continuity of the policy.

In conclusion, the case study of Jeddah could be evaluated as a positive one. It is a successful strategy in terms of being a comprehensive development that included the establishment of conservation legislation, appropriate judiciary system raising required finance and implementation programmes. It is also a successful strategy in terms of the adoption of both a legislative framework and an administrative framework at the local level. On the other hand, the Municipality of Jeddah handled the conservation strategy the same way as any other municipal physical project. This was because the Municipality financed the budget and afterwards, no more municipal budgets were dedicated for conservation. At the same time, no alternative sources of finance were identified that guaranteed the minimum required for continuity. Another disadvantage could be added regarding the availability of social facilities and tourist attractions. The conservation of the physical fabric was not paralleled by adequate social and tourism development. Regardless of this deficit, the implementation of the conservation

strategy had guaranteed the survival of many historic buildings and conservation areas. This implementation had also given shape to the old city of Jeddah, a shape related to its history and culture.

Footnotes:

1. Leedy, Paul D., Practical Research: Planning and Design, Fourth Edition, New York : Macmillan Publishing Company, 1989, p. 140.

2. Antonio, Jim, Islamic Cities and Conservation, Paris: UNESCO, 1981, p. 58.

3. The Association of the International Heritage City: Tunis, Islamic Capitals & Cities, no. 26, July 1998, pp. 42 - 49.

4. Ibid.

5. Shankland Cox Partnership, Planners and Architects, SANA: A Report to UNESCO, London, 1978.

6. Ibid., p.66.

7. Ibid., p.68.

8. Ibid., p.69.

9. Directory of Physical Planning, Ministry of Housing, Manama Urban Renewal Project, 1986, p.1.

10. Ibid., p. 54.

11. Ibid.

12. Ibid., p.83.

13. Ministry of Municipal and Agricultural Affairs, Qatar, Proceedings of the Seminar on " The Conservation of the Distinguished Gulf's Urban Heritage", Doha, Qatar, 1-3 October, 1994, Municipality of Doha and *Dar Alshirook*.

14. Kingdom of Saudi Arabia, Ministry of Finance & Economy, *Nizam Alathar*, Second Edition, Riyadh: Government Press, 1399 AH (1978).

15. Kingdom of Saudi Arabia, Ministry of Municipal and Rural Affairs, Deputy Ministry for Planning, Circular 154/5, 14.5.1404 AH.

16. Kingdom of Saudi Arabia, Ministry of Municipal and Rural Affairs, Deputy Ministry for Planning, Circular 80/5, 11.3.1406 AH.

17. Kingdom of Saudi Arabia, Ministry of Municipal and Rural Affairs, Circular 80/5 on 11.3.1404 AH, Circular 154/5 on 14.5.1404 AH.

18. Abed Allah, Dr. Mohamed, Director, Archaeology Directorate, Interview, January, 1997.

19. Ibid.

20. Associated Consultants Bureau (ACB), Old Jeddah Historic Area 1399- 1404 AH, Ministry of Municipal and Rural Affairs: Municipality of Jeddah, p. 31.

21. Interview with H.E. Architect Mohamed Said Farsi, Mayor of Jeddah, Interview by architect Youssef Attawim, *Albenaa* Magazin.

22. Russell, Dr. John, The Conservation of Old Jeddah 1979 - 1986: A Personal View, October 1992.

23. Khalifa, M., General Directorate of Urban Planning , A research on the Experience of the Conservation of Old Jeddah, Kingdom of Saudi Arabia, Ministry of Municipal & Rural Affairs: Jeddah Municipality, pp. 28,29

24. Russell, Dr. John, Technical Director, Glasgow West Conservation Trust, Glasgow: various interviews by the author, November 1997.

25. Khalifa, M., General Directorate of Urban Planning, op. cit.

26. Ibid., pp. 36 - 41.

27. Russell, Dr. John , op. cit.

28. Mofti, Dr.Farouq, "*Nadwet Alimara Walimran Fi Jeddah*", Albenaa, No . 69, Nov.& Dec., 1992, pp.44-48.

29. Russell, Dr. John, op. cit.

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CHAPTER 9

CASE STUDIES: ARCHITECTURE AND URBAN CONSERVATION IN EGYPT

CHAPTER 9

ARCHITECTURE AND URBAN CONSERVATION IN EGYPT

Egypt plays a central role in the Middle East because of its location, population and history. Ancient Egyptian civilisation is one of the oldest and was one of the most developed. It lasted about 5000 years (5000 BC - 100 BC) and evidence of this civilisation has been retained in the form of such monuments as the Pyramids, Temple of Amun at Karnak, mortuary temples at Thebes and Temple at Abu Simbel. The rule of the pharaohs was interrupted with invasions by Hecsos, Persians, Greeks and Romans. From the 7th Century, Egypt was run by Moslems throughout the successive Moslem eras. Cairo, the capital of Egypt, was established during the Fatimid Islamic era (969 AC) and most of the existing old buildings in Cairo are related to this time.

In 1883 Cairo was put under the English Mandate until a kingdom system was established to govern the country. This system lasted until the 1952 revolution that established a republican system embodied in the Arab Republic of Egypt. The contemporary economy of Egypt depends largely on tourism, which comes to visit historic buildings and sites. Other economic activities are agriculture, industry and natural resources like oil and minerals.

The historic buildings and sites of Egypt are of great importance. This importance is not only at local and regional levels, but also at an international level. Generally, historic buildings and sites can be classified into two categories: The first is the ancient Pharaohnic temples and sites, and the second is the buildings and areas related to the successive Islamic eras which are concentrated in the centre of Cairo and known as "Fatimid Islamic Cairo". Some Qibti -Christian- buildings exist in Cairo and are classified as buildings of historic importance.

The factors that affect historic buildings and sites in Cairo are varied. In addition to the usual natural factors of decay and new developments, Mr. Alssayed mentions in his thesis the preservation of historic buildings in Cairo, what he called " humanistic factors"[1]. He explains that the lack of public awareness is one of the most important causes of decay of historic buildings. He also adds that the lack of intellectual awareness towards historic buildings leads to the failure of any conservation strategy.

This is because of the belief that this strategy obstructs the development process within urban areas. On the other hand, Dr. Lamai considers the lack of appropriate legislation in the Arabic world as the most important factor of decay of historic buildings and sites[2]. The shortage of suitable legislation, he adds, paralyses any effort to protect historic buildings and sites.

The conservation of historic monuments in Egypt started in 1882 with the establishment of the Committee for the Conservation of Arabic Artefacts. Consequent sets of acts for the conservation of historic artefacts in Egypt followed. The increase of conservation awareness has urged the establishment of a conservation strategy. Two significant issues have affected positively the evolution of this strategy in Egypt. The first issue is the establishment of the Egyptian Archaeology Agency in 1971 – later called the "Supreme Council of Antiquities"-. The second issue is the establishment of Act 117/1983 for the protection of antiques. These two issues are leading conservation activities together with other associated initiatives. A detailed analysis of their structure and performance will be the aim of this chapter.

9.1- LEGISLATIVE SYSTEM IN EGYPT

In Egypt laws are made by Parliament. Three authorities are there to enact and apply laws: The first is the Legislative Authority represented in the Parliament "*Majles Al Sha'ab*". The second authority is the Executive represented by the President, who runs the authority with the help of ministers and executive officials. The third is the Judicial Authority represented by courts that judge any disputes according to the law.

The Executive Authority issues minor legislation –directives- to explain details regarding the execution of relevant laws. The directives include different categories according to their function. The major category is the "Executive Guidance" that constitutes detailed and explanatory rules for the laws[3]. Every law is followed by executive guidance issued by ministers or any other authorised body. The Guidance shows the methods of implementation of the law's articles in specific cases. An example is Guidance 250/1990 issued by the Minister of Culture as will be explained in more detail within this chapter. This Guidance explains in detail the building regulations within parts of historic Cairo. These regulations include building height, materials, additions...etc. The introduction of this guidance states that it is derived

from Act 117/1983 for the conservation of old archaeology, and Act 3/1982 for urban planning.

The second category of minor legislation is the "Organising Guidance". Organising Guidance is usually issued by the President to delegate responsibilities between different institutions and the administrations in the State[4]. The last category of minor legislation is the "Control or Police Guidance". This guidance is issued by the Police to control security and public health [5].

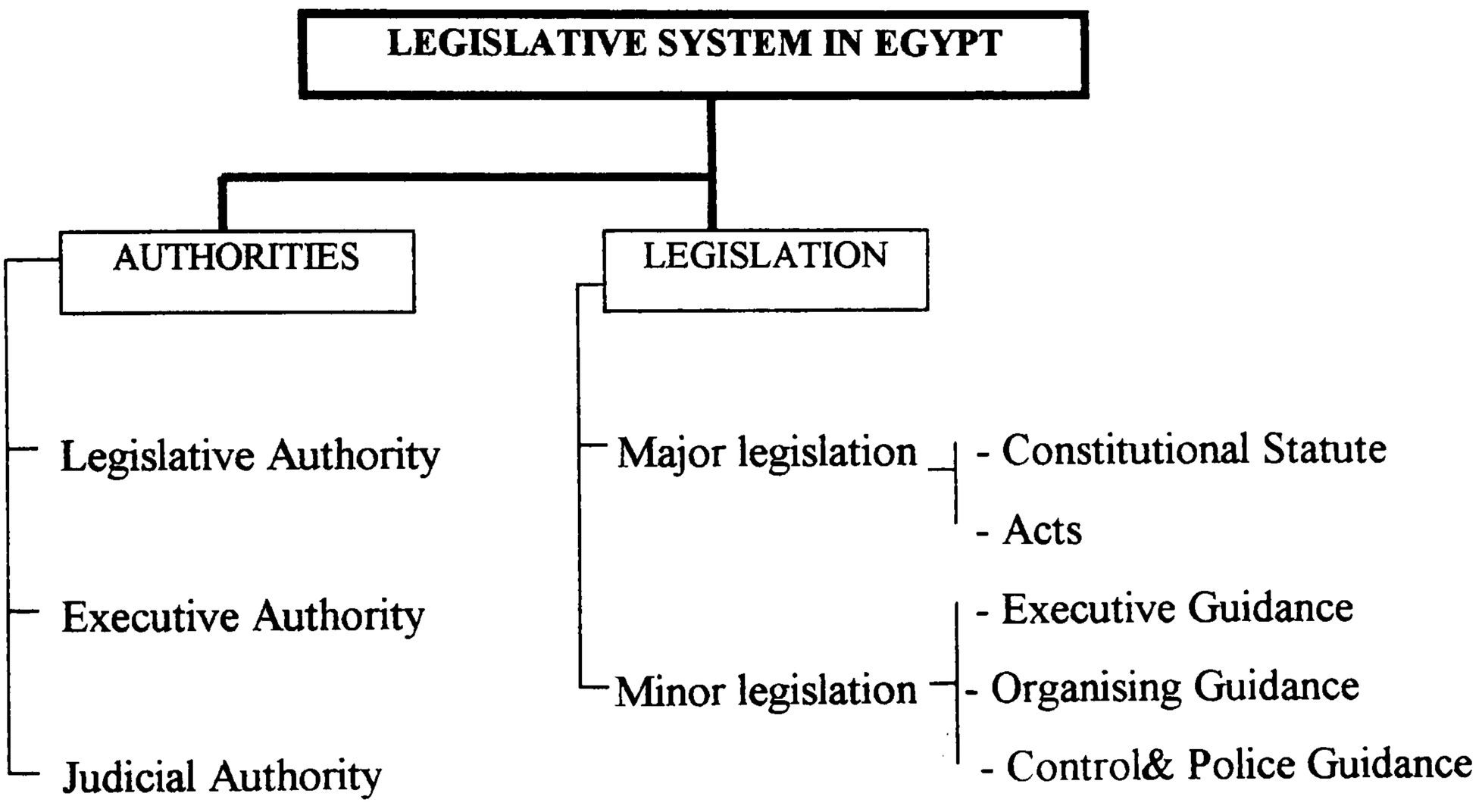


Diagram 9.1, Categories of legislation and authorities in Egypt. (Source: The author).

9.2. CONSERVATION- RELATED LEGISLATION

In 1912, the first conservation-related legislation was established in Egypt to organise the search for archaeological sites and to establish the ownership of antiquities (Act 4/ 1912). In 1918, Act (8) established the conservation of the Arabic era artefacts by which the government got the power to acquire archaeological sites and to supervise demolitions or alterations. In 1951, Act (215) was established for the protection of Egyptian archaeology (Pharaohs, Qibti - Christian - and Islamic). In addition to the former laws, the 1951 Act gave the government the right to finance and execute maintenance works.

Reviewing the articles of the mentioned acts, some conclusions can be inferred. The acts were concerned mainly with archaeological artefacts and sites. Therefore, the acts did not include the conservation of historic urban areas or new developments within or around these areas. Also, infringement of the Laws does not incur penalties for unauthorised alterations, change of character or misuse of historic buildings.

The increase of awareness towards historic buildings and antiques had led to the establishment of "Act 117/1983 for the Protection of Antiquities". Ms. Azza Almahjoob summarises the aims of this act which fulfil three basic objectives: The first is to protect historic artefacts and maintain them in a good shape and manner. The second is to control the archaeological excavation activity and the third is the establishment of new archaeological museums [6].

The 1983 Act for the protection of antiquities is the current conservation legislation in Egypt. This Act is playing a central role in orienting all conservation policies. A group of secondary legislation was established afterwards based on the basic 1983 Act. Some secondary legislation, however, is derived from other relevant Acts like Urban Planning Act 3/1982. The overall structure of both basic and secondary conservation legislation in Egypt is as follows:

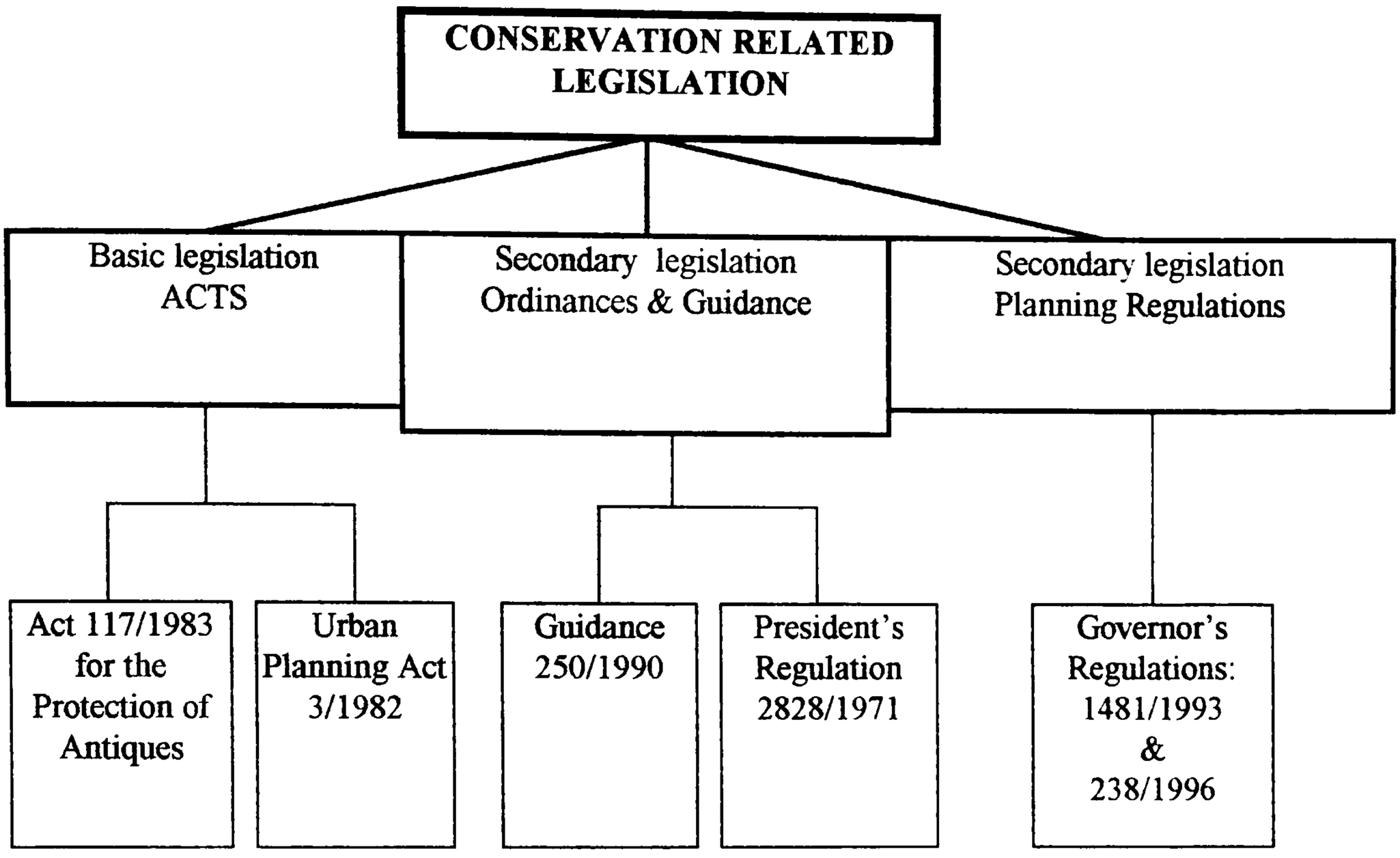


Diagram 9.2, Conservation-related legislation in Egypt. (Source: The author).

The first significant action towards the current conservation strategy in Egypt was the President's Regulation No. 2828/1971. This regulation established the Egyptian Archaeological Council that administratively follows the Ministry of Culture[7]. The decision was derived from existing relevant Laws at that time and it organises the administrative structure of the Egyptian Archaeological Council[8]. This administrative structure will be explained in section 9.3.4 of this chapter.

Following to the President's regulation, two Laws were established in Egypt relating to the conservation of historic buildings and areas. The first is the Urban Planning Act 3/1982 and the second is Act 117/1983 for the Protection of Antiquities. The 1982 Act is the major national Act for urban planning in Egypt. This act is important in terms that historic and archaeological areas should be specified and defined in the Master Plans according to the articles of this act (Act 3/1982, Article 2)[9]. In addition, this act gives the planning authorities the right to establish any required conservation guidance at different levels of the planning phases. Although it seems an advantage, the interventions of the planning authorities sometimes cause an overlapping as will be explained later in this chapter.

Act 117/1983 for the Protection of Antiques was established as a major law for conservation. This Act is intended to provide protection for all archaeological artefacts. It was approved by the Parliament and later by the President and put in effect in 1983. The 1983 Act cancels the previous relevant legislation and it remains the major conservation legislation in Egypt. Therefore, most of the detailed analysis for the conservation legislation in Egypt explained in this chapter will include the articles from this Act.

Both conservation-related Acts mentioned give the authority to executive bodies in Egypt to enact required secondary legislation for implementation. The review of existing secondary legislation shows that the explanatory and technical guidance are very limited. The Minister of Culture issued guidance 250/1990 in 1990[10]. It was derived from Act 117/1983, Act 3/1982 and the President's Regulation 2828/1971. The Guidance is concerned with the methods of conserving the character of historic Cairo. It includes some regulations for both historic building and the areas around them. The articles of this Guidance will be discussed in both the building and area conservation sections later in this chapter.

Two other conservation guidances were issued in 1993 and in 1996. The first is the Governor's Regulation 1481/1993 regarding the conservation of the historic areas of Cairo. This guidance was issued by the Supreme Council of Archaeology and approved by the Governor of Cairo[11]. It is derived from the Archaeology Act 117/1983, Urban Planning Act 3/1982 and President's Regulation 2828/1971. The decision defines the borders of the conservation area "historic Cairo" and it is combined with a map showing the designated borders (fig. 9.1). The guidance also defines a list of historic buildings located outside the conservation area that are subject to the regulations for the buildings within the conservation area. The decision, however, includes no regulations for the conservation area or any means to keep the character of this area. The second conservation guidance is Governor's Regulation 238/1996 regarding the demolition of historic buildings. The Governor of Cairo issued this guidance for the prohibition to demolish any of the historic buildings in the Cairo Governorate[12]. The prohibition is for historic buildings such as villas, palaces, schools and other buildings that are distinguished by their architecture or ornamental features. This regulation is a general one that does not define precise or detailed criteria which makes a building distinguished.

9.3. CHARACTERISTICS OF CONSERVATION LEGISLATION IN EGYPT

9.3.1. Structure:

Both major and minor conservation legislation in Egypt are written in plain Arabic without illustrations. Act 117/1983 for the Protection of Antiques is divided into four chapters. The first chapter includes general rules while the second chapter is for listing, maintenance and the search of archaeological artefacts. The third chapter is for sanctions and the fourth is for general rules. The content of each chapter, however, is divided into articles and sub-articles. The articles of the Act are numbered in a pattern running from the beginning to the end with no regard to the chapter division.

The Act was introduced by a presidential decision for the initiation of the "Archaeology Protection Act". The introductory decision includes five articles, defines the act and gives the Minister of Culture the authority to establish required decisions to implement the Act. It also includes the cancellation of previous relevant acts and the method of resolution of any contradiction with the articles of this Act. The Act's classification method is also applied to minor legislation like guidance and other decisions. The Minister of Culture amended the 1983 Act in 1990 in a special guidance. The amendment included the increase of fees paid for visiting archaeological sites.

The detailed analysis of conservation legislation, especially the 1983 Act could be summarised as follows:

9.3.2. Building Conservation:

Criteria and scope of protection: The 1983 Act is intended to provide protection for all archaeological artefacts. An archaeological artefact, according to the Act, is every mobile or static object produced by the different civilisations that inhabited Egypt. It could also be a product of art, science or religion since pre-history and until one hundred years ago, if it is of archaeological or historic value (Act 117/ 1983, Article 1)[13]. The one hundred years time limit is not based on reasons. Despite the age criteria mentioned, Article 2 of the Act gives the Prime Minister, upon the request of the Culture Minister, the right to consider any object of historic, scientific, religious, artistic or literal value as archaeological objects with no regard to age limitation.

According to the previous definition of archaeological artefact, historic buildings are considered as archaeological objects. Article 4 of 1983 Act states clearly that "Archaeological buildings" are those which are listed by specific decisions (Act 117/1983, Article 4). Consequently, the articles of existing legislation are only applied for listed buildings and not for all historic buildings. The inclusion of historic non-listed buildings will be described later in this section.

Listing of buildings: The 1983 Act gives the right to the Minister of Culture, on a specialised committee's recommendation, to list buildings. If the building is listed, it is prohibited to sell, demolish or change any features of its character unless having permission from the Supreme Council of Antiquities (SCA) (Act 117/1983, Article 13). Besides, Article (18) gives the right to acquire buildings and sites even if they are privately owned. Moreover, the President can take a decision to take over the land until the completion of acquisition procedures (Act 117/1983, article 18).

Applications for interventions in historic buildings must be forwarded to the SCA. The technical committee of the SCA studies the applications and puts its recommendations and conditions. The reference for the committee's decisions is the 1983 Act and other relevant decisions. No other explationary guidance is there to govern decision-making. Mr. Minawi[14], a General Director at SCA and a member of the committee, explained the methodology that the technical committee follows in analysing the intervention applications. He said that they usually follow the international charters as basic guidance for technical specifications and policies. He added that the Lahore Charter of 1980 and Venice Charter of 1964 are the most relevant to their work. Mr. Adel, the director of Historic Buildings Directory, SCA, endorsed the explanation of Mr. Minawi. He said that the interventions in historic buildings only take place for maintenance of structures and decorative elements with no changes to basic elements[15].

Some special techniques that are unique to Egypt are drawn-up by SCA. Mr. Minawi[16] explained the importance of these techniques although they do not accord with the international charters. Examples of these techniques are revealing of the beauty of some elements and museum interventions and additions that they find appropriate to encourage tourism. Another technique is the completion of the lost parts of Quranic verses inscribed on historic structures. Dr. Erian criticised the lack of

a detailed explanation of the conservation Act. He said that this causes segregation between the Act's meanings and its implementation[17].

One of the causes of confusion in the conservation strategy in Egypt is the difference between listed "archaeological buildings" and unlisted historic buildings. Mr. Adel[18], the Director of Historic Buildings Directory, SCA, explained this difference and the confusion it causes in the implementation. He mentioned that listed historic buildings, which number about 700 in Egypt, are protected and maintained by SCA that covers about 20-30 buildings a year. The unlisted historic buildings are only protected from demolition through the Governor of Cairo regulation (238/1996). This regulation includes the prohibition to demolish any of the historic buildings in Cairo Governonrate such as villas, palaces, schools and other buildings that are distinguished by architectural or ornamental features[19]. This regulation is a general one that does not define precise or detailed criteria that make a building a distinguished one.

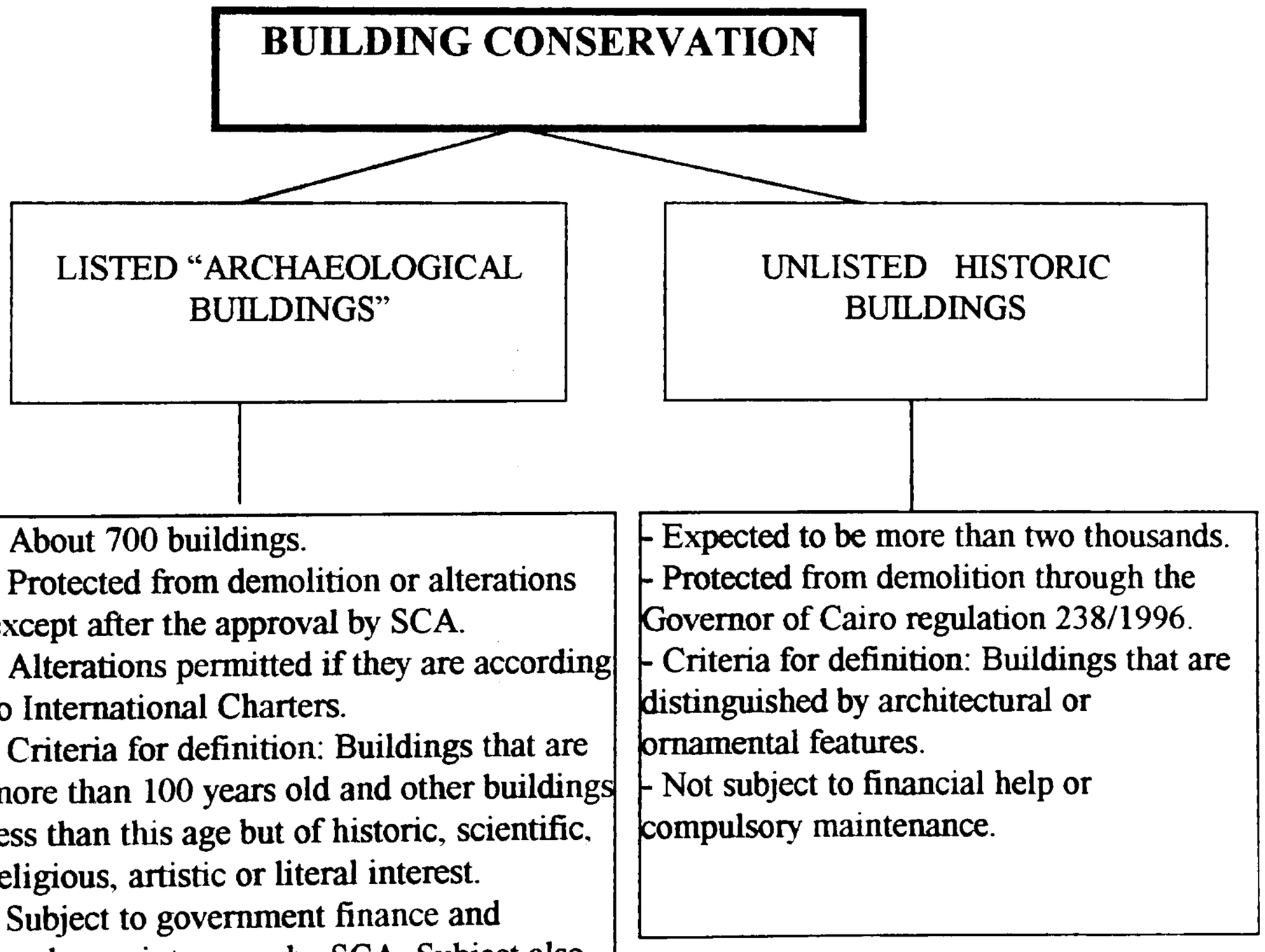


Diagram 9.3, Building conservation according to existing legislation in Egypt.(Source:The author).

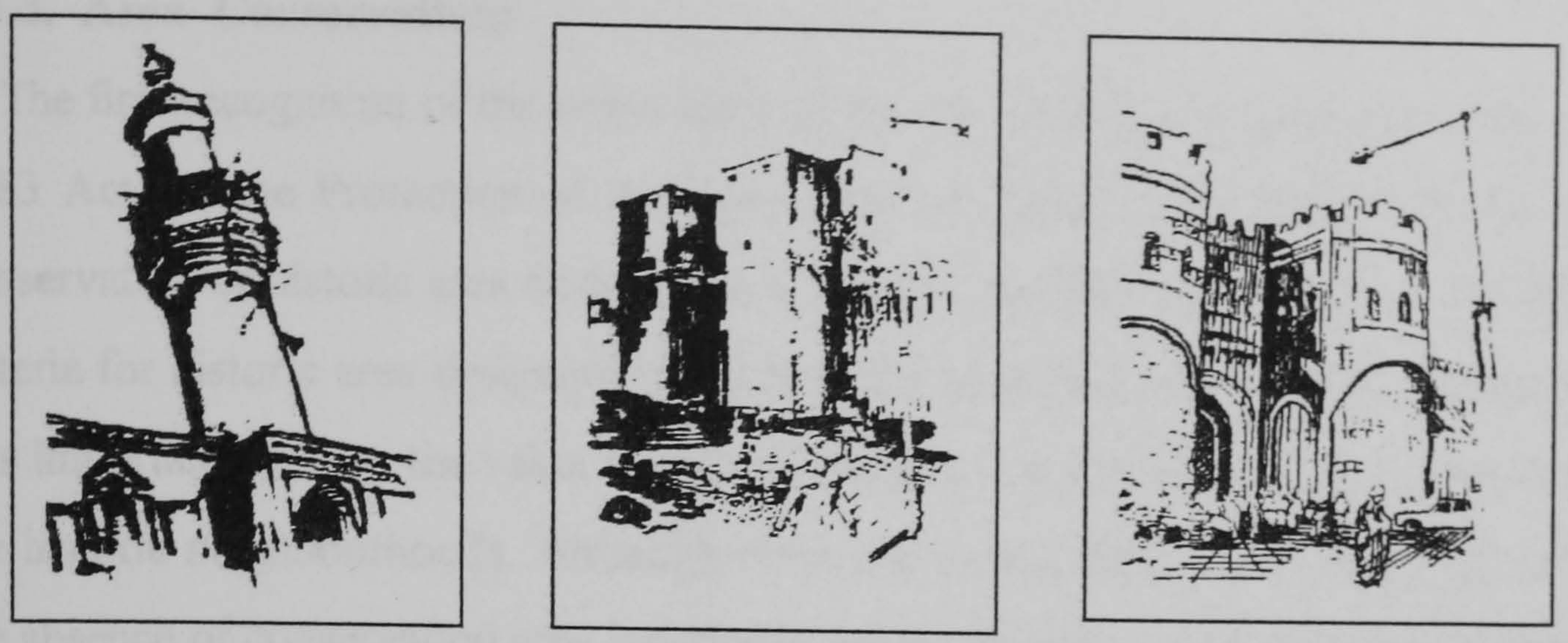


Fig. 9.1, Cairo: Some historic buildings, from the left: Al-Aqmar mosque, Bab Al- Nasr, Bab Al-Fotouh. (Source: Centre of Planning and Architectural Studies, Up-Grading of the Urban Environment of Cities, Egypt: Dar-Al-Shorouk, 1986, p. 5).



Fig. 9.2, Cairo, a general view in the historic Islamic area. (Source: Centre of Planning and Architectural Studies, Up-Grading of the Urban Environment of Cities, Egypt: Dar-Al-Shorouk, 1986, p. 31).

9.3.3. Area Conservation:

The first recognition of the importance of historic areas in Egypt was in 1993. The 1983 Act for the Protection of Antiques does not include any regulations for area conservation or historic area designation. Consequently, there is an absence of defined criteria for historic area designation. Most of the academics interviewed stressed that it is important to keep the value of historic buildings as a group that is represented in the historic neighbourhoods. Although there are some officials who could not justify the absence of conservation area legislation; others tried to explain the reasons behind this. Both Dr. Erian[20] and Dr. Ibrahim[21] said that the reason behind conservation area neglect in Egypt is the miscoordination between different institutions, especially conservation institutions and planning ones.

The only area that is designated as a "conservation area" in Cairo is what is called "the Fatimid Islamic Cairo". The designation was issued through regulation no. 1481/1993 by the SCA and was approved by the Governor of Cairo. The designation decision only defines the borders of the conservation area. Therefore, it is considered a completion to regulation no. 250/1990 by the Minister of Culture which regulates building heights in the historic areas of Cairo[22]. Regulation no. 250/1990 does not define the limits of the historic area and its items are still vague and confusing. For example, item 3 states that the architectural style of the elevations of new buildings built within the historic area should follow a simple Islamic style. No definition of this style was included.

The "Committee for the Management of Fatimid Cairo" which was established by the Governor of Cairo to supervise the building process in the historic area has issued some elevation samples to be followed by designers. Mrs. Hammad, the Director of this committee explained that Decision No. 250/1990 has to be fulfilled in order to get a license for any unlisted historic building or any new building located within the conservation area[23]. New buildings should not affect the character of the area, she added. Article 1.1 of the guidance prohibits any serious change which affect the character of the area in planning or architectural schemes. Other articles regulate the height of new buildings within the historic area. Article 1.9 ensures the continuity of original street names while article 1.7 prohibits the vertical addition to any historic building within the historic area. The guidance also includes the prohibition to build in

archaeological sites or cemeteries and the prohibition to build in a site next to archaeological sites except after the approval of the SCA.

The existing regulations for historic areas are mainly concerned with new buildings built within the area. They are also concerned with the protection of the historic sites and the areas around them, known as "The setting of the artefact". On the other hand, there is an absence of regulations concerned with landscape, streetscape or the value of the conservation area as a whole.

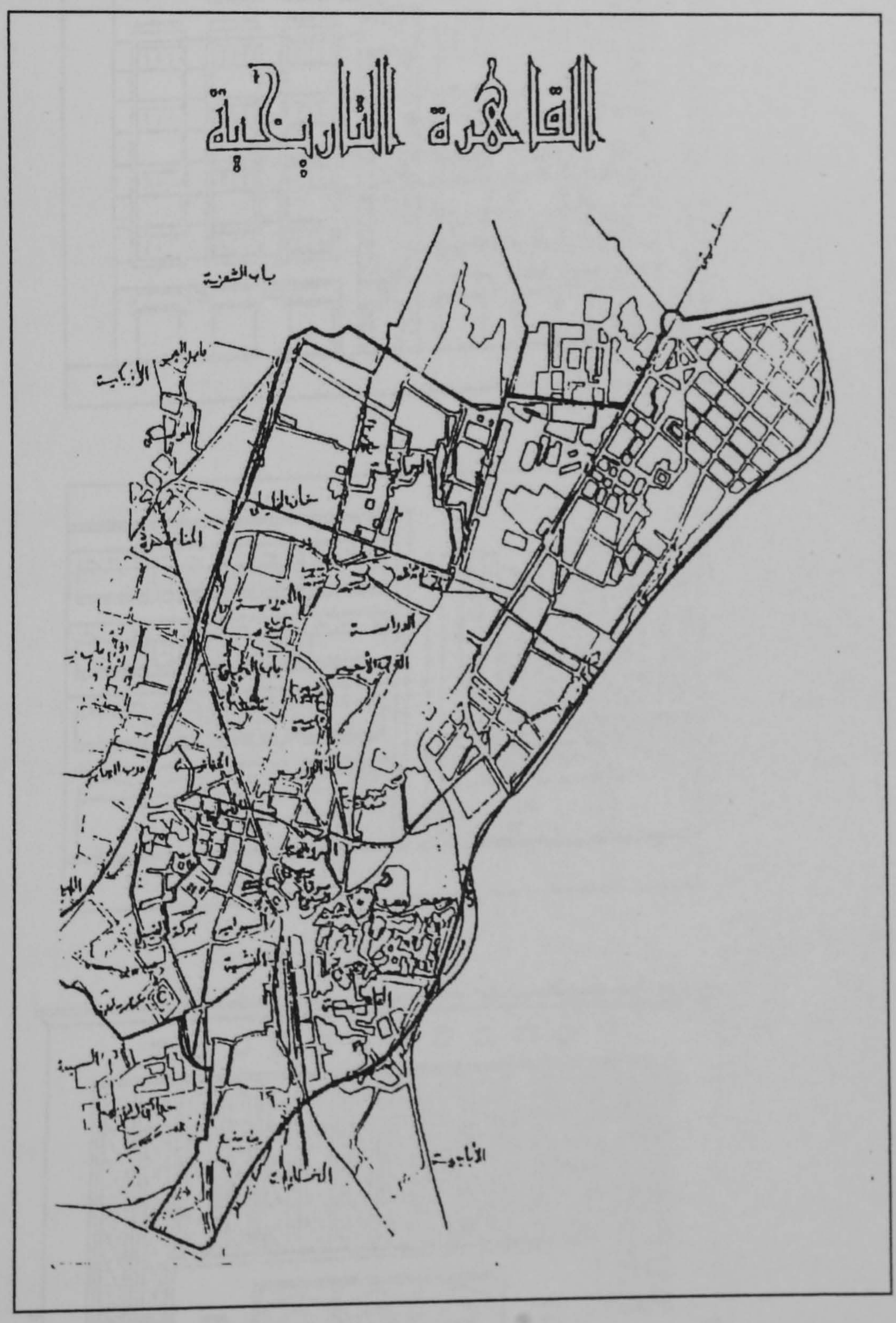


Fig. 9.3, Cairo, the conservation area of historic Cairo " Islamic Fatimid Cairo".
(Source: Included in the Governor's Decision 1481/1993, Supreme Council for Archaeology).

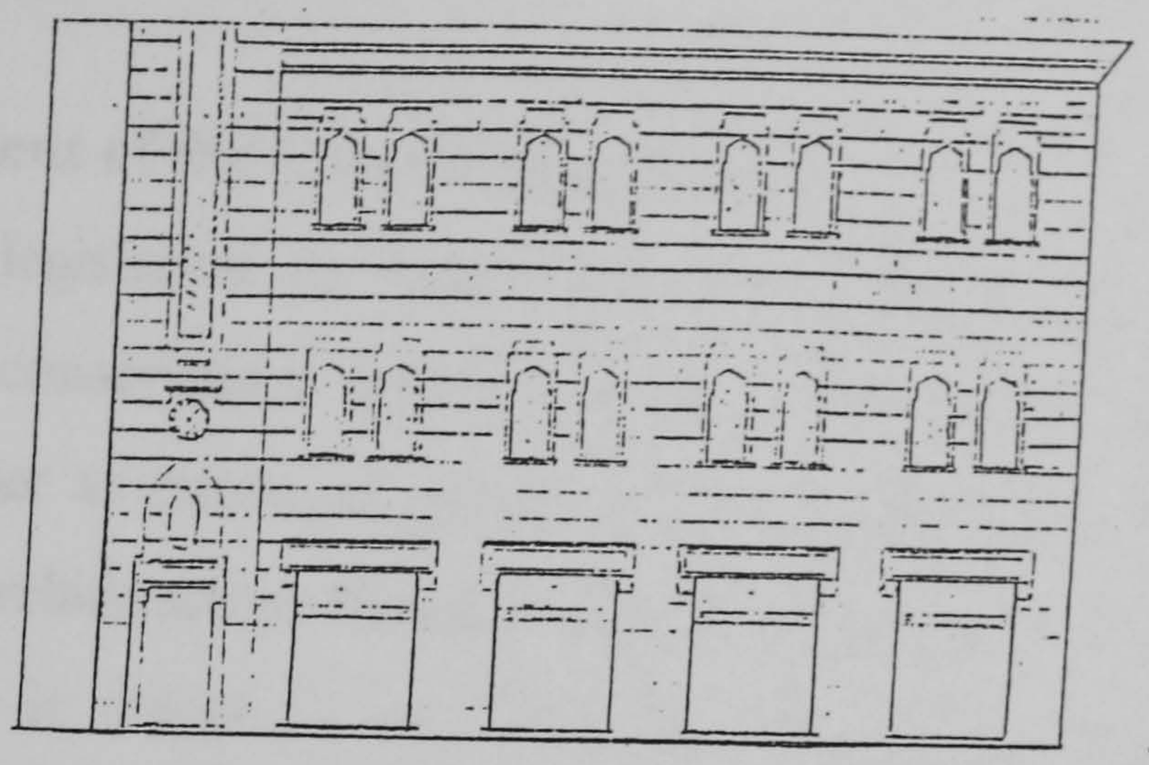


Fig 9.4 - some proposed elevations for the " Simple Islamic Style" proposed by the Committee for the Management of Historic Areas, Governerate of Cairo. (Source:The Committee's archive, Dec. 1997).

9.3.4. Management of the Conservation Policy:

Conservation legislation in Egypt does not include clear strategies for the management of conservation policies. It does not define the role of different institutions whether at public or private levels. Neither does it include methods of management and relationships between all levels involved in conservation. The only relevant inclusion is article 51 of 1983 Act. This article states that the SCA is authorised to co-ordinate conservation works with other relevant institutions in planning, housing, tourism and other councils (Act 117/1983, Article 51).

9.3.5. Finance:

One of the most distinguished articles of the 1983 Act is the one that gives authority to the SCA to finance and implement any maintenance works required for listed buildings (Act 117/ 1983, Article 30). This is considered the major available source of finance for conservation to guarantee the survival of listed buildings. Although this seems to be the only source of finance, Dr. Erian criticises the efficiency of this source saying that the designated budgets are not enough for the extended number of historic buildings in Egypt[24]. He also adds that maintenance works executed by SCA only take place after problems appear rather than following a regular maintenance schedule. The existing legislation does not include financial incentives for the conservation of historic buildings or conservation areas.

9.3.6. Penalties:

Chapter 3 of 1983 Act deals with sanctions, which differ according to the extent of the violation of the Act's articles. Sanctions range between prison and fines. Every single violation is included in the sanctions, whether it is a demolition, an intervention, painting, or others. For example, the demolition of an historic listed building or archaeological artefact fully or partially carries a penalty of five to seven years imprisonment plus a fine ranging between 3000-50000 Egyptian pounds (Act 117/1983, Article 42). Another example is the painting or sticking of posters on an archaeological artefact. This violation carries penalty of three months to one-year imprisonment, and a fine of 100-500 Egyptian Pounds (Act 117/1983, Article 45).

The penalties are applicable for the violation of Act 117/1983 while the secondary legislation does not include penalties in case of violation of the articles of this legislation. Secondary legislation includes rules to be followed without defining the sanctions in case of the violation of these rules.

9.4. CONSERVATION LEGISLATION PERFORMANCE

9.4.1. Legislation Performance in the Evolution of Conservation Strategy:

The 1912, 1918 and 1951 conservation Acts in Egypt played a role in protecting some important individual historic buildings and sites, like the Pyramids and important citadels. On the other hand, they ignored common historic buildings like houses, public buildings, streetscape and others. Consequently, this legislation did not provide a comprehensive policy for the conservation of historic buildings and sites. It did not include the means of keeping the group value of historic buildings; nor did it include the rehabilitation or development of historic artefacts.

The active conservation legislation has provided the basis to initiate a conservation policy in Egypt. This is represented by Act 117/1983 and other relevant legislation mentioned earlier in section 9.2 of this chapter. Legislation was a good base for conservation initiation. The following are other reasons that explain legislation performance in the evolution of conservation policy:

- Conservation legislation includes protection rules for historic buildings, sites and conservation areas. It also includes regulations for the surrounding areas that affect the value of the building or site.
- Besides protection, legislation also includes permission for interventions and the best use of a historic artefact.
- It also delegates authority to the SCA to take over the responsibility and administration of conservation activities.
- It defines specific criteria for listing that are applicable to all kinds of buildings weather key monuments or modest domestic buildings.
- Legislation includes financial commitment to subsidise required maintenance works for listed historic buildings. At the same time, it includes preventive measures like penalties for the violation of the Conservation Act.

- The previously mentioned aspects lead to indirect results. Conservation policy in Egypt helps to promote cultural and socio-economic development. Most of the people interviewed explained that the main derivations behind the protection of historic artefacts in Egypt are cultural. This makes them proud of their own heritage. Another aspect of less importance they mentioned is that the conservation of historic artefacts encourages tourism that is an important aspect of socio-economic prosperity.

Consequently, the research demonstrates that legislation has performed a major role in the evolution of a comprehensive conservation policy. At the same time, it also helps in the development of this policy. This is what Mrs. Almahjoub highlighted when she was explaining the proposed amendment of the existing legislation[25]. She said that they are facing some problems in the implementation of conservation legislation. She added that after fourteen years of implementation, some items of the legislation need to be amended to adapt with contemporary needs. These items are the strengthening of sanctions, the trade in archaeological artefacts and the archaeological sites visit fees.

In conclusion, the legislative framework in Egypt is a centralised system that depends mainly on Act 117/1983 for the Protection of Antiquities. This framework does not include regulations for all aspects of conservation. For example, it does not include rules for historic building preservation or historic building classification. It does not also include comprehensive regulations for the conservation of historic areas. This lack of comprehensive regulations will be reflected in the implementation of the conservation policy.

9.4.2. Conservation Legislation Performance in Relation to the Administration of a Conservation Policy:

The President's regulation no. 2828/1971 has established the Egyptian Archaeological Council "*Hiaet Alathar Almisriah*". This decision was derived from existing acts and other Presidential decisions at that time. The major conservation Act (Act 117/1983) deals with the Archaeological Council as an existing structured body according to the 1971 decision. Article 5 of the 1983 Act states that the Archaeological Council is responsible for administering all concerns of archaeological objects and sites (Act 117/1983, Article 5). Consequently, this council, which was called later the Supreme Council for Antiquities (SCA), is considered the official and

major authorised institution to conserve historic buildings and archaeological fabric. The establishment of a specialised institution is considered a pioneer trial in Egypt that deserves to be analysed.

The President's regulation specifies the duties and responsibilities of SCA in order to fulfil four major aims. The first is to conserve and protect archaeological artefacts of different eras and the establishment of museums for its organisation. The second is to document the artefact by photographs or other means and publishing that for the purpose of research. The third is to save Alnuba –old Pharaohs site- archaeological artefacts and the fourth is the investment of museum returns to establish projects that help to protect historic artefacts and to increase public awareness towards this issue (President's Regulation no. 2828/ 1971, Article 2). The regulation also defines the administrative and financial structure of SCA.

The SCA is financially dependent as its budget follows the Central Government. The President's regulation specifies the varied financial resources for the SCA. Besides the Government funds there are the museum and archaeological sites' visit fees, published illustrations and pictures, artistic shows, interest of council's investments and finally local and foreign donations and loans (President's Regulation no. 2828/1971, Article 3). The administrative board of SCA is composed of a chairman who is appointed by a presidential decision and a membership of 21 members. Those members are the Deputy Ministers of *Alwaqf* -Religious Affairs -, Housing, Tourism, Finance and Higher Education Ministries. They also include the chairman of *Alfatwa* administration -Legislative Board of the State Board -, the chairman of cash in the ministry of Economy and Trades and a senior employee of the Higher Council of Knowledge. Other members of the board are the Dean of the Faculty of Archaeology of the University of Cairo, six senior administrative members of the SCA and finally six members chosen from interested people in archaeology replaced every two years (President's Regulation no. 2828/1971, Article 4).

The above mentioned board is the authority responsible for drawing up and guiding the policy of the SCA. It is also responsible for approving the administrative structure and for issuing the administrative and technical guidance. Moreover, it supervises agreements, budgets, loans and any other duties that the Minister of Culture requests. The administrative structure of the SCA board is as follows:

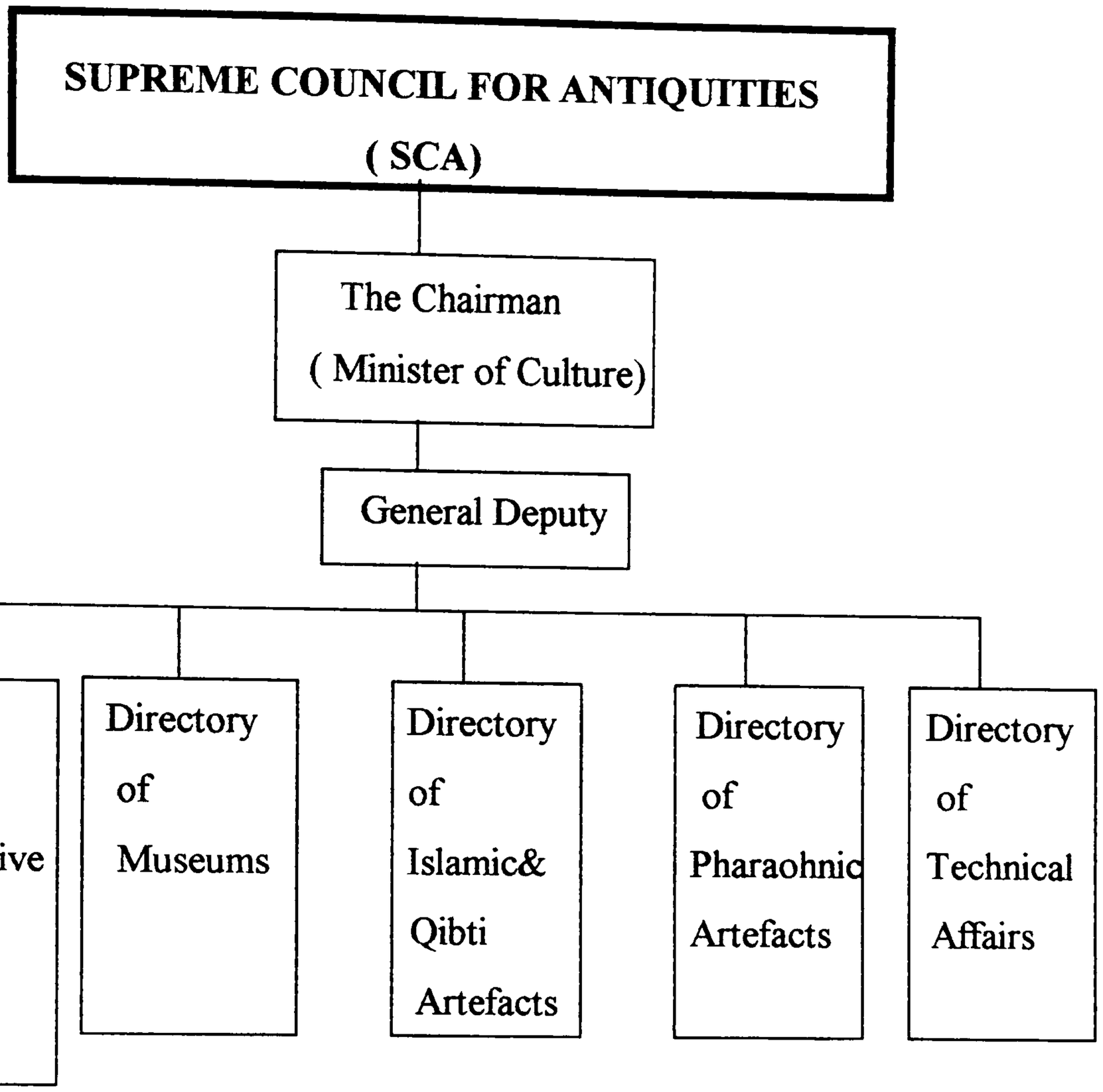


Diagram 9.4, Administrative structure of the Supreme Council for the Antiquities. (Source: The author).

The separation of historic buildings and archaeological sites into Islamic & Qibti (Christian) and Ancient Egyptian (Pharaohs) in a form of two separate directories is due to the vast number of artefact in Cairo. It also reflects the priority of maintenance and custody that is usually dedicated to Old Egyptian sites that attract tourism. Each directory has a specialised technical committee supporting the director and employees. The technical committee is called "*Allijna Aldaima*"- Predominant Committee- and it consists of senior employees of the directory, specialists and university professors. The major role of this committee is to recommend listing proposals and to study listed building consents.

Although the SCA is mainly interested in listing buildings of special interest and in looking after them afterwards, it began to apply further steps especially for unlisted historic buildings and sites. The Directory of Islamic & Qibti artefacts has established a special department for unlisted buildings of special historic and artistic value. The

department tries to protect unlisted historic buildings until a listing decision is issued by the SCA. Mr. Adel, the head of the department said that they rely on the Governor's decisions and on planning regulations[26]. During the time of Mr. Adel's interview, an owner of a historic building came to complain about the department's notice to him prohibiting any alterations in his building – a palace converted to a private school. He was asking insistently for the department to list the building so that he could get some financial help for maintenance[27].

One other issue affecting the legislation performance in the administration of conservation policy is the system of administration in Egypt. The system of the administration in Egypt is one of the causes that handicap implementation of conservation. The government administrative system is a unified, centralised one. Throughout this systems all project's refunds and revenues return back to the Central Bank. The Ministry of Planning approves the development projects in a yearly or 5-years plans and the execution of these projects is the responsibility of the relevant government institution. For example, the historic area of Cairo as well as other areas has a local government that collects taxes and other resources and transfers them to the Central Government. Local governments are also responsible for services, administration and other responsibilities of design, execution of housing and rehabilitation of the area (Local Parliament Act 43/1979). At the same time, there are specialised governmental agencies for services like electricity, water, education, conservation (SCA) and others. This means that the system of local governments is a centralised one with functional responsibilities only. Both the local governments and the service's institutions have no financial responsibility. This causes inefficiency because relevant institutions do not have complementary financial, administrative, planning and executive responsibilities.

As a result of the above system, the proposed projects are designed by centralised institutions and not at the local level who understands the real needs of the area and its inhabitants. This has also led to another deficiency concerning the ability of the local governments. According to Ms. Seraj Aldeen, the lack of local participation has led to inefficiency of the technical ability of local governments to control planning and financial responsibilities[28].

In conclusion, it could be stated that the conservation administrative framework in Egypt is a centralised system. It is advantageous to have one

institution responsible for conservation initiatives i.e., the SCA. On the other hand, this centralised system had major gaps. It resulted in the absence of local authority participation in the conservation process. This absence is reflected in the lack of any conservation initiatives at local levels and historic areas. The only buildings conserved are Pharaohs sites and public buildings targeted for tourism. Dr. Ibrahim said that the reason behind the lack of conservation initiatives at local levels is the absence of local government participation[29]. He added that a conservation administrative framework should include all authorities of planning, financing, implementation, management, etc.

9.4.3. Conservation Legislation Performance in the Implementation of the Conservation Policy:

Conservation legislation helps to promote conservation policy, as explained in section 9.4.1 earlier in this chapter. The availability of legislation does not mean the proper implementation of the conservation policy aspects. Most of the academics interviewed said that the existing legislation has a means of protection for historic artefacts. At the same time, they proclaimed that implementation is a handicapped.

Although the conservation responsibility is given to the SCA according to the 1983 Act, there are other institutions that play a role in this aspect. One of the active institutions is the "Executive Team for the Rehabilitation of Islamic Cairo" which belongs to the Ministry of Housing and Construction. This team, which was established according to the Minister's Regulation no. 493/1990, aims to propose, develop and execute renovation projects within the historic area of Islamic Fatimid Cairo. Mr. Alshami, the chief planner of the team, says that those projects are designed, executed and financed by the Ministry of Housing and Construction[30]. Reviewing the executive report of this team, some of the proposed projects consist of maintenance works for historic buildings or construction of new buildings while other projects are renovations of some quarters of historic Cairo. No explanation exists for this overlap except that the Ministry of Housing and Construction is responsible for planning in the country. The 1983 Act for the Protection of Antiquities states that historic buildings and sites should be taken in consideration in planning schemes and it prohibits change to the character of these sites except with the approval of the SCA (Act 117/1983, Article 21).

The third institution relevant to conservation in Cairo is the Governorate of Cairo (GC). The GC runs the major urban areas in Egypt and controls the demolition and alteration of historic buildings through building permits, control and licenses. The GC is composed of a group of local councils, each having its local planning committee which supervises the building process within its region. The local committees apply to the GC for any demolition or alterations of historic buildings or buildings located within historic areas. The overall composition of institutions relevant to architecture and urban conservation in Cairo is as follows:

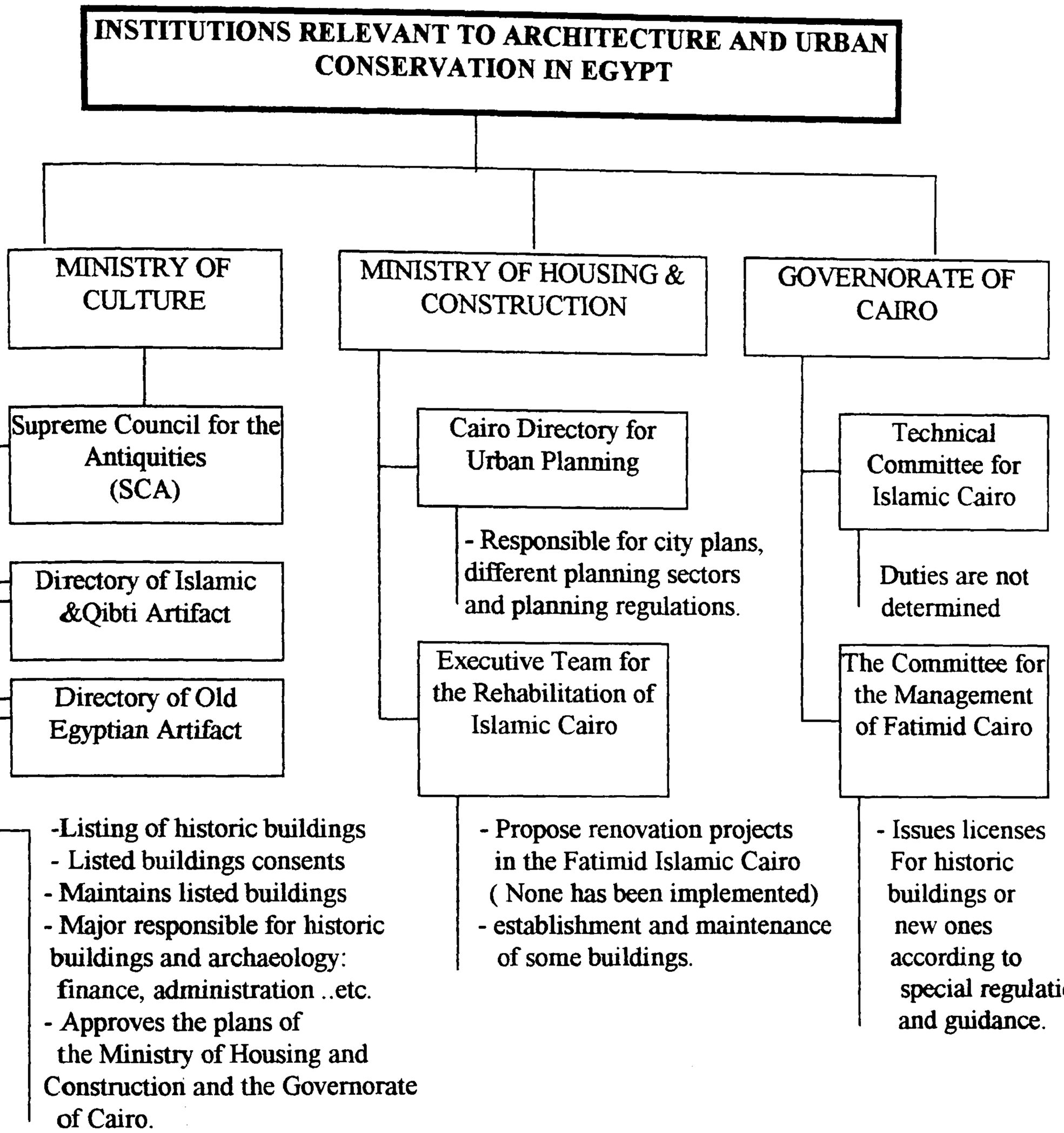


Diagram 9.5, Institutions relevant to architecture and urban conservation in Egypt. (Source: The author).

Analysing the implementation of the conservation strategy in Egypt, it could be stated that the split of responsibilities into different institution is a double-edged weapon. Dr. Attar, the Director of Islamic and Qibti Directory, SCA, said that there is full co-operation with other relevant institutions[31]. He added that the SCA supervises all conservation works in Egypt. Other critics argue that the share of responsibilities causes confusion and overlapping. Dr. Erian criticised the multi-responsibility for a single issue and mentioned other institutions working in the same

field such as the NGO's and the foreign missions that are licensed and supervised by the SCA[32].

Although Dr. Abed Albaqi Ibrahim, the Director of the Centre for Architecture and Planning Studies, praises and supports the existing conservation law, he strongly criticised the implementation of law, especially what he called "the management"[33]. The existing institutions, he adds, do not only contradict each other's responsibility, but are not qualified to run the work. Dr. Ibrahim, who talked much about modern management as a solution to all contemporary urban problems, recommends the establishment of "one body" which has not only authority in physical issues, but also has an authority to manage infrastructure, social services and other relevant issues. This is because, he adds, existing institutions are working separately and not according to one comprehensive planning and development strategy.

Dr. Nabrawi, the Dean of the Faculty of Archaeology, has also supported the role that existing laws play in protecting the historic heritage[34]. On the other hand, he stated that there is inconsistency and the laws are not properly implemented. He explained that there is not a full protection of historic artefacts from demolition, alteration or theft, and there is a need for more monitoring. He stressed that there should be more sanctions against the violation of existing legislation.

In conclusion, the legislation performance in the implementation of conservation policy has deficiencies for two reasons. The first is the overlapping of responsibilities between different parties. The second reason relates to the limited authority that the SCA has. Although conservation strategies have been applied in Egypt for a long time, there are no clear or definite responsibilities in the application of such strategies. Visiting all ministries and institutions involved in this issue in Cairo, every part proclaimed bearing major responsibilities. Despite the existence of SCA, the lack of definition of responsibilities does cause an overlap, confusion and contradiction.

9.5. SUMMARY

The case study of Egypt is valuable because there is an experience that can be evaluated and judged. The administrative and legal systems are similar to those of Gaza because the Egyptian Administration was applied in Gaza Strip between 1948 and 1967.

The basic current conservation legislation in Egypt is Act 117/1983 for the Protection of Antiques. According to Dr. Nabrawi[35], this Act aims to protect the nation's heritage as a first priority and then to attract tourism. The Act considers all historic heritage as a public right for the State to acquire, conserve or utilise. Historic buildings are divided into two categories: The first are listed buildings which are completely protected by law and the second are the unlisted historic buildings with special artistic or historic value. The last buildings are protected from demolition or alterations by minor legislation such as the decisions of the Governor of Cairo.

The historic building legislation has defined the criteria for historic buildings. A historic building is any building over 100 years old and any younger building of special historic and artistic value. In such a case, there are no regulations or any mechanism established either to choose or to handle the buildings of special historic and artistic value.

Conservation legislation in Egypt does not include rules for conservation areas. The only steps taken until now are the definition of the borders of a conservation area "Fatimid historic Cairo". A group of regulations for the new buildings built within this conservation area are included in a special guidance. Although there is a valuable number of historic areas in Egypt representing the history of the country, there is not a clear mechanism through legislation to protect nor to develop them. This gap was criticised by most of the people interviewed about the situation in Egypt. It was concluded from the interviews that management of conservation areas is not delegated by legislation to a specific institution. Therefore, there is a miscoordination between different parties, especially the SCA, housing and local government institutions.

The implementation of legislation is strongly criticised in Egypt. Most of the people interviewed criticised the inefficiency of the application of the law. The major

criticism related to two major gaps: The first is the existence of different institutions and committees that either duplicate or contradict the work. The second is the composition of such " bodies" and the inefficiency of their employees. If the employees are technically qualified, they are unqualified in organisational, administrative and management concerns, insists Dr. Ibrahim[36].

Although it is essential for sound development, conservation legislation in Egypt does not include management measures. This usually leads to miscoordination and overlapping. It should be stated that it is advantageous to have the SCA to guide conservation activities. On the other hand, the strategy of the SCA is oriented to serve tourism. It concentrates basically on the development of Pharaohnic archaeological sites and major buildings such as palaces. This results in the neglect of common historic buildings and conservation areas which represent the majority of the historic balance in Egypt. Dr. Erian stressed another important issue in the management of the conservation activities. He said that all works done by the SCA deal separately with historic artefacts in the complete absence of a planning dimension[37].

The role that the academic institutions play is appreciated in Egypt. The relevant faculties carry out specialised research, teach specialised courses and participate in technical committees of the SAC. On the other hand, the concentration on the physical issues of conservation in Egypt has ignored the importance of public awareness of conservation. This is reflected in the absence of public participation and private enterprises.

The system of administration in Egypt in general and the management of conservation projects in particular also leads to both inefficiency and delay. The proposed projects are designed by centralised institutions, not at a local level which understands the need of the area and the people. The result is that the development does not represent the real needs of the area according to Dr. Ibrahim[38]. At the same time, the ignorance of local government participation in the process causes another serious deficit. It causes inefficiency of the technical abilities of local government to control planning and financial responsibilities.

Conservation legislation has a positive role in protecting historic buildings and sites in Egypt. This legislation has not lead to a clear policy except for museum conservation represented in a physical maintenance of major historic buildings and archaeological artefacts. One basic reason for this is the inclusion of historic building

legislation into an Archaeology Law. Most of the Act's articles concentrate on archaeological sites. At the same time, there is an absence of specialised secondary legislation, such as technical guidance for historic buildings and areas that could expand the regulations for their conservation.

In conclusion, the conservation legislative system in Egypt does not represent a comprehensive conservation legislation model. The absence of major historic buildings and area conservation issues in legislation has caused a handicap and miscoordination in implementation. This absence is represented in five basic points: The first is the lack of conservation area legislation. The second is the lack of management schemes for conservation policy: this is mainly represented in the centralised system of conservation legislation. The third is the absence of local authority participation that causes severe deficit in the protection of historic artefacts and in the development of conservation activities. The fourth point is the dependence of conservation finance on the central government budget for the SCA, without encouraging any other means of finance of historic buildings and areas. The last criticism of conservation legislation in Egypt is its adaptation to changes. Since 1983, the major Law has not been amended or upgraded despite major physical and socio-economic changes in Egyptian society.

Footnotes:

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CHAPTER 10

ARCHITECTURE AND URBAN CONSERVATION LEGISLATION FOR GAZA

CHAPTER 10
ARCHITECTURE AND URBAN CONSERVATION LEGISLATION FOR GAZA

The aim of this research is to help save historic structures and areas in the city of Gaza by means of outlining a legislative and administrative framework which could guide the implementation of conservation goals. An important consequence of this strategy is the contribution conservation can make to the cultural and socio-economic development of the city.

The previous chapters demonstrate that existing legislation relevant to the conservation of historic buildings in Gaza cannot be used as a basis for achieving the mentioned aims. The study also shows the inability of existing institutional structures to initiate and implement a conservation strategy. This institutional inability manifests itself in terms of definition of responsibilities and lack of specialised personnel, equipment and programs. These two facts suggest that the absence of an adequate legislative and administrative framework is one of the most important factors in the prevailing public ignorance and neglect of historic buildings and areas in Gaza. They also suggest that by setting up an appropriate legislative system, an efficient conservation system could emerge. Consequently, appropriate conservation legislation is an urgent need and is also a basis on which to establish a conservation strategy. The establishment of conservation legislation, however, will govern and organise all other aspects of conservation whether cultural, administrative, socio-economic, technical or others. This will provide a proper and organised basis for those aspects to evolve.

Different kinds of legislative systems for conservation have been discussed throughout the study. The discussion provides a basis for a strategy towards an appropriate conservation legislative system for Gaza. The British conservation legislative system is a model, which is strong, rigid and conservative. On the other hand, the United States legislative system is, in general terms, more flexible. It relies on incentives rather than being compulsory. The provisions of the French conservation legislative system have inspired many countries. These provisions, not only protect historic buildings and sites, but they represent a good model for a full co-operation of town planning, housing and historic monument organisations in the rehabilitation of whole historic towns. The legislative system in Jeddah provides a

means of protection of both historic buildings and areas. It represents a compromise between contemporary needs and the Islamic law. Finally, the Egyptian legislative system is a successful model in terms of initiating a conservation strategy. At the same time, much can be learned from the problems experienced in the implementation of the Egyptian strategy.

Many things can be learned from the above-mentioned conservation legislation systems. The protective character of the British system is appropriate for the situation of Gaza. This is because of the limited number of existing historic buildings. At the same time, the flexibility existing in the American and French systems is also appropriate in terms of changing buildings into useful elements. This is appropriate in helping historic buildings contribute to the general socio-economic prosperity. Other examples in the Arabic world like Tunisia, Manama, San'a, Jeddah and Cairo are good ones for two different reasons. The first is that most of them began to establish an appropriate conservation legislation to initiate a conservation strategy. The second is the dependence on the local authority to initiate and implement conservation strategies. The case study of Jeddah is a good example of this, while the study of Cairo shows that the absence of local level participation has both planning and implementation problems.

The experiences mentioned form a background for the design of a legislative conservation strategy for Gaza. Two other major sources have also been discussed. The first is the prevailing legislative, administrative and other conditions in Palestine in general and Gaza in particular. The second source is the interviews of Palestinians or people who are knowledgeable of the situation in Palestine - referred after as "interviewees"-. The interviewees were architects, planners, lawyers, academics and policy makers. Their interpretation of the establishment of an appropriate conservation legislative system in Gaza is an essential one for the conclusions derived by this study.

The establishment of a conservation legislative system is meaningless without designating the aims and objectives of such legislation. The varied attitudes towards architecture and urban conservation confirm that existing conditions form a basis for the designation of aims. The different aspects of architecture and urban conservation have been discussed earlier in the first part of the research. The combination of these different aspects and the attitudes involved, the existing situation in Gaza, case

studies and opinions of interviewees forms a basis for the discussion of the problematic issues in the establishment of a conservation strategy for Gaza.

This chapter will highlight the aims and objectives of the conservation legislation for Gaza. Moreover, it will define the appropriate legislative framework and the administrative measures required. Finally the chapter will highlight the characteristics of the proposed conservation legislation.

10.1. AIMS AND OBJECTIVES OF THE CONSERVATION LEGISLATION FOR GAZA

The general intention of conservation legislation is to integrate the past with the present and the future. Because of that; legislation is a continuous process which develops and changes according to the changes of the conditions behind its creation. These conditions are mainly political, social, economic or others.

Over the past sixty years, the international community has drawn up a series of conservation Charters and Conventions. They are based on factors that make the built environment important to the well being of the society. They also summarise the degree of international agreement on the way in which these factors should be acknowledged and the way in which historic buildings and areas are protected by legal and organisational mechanisms. These Charters and Conventions have set a code of ethics for the protection of the environment and offer guidelines on the courses for practical actions that are acceptable and unacceptable under that code of ethics[1]. As a part of the international community, any local conservation legislation has to recognise the code of ethics contained in international charters.

The direct aims of the conservation legislation for Gaza are derived from prevailing conditions. According to these conditions, legislation is required to fulfil three major objectives. The first is to prevent the thoughtless destruction of the cultural heritage. The second objective is to expect historic buildings and areas to contribute to the socio-economic development of the population and the city. The third objective is to establish a responsible authority to ensure appropriate initiation and implementation of the conservation strategy.

10.1.1. Prevention from Thoughtless Destruction of Historic Buildings and Areas:

Conservation legislation for Gaza aims to prevent unwanted demolition, alteration or change of character of the surviving historic buildings and areas. The analysis of the causes of decay of historic buildings that are explained earlier in chapter 1 show the variety of reasons behind the destruction of historic buildings and areas in Gaza. To achieve the aim of preventing thoughtless destruction of historic buildings and areas, conservation legislation should aim to protect them by fulfilling the following objectives:

A- **Balance between the conservation of historic buildings and areas and new developments:** The central location of the historic area of Gaza and the commercial importance resulting from this location, exert great pressure to replace old developments. In addition, this commercial activity requires complementary developments for traffic, car parking and other facilities. Conservation legislation for Gaza should aim to allow a balance between these two issues. The concept of balance would not be based on profitability. It would be based, however, on providing a strong protection to the buildings and areas of historic or artistic value, and at the same time, allow for new developments to replace non-valuable buildings or vacant land. This also includes the allowance of rehabilitation and reuse of historic buildings and areas according to contemporary needs. All mentioned aspects of balance should be introduced without affecting the historic character of buildings and areas involved.

B- **Prevent neglect of the built environment:** Legislation should aim to provide a mechanism to prevent neglect due to ignorance or lack of interest. Neglect and ignorance are possibly the major causes of destruction by man. Conservation legislation for Gaza should aim to urge owners, whether private or public, to conserve their buildings. In case of ignorance, legislation should aim to allow the intervention of a responsible institution to implement required conservation works.

C- **Fighting causes of decay:** Any long-term conservation policy must be concerned principally with fighting causes of deterioration and decay rather than with repairs. Legislation aims to prevent decay before it takes place. The most common causes of decay are gravity and soil substance, actions of man and diverse climatic and environmental effects. Because the number of historic

buildings in Gaza is limited, conservation legislation should aim to provide a mechanism for both regular and urgent compulsory maintenance, as happens in some countries around the world. Not only causes of decay are of a physical nature, but also some of them are caused due to the lack of appropriate management and administration. Consequently, conservation legislation should aim to establish an appropriate management and administration system and to increase the administrative and technical experience in conservation related issues.

D- **Authenticity of conservation works:** Inefficient interventions and fake reconstruction are frequently practised in Gaza. Conservation legislation must preserve, and if possible, enhance the message and values of cultural property. These values help systematically to set overall priorities in deciding proposed interventions, as well as, to establish the extent and nature of each individual treatment. The assignment of priority values will inevitably reflect the cultural context of each building. For example, a small stone courtyard building in Gaza from the late nineteenth century will be of local importance because it reflects the way of living at that time and because of its historic value as related to the Ottoman era.

The protection of the authenticity of historic buildings could be achieved through different aspects that legislation must aim to fulfil. The first is the prevention of any conservation works done without the supervision of a responsible body. The second is to establish technical guidance for conservation works based on research. The third possible aspect is to increase the ability of responsible people and teach them the values of historic properties. Fake reconstruction and intervention could be stopped easily by an efficient legislation, with few financial implications.

10.1.2. Contribution to Cultural and Socio-economic Development:

The conservation legislation for Gaza aims to increase the cultural consciousness towards historic buildings and areas. It is considered dishonour in Gaza to sell land left to someone by his or her ancestors. This attitude has to be extended to historic property. Conservation legislation for Gaza must aim to contribute to both cultural and socio-economic development.

A. **Cultural development:** The cultural elements of the built heritage are made up of various streams which are of value to society, such as art, history, religion, aesthetics and education. Those values should be kept, revealed and preserved for future generations. Unlike other forms of cultural heritage, the protection of historic buildings carries with it the need to protect the physical structure of the buildings themselves. Although the maintenance of the historic fabric is an essential part of the process, the aim behind maintaining the fabric should be to protect their "cultural significance".

Four major aims would contribute to cultural development. The first is to provide special legal and institutional machinery for controlling what owners and occupiers might choose to do with the heritage. The second is to reveal the authenticity of historic buildings. Authentic objects are valued because they reveal truth and facts about the past. History should be encouraged as a real and recognisable entity that may be recovered. The continual changing conditions in the area and the falsification of history make it confusing to achieve real historic consciousness. Consequently, the reality of history in Gaza resides in surviving artefacts that are perceived as containers of historical truth. The third aim is that a conservation strategy must contribute to define the nation's identity and sense of nation. This will help the existing cultural "crisis" which results from the discontinuity of development and the continuity of occupation. The fourth cultural aim of conservation legislation is the provision of a proper way of documenting historic buildings and keeping the documents for current and future generations.

Palestinian cultural elements that represent the structure of society, family identity, customs, folklore, dialect, distinctive habits and history have to be stressed. The social consciousness of these elements together with the

conservation of historic buildings and areas must be one of the major aims for a conservation legislative strategy.

B. **Socio-economic development:** Conservation legislation aims to encourage socio-economic development in the city of Gaza. Historic buildings and areas in Gaza can be one of the limited resources of the economy of the city. Conservation legislation should aim to contribute to socio-economic development through the following tasks:

- The conservation of the historic and cultural character should not contradict the concept of **change according to contemporary needs**. The new uses must necessarily contribute to the economic and social integration of the city. This is because of the central location of the historic area and its commercial and administrative importance. This applies not only to Gaza City, but also to the whole Gaza Strip of about 1,200,000 people. Change and reuse are necessities for the economic viability of conservation.
- Another economic aim of great significance should be to facilitate **tourism and tourism-related industry.** This is a good way to justify the existence of historic buildings and areas. Local cultural and traditional features are a main target for national and international tourists to visit. The facilitation of tourism will help the socio-economic situation by bringing local and foreign currency into the area. It will also help in providing job opportunities and exchange of know-how. "Tourism is the petrol of the Palestinian people" said Chairman Arafat, the chairman of the Palestinian Authority, in several speeches and occasions. The existence of a clean Mediterranean beach for recreation and historic buildings and areas for cultural tourism will make an attractive combination required for modern tourism. The Palestinian Tourism Sector Planning & Development Project that was presented in a conference attended by the author in April, 1999, presents Gaza as an important tourism site in Palestine because of its beaches and historic buildings[2].
- **Revival of traditional crafts** is both needed for the preservation of historic building elements and for the production of separate traditional objects integrated with historic buildings and areas. Gaza used to be famous in pottery work, glasswork, wooden and metal works and textile. The revival of traditional craft activities would provide job opportunities, trade and a source of income.

- Effective conservation in Gaza cannot take place without **revitalisation**, which implies that the historic part of the city acquires a new role in the life of the city. The establishment of cultural centres, museums, entertainment facilities and vocational training within conservation activity could fulfil this aim.

Finally, it should be noted that the utilisation of historic buildings and areas, which is economically and functionally necessary, must also respect cultural values. Legislation should reconcile a variety of objectives. These objectives aim to provide for modern use and comfort, to comply with acceptable standards of safety, health and neighbourliness, and, at the same time, retain the historic integrity and visual character of buildings and areas. The value of this reconciliation will be more apparent if we recall that the objectives of conservation and modern use are interdependent. The proposed legislation should balance these varied objectives and relate this balance to the range of statutory controls.

10.1.3. Delegates Responsibilities to Defined Conservation Body:

The establishment of conservation legislation is meaningless without control, inspection and monitoring. No institution has been given the responsibility for such an issue in Gaza. In France, integration and full co-operation of town planning, housing and historic monument organisations proved efficient in the management of the conservation strategy. The centralised administrative authority experience proved deficient and overlapped in responsibilities in Egypt. The steps that the Municipality of Jeddah has followed in initiation and implementation of the conservation strategy were an important factor of success. Consequently, legislation must define administrative departments to guide the conservation strategy. These bodies should be given the responsibility for the preservation of cultural property and to handle whatever is required when implementing the objectives and aims of the legislation. Therefore, the definition of a responsible institution should include the following aspects:

- **Scope of the administrative body**. This includes many alternatives for Gaza. Would the administrative body operate at national or local levels? If national, would it be an independent institution or a department of existing ministries or authorities? The local level also includes many alternative administrative

structures. The prevailing institutional structure in Palestine plays a major role in drawing the administrative policy.

- **The structure of the administrative body**. This includes the number of people involved, specialisation, experience, training needed according to the needs and relevant administrative skills. It also includes the required equipment and facilities to facilitate the work.
- **Clear and precise responsibilities and duties of different parties**. The definition of the duties also includes relationships with other relevant parties. This is an important issue in such a newly established authority as Palestine in which the duties and relationships between different institutions are still vague.
- **Different possible sources of finance required for conservation works**. The possibility and conditions to encourage different sources of finance whether at public or private levels.

The intervention of a defined authorised body will not only control conservation activities, but also will make it easier to assess and monitor. A detailed description of the conservation administrative framework proposed for Gaza will be analysed in section 10.3 of this chapter.

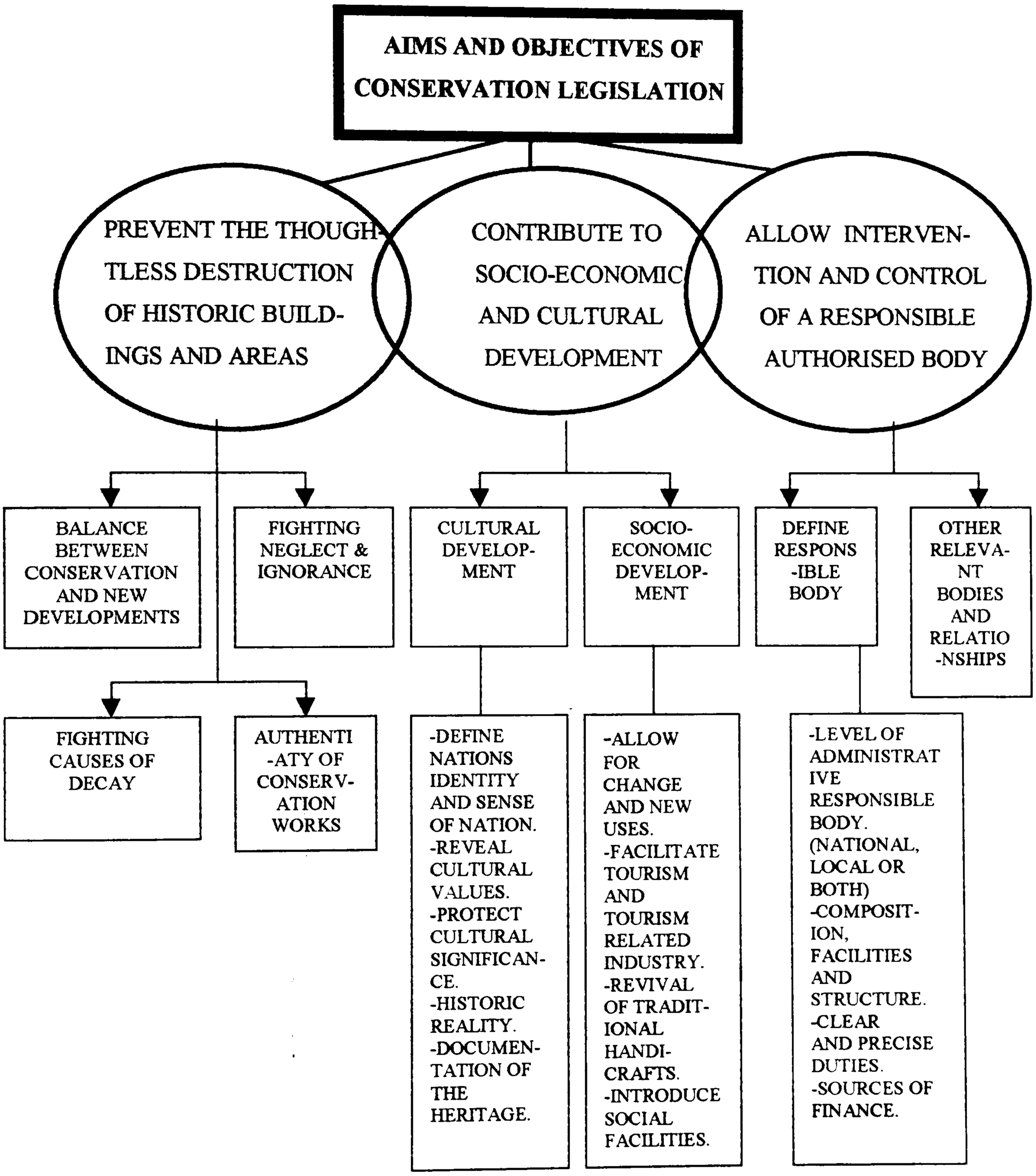


Diagram 10.1. AIMS AND OBJECTIVES OF THE CONSERVATION LEGISLATION FOR GAZA. (Source: The author).

10.2. LEGISLATIVE FRAMEWORK

The evaluation of existing legislation in Gaza has demonstrated the deficiencies in protecting historic buildings and areas. The structure of the legislative system outlined in chapter 6 has shown different levels and gradation of legislation. It also showed the required procedures for the establishment or amendment of legislation. The following are the legal options for a conservation legislative framework in Gaza:

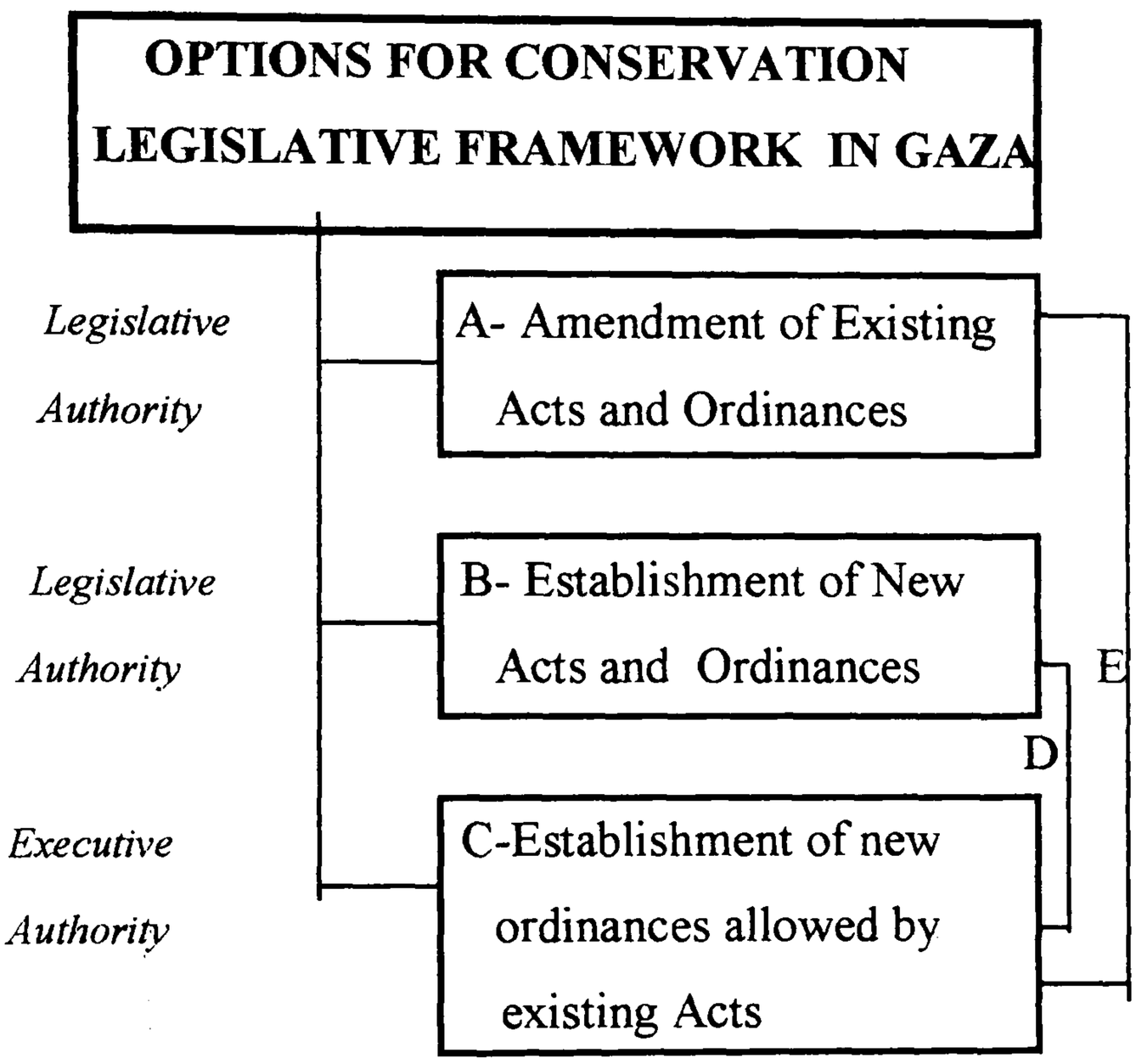


Diagram 10.2, OPTIONS FOR CONSERVATION LEGISLATIVE FRAMEWORK IN GAZA. (Source: The author).

The first option, the amendment of existing acts and ordinances, should be excluded for two reasons. The first is that existing Acts and Ordinances were established many years ago - about 70 years - in totally different conditions. They were addressed primarily at archaeological artefacts. The methods of handling archaeological artefacts are different from the methods of dealing with historic buildings and areas. Moreover, there has been a vast development in theory, technology and attitudes towards conservation of historic buildings and areas. This makes it difficult, confusing and irrelevant to combine the conservation of historic buildings with archaeological issues. For example, the criteria used to define the

importance of a historic building are quite different from the criteria to define an excavated wall or pottery jar.

The inclusion of historic buildings and areas into archaeological artefacts is a major cause of misunderstanding. The word "*Athar*- archaeology-" in the local understanding means something old, static and frozen. At the same time, historic buildings are defined at all levels as "*Athar*". The inclusion of the two issues in one Act adds to the difficulty of implementation, especially in the case of Egypt. Consequently, the establishment of a "Historic Buildings and Areas Act" that is different from an "Archaeology Act" must be an important step to begin with.

The second reason to exclude the amendment of existing conservation legislation is that the amendment process requires the same procedure as the establishment of new acts. It will not be easier or save time.

Excluding the amendment of existing legislation, two options are still available for the initiation of a conservation legislative framework. These options are the establishment of new Acts and the establishment of Ordinances allowed by existing Acts. Most of the policy makers interviewed recommended both of these options; especially the establishment of planning regulations within existing Acts.

According to existing legislative procedures explained in chapter 6, the initiation of new Ordinances is a less complicated process. This process does not require a long time and it could be implemented by one relevant executive institution. For example, the Mayor has the authority to establish a specific ordinance within the limits of the city. This ordinance becomes legal after approval by the Minister of Local Government. The ordinances, however, should be derived from an active Act that allows for such derivation.

Article 14 of the Urban Planning Act in Gaza 28/1936 states that the master plan of the city should conserve archaeological and important buildings and sites (Urban Planning Act 28/1936, Article 14 (2j))[3]. Accordingly, the new master plan of Gaza, which was issued in 1997 and approved in 1998, has defined the historic area as the "old city". The old city has been designated a special area in order to freeze development until further detailed planning takes place. Consequently, within existing legislation, the Municipality of Gaza has the authority to establish required ordinances and regulations to govern the old city which includes the majority of the city's historic buildings and conservation areas.

The initiation of new national legislation for the conservation of historic buildings and areas has been practised throughout the world: Britain in 1967, France in 1962, USA in 1966, Saudi Arabia in 1971, Egypt in 1983 and others. At the same time, these countries have taken significant steps at the local level for the conservation of historic buildings and areas: The British TCPA, the French Malraux Act, National Historic Preservation Act in the USA, "*Nizam Alathar*" and the planning schemes and regulations in Jeddah all gave great responsibility to local planning.

This was not the case in Cairo. The 1983 conservation Act in Egypt deals only with individual buildings and archaeological sites. The planning authorities have not established any comprehensive strategy to conserve historic buildings and areas. The only regulations refer to the designation of the borders of this area, some restrictions for the demolition of historic buildings and the design of new ones within the area. According to Dr. Ibrahim[4], the neglect that the historic "Fatimid Cairo" is currently facing is due to the lack of overall planning for this area. Consequently, the 1983 conservation Law in Egypt has succeeded in protecting some archaeological sites and historic buildings. On the other hand, it could not protect, develop or upgrade historic buildings and expanded areas in the heart of Cairo.

One of the best options, according to the prevailing legislative framework in Gaza, is to establish two different but related pieces of legislation. The first is a new Act for the conservation of historic buildings and areas in the Palestinian Territories. This national Act needs to be initiated by an executive authority or legislative council member/s or an individual and needs to be discussed, revised and approved by the Palestinian Legislative Council and the President of the Palestinian Authority. The second piece of legislation is the new Ordinances "*Nuthom*" at the local level in Gaza. These ordinances could immediately be established to initiate a conservation strategy for the city of Gaza.

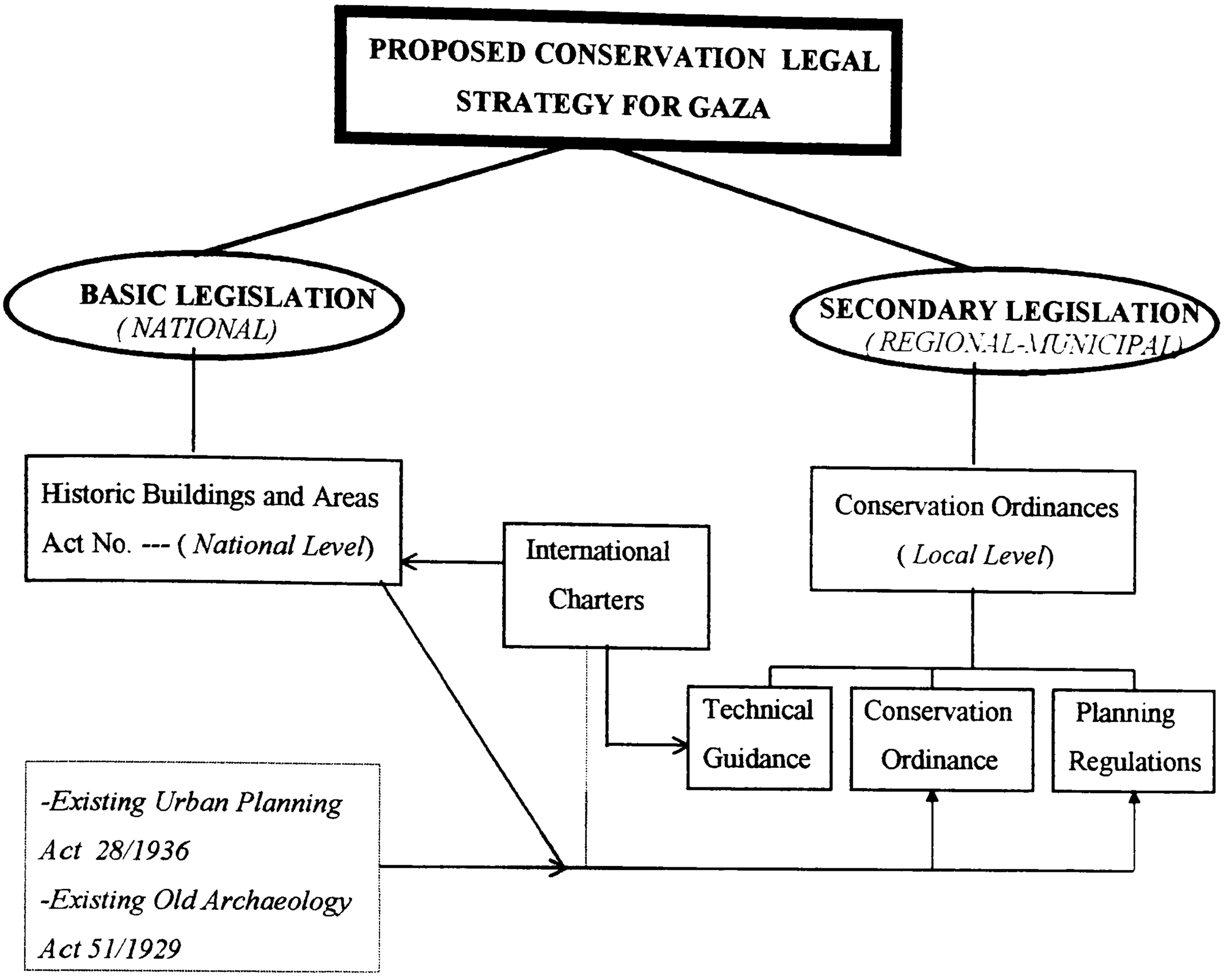


Diagram 10.3, PROPOSED CONSERVATION LEGAL FRAMEWORK FOR GAZA. (Source: The author).

In addition to both national and local conservation legislation, there should be an inclusion for historic buildings and areas in other newly established Acts. The responsible conservation framework could follow this up when circulating these Acts before approval. Relevant Acts are Safety and Civil Defence, Housing, Public Health and others. They are of minor but effective measures related to conservation issues.

The proposed legal framework may, however, face two obstacles. The first is the possibility of having appropriate guidance for the ethics of conservation needed for preservation works. The initiation of new guidance requires former experience based on trial and error, experiments, expert interpretation and expanded research. In the absence of these requirements, it is recommended to use the international Charters and adapt them for local needs. The adoption of these charters in Cairo and Jeddah is helpful, especially the Venice Charter of 1964. The second obstacle is the lack of

local expertise to handle the proposed conservation strategy. This is not an immediate problem. A large variety of alternatives could be implemented to develop the capability of the administrative framework.

10.3. ADMINISTRATIVE FRAMEWORK

The administrative framework is of vital importance to guide the conservation strategy. This framework is a major component of the legal strategy needed for the initiation of a comprehensive conservation strategy in Gaza. The inclusion of the administrative framework in the conservation legislation has existed in most legal frameworks analysed earlier. The administrative framework for conservation proposed for Gaza has to contain two related components. The first is the legal administrative component that guides and controls the conservation strategy, and the second is an advisory level which depends mainly on public participation.

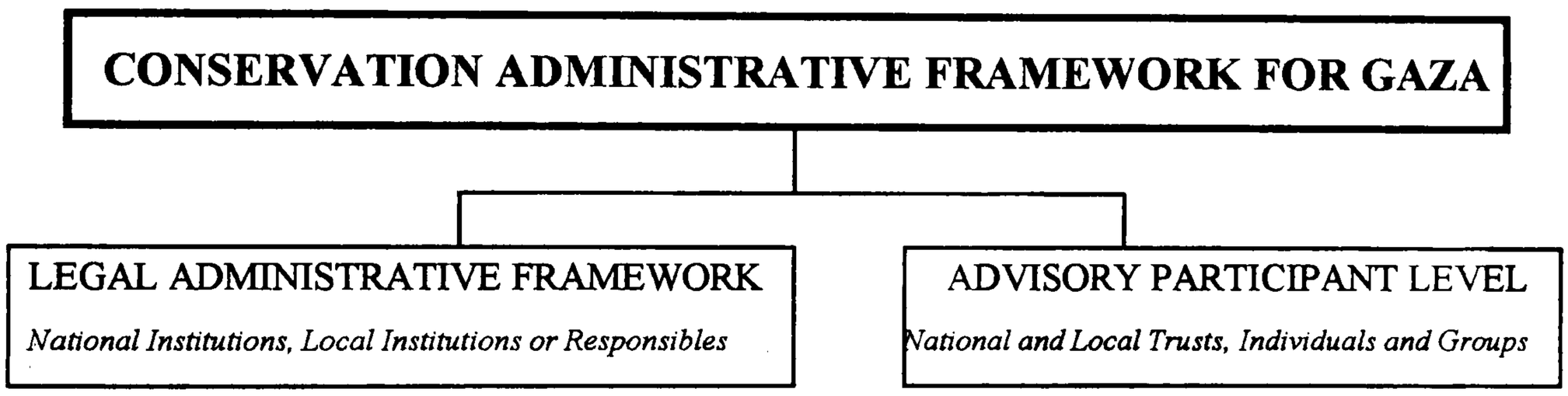


Diagram 10.4, CONSERVATION ADMINISTRATIVE FRAMEWORK COMPONENTS IN GAZA. (Source: The author).

10.3.1. Legal Administrative Framework :

The evaluation of the existing institutional capacity suggests that in terms of specialised and trained personnel, equipment and programs, no individual institution is able to initiate or implement a conservation strategy in Gaza. The options for the establishment of a legal conservation administrative framework are varied. One of the options is to give responsibility to one of the existing institutions at the national level. Another possible option is to give responsibility to authorities at the local level. The option of an existing institution at the national level can be excluded because of the lack of specialised personnel, equipment, administrative structure and programs. Existing institutions can also be excluded because of the duties that they currently

undertake. Each institution is working on an action plan. Non of the plans include the conservation of historic buildings and areas.

Newly established government institutions and ministries have many other priorities and some of them are only in the process of administrative structuring. This makes it risky to commit any of them to undertake the responsibility of guiding the conservation strategy. If so, conservation might be scheduled according to their priorities. Existing institutions are directly connected with Central Government that makes decisions, formulates policies and allocates budgets. This centralised system proved inefficient and slow in the case of Cairo. For example, the refunds of the institution's activities must be deposited in the Central Bank. If those refunds were needed for other institution's activities, an application for the yearly budget plan would be needed. This plan usually approves projects applied by all institutions according to certain priority. On the other hand, the decentralised steps that the Municipality of Jeddah has applied proved efficient and they facilitated the implementation of the conservation strategy.

The designation of conservation responsibilities to local authorities also has some disadvantages. Local Authorities might work independently and follow their local priorities. Although it is not the case in Gaza, some local authorities are incapable of assuming such responsibilities in terms of an administrative structure, management or technical abilities. There are also some works common to all or some of them that could be undertaken by one institution, saving time and money.

Another option for the establishment of a legal administrative framework is to give responsibility to a specialised institute, as happens in Egypt. The Supreme Council for Antiquities (SCA) is an active specialised legal institute responsible for conservation in Egypt. One of the disadvantages of this is that this council has limited authority. It does not have completed financial, administrative and implementation control. This limitation is one of the causes of overlapping, delay and piecemeal development of historic areas and buildings in Egypt.

Dr. Sha't stressed the importance of having an independent and specialised conservation institution in Palestine[5]. He mentioned the experience of the Bethlehem 2000 project in the West Bank, which although it is an important project for both national interest and tourism, is facing delay. The reason for the delay, he added, refers to the share of different responsibilities by different Ministries and institutions both at national and local level. The case study of Saudi Arabia shows a different

administrative structure than the case of Egypt. The Higher Consultation Council is an advisory body at the national level. The Archaeology Directory is an executive institution at national level too. Legislation in Saudi Arabia delegates responsibility to planning authorities at local levels. That is an important factor of success in the case of Jeddah.

The role of Local Authorities in Britain and the United States is distinguished as they have legal power in terms of planning, directing, implementing and partly financing. At the same time, government conservation institutions play a major role in inspection, advice and finance. Most of the interviewees in Gaza have recommended the Municipality as a responsible body for conservation in the short run. In the long run, they recommended the establishment of a specialised institution for conservation in Palestine. Few of them, however, have recommended giving the responsibility to the Ministry of Tourism and Antiquities.

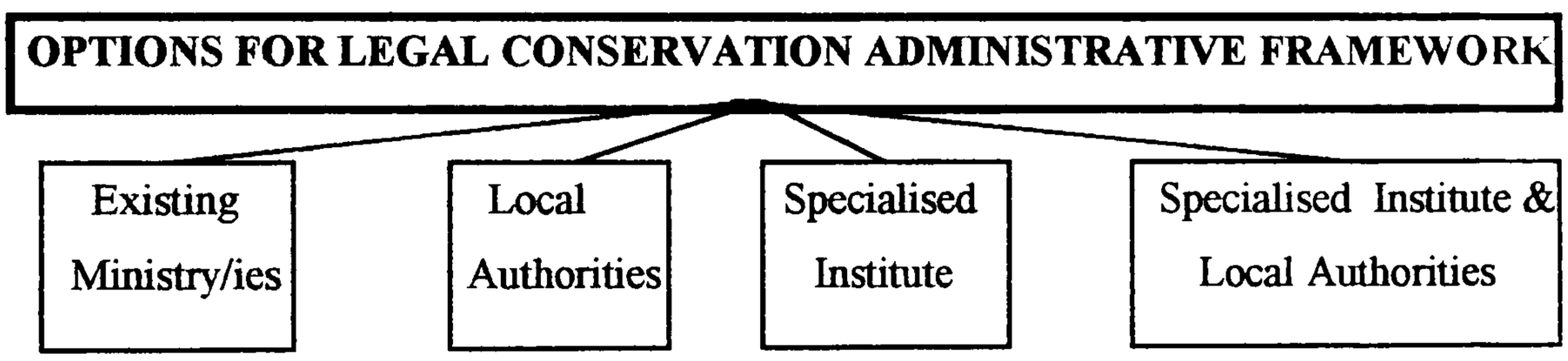


Diagram 10.5, OPTIONS FOR LEGAL ADMINISTRATIVE FRAMEWORK IN GAZA (Source: The author).

According to the previous analysis and to the prevailing conditions in Gaza the system that seems suitable to be applied consists of an administrative framework with the Municipality at the local level and a specialised institution at the national level. The Municipality of Gaza could play an important role in initiating, directing, financing and implementing the required conservation strategy.

The importance of the Municipality's role in the conservation strategy relates to the following reasons:

- The first reason is its **capability** in terms of administrative, technical, and financial aspects. Although the ability of the Municipality is very limited in conservation terms, its ability is acceptable in terms of administration, management, urban planning and other technical issues.

- The second reason is **the authority** that the Municipality has in planning, building control and infrastructure in the city of Gaza. The Municipality can legally take fast and direct action to protect historic buildings and areas through planning schemes and /or the Mayor's executive ordinances.

- Another reason behind the importance of the Municipality's role is its **ability in raising funds**. The Municipality has its own budget which it runs independently according to a yearly budget plan. This budget, however, is limited but there are other available resources. The Municipality of Gaza has direct access to national and international donations and funds. These funds come as technical assistance, equipment or as budgets for defined projects and plans.

- The fourth reason behind the importance of the municipality is its **logistic ability**. Besides planning and building control, the Municipality is responsible for roads, water, lighting, traffic, professions, advertisement, marketplaces and other responsibilities within the city limits. This range of responsibilities and the parallel availability of technicians, equipment and expertise in all mentioned fields are a considerable asset.

- Another important reason for the importance of the Municipality's role is **the provision of the municipal buildings**. The Municipality has to provide social and service facilities for the city. Instead of building new, the Municipality can buy, rent or acquire historic buildings to house those required facilities. New uses, however, should take into consideration the integrity of the historic buildings. Examples are local museums, neighbourhood public libraries, cultural centres, kindergartens, information centres, handicraft training schools and workshops, municipal service centres and others. The location of the historic area in the centre of the city of Gaza helps to house other centres that serve the whole city.

- The last reason for the importance of the Municipality's role in the conservation strategy is **public support**. The Municipality of Gaza has many channels of communication with local people. This communication comes through neighbourhood committees, leaders' committees and individual relations. This communication has two important benefits. The first is the understanding of the real needs and attitudes of the society and the second is the trust and confidence that helps implement conservation initiatives.

Chapter 7 shows the administrative framework of the Municipality of Gaza. Within this framework, the conservation body could be placed in the Directory of

Urban Planning and Building Control. A specialised unit in the Urban Planning Department of this directory could be established. This unit would be responsible for guiding the conservation strategy within the overall administrative structure of the Municipality.

Being a new initiative, the Conservation Unit (CU) has to be supported by an advisory committee. The Conservation Advisory Committee (CAC) would be responsible for monitoring the work, providing consultation, and supporting the unit mainly in political terms. The CAC would also be an intermediate body between the CU, the Mayor and Municipal Council. The members of CAC could be Municipal Council members, specialists, academics and representatives from historic areas. Specialists and academics have to represent a variety of specialisation. Targeted expertise is conservation, architecture, planning, history, economics, social science and other relevant fields.

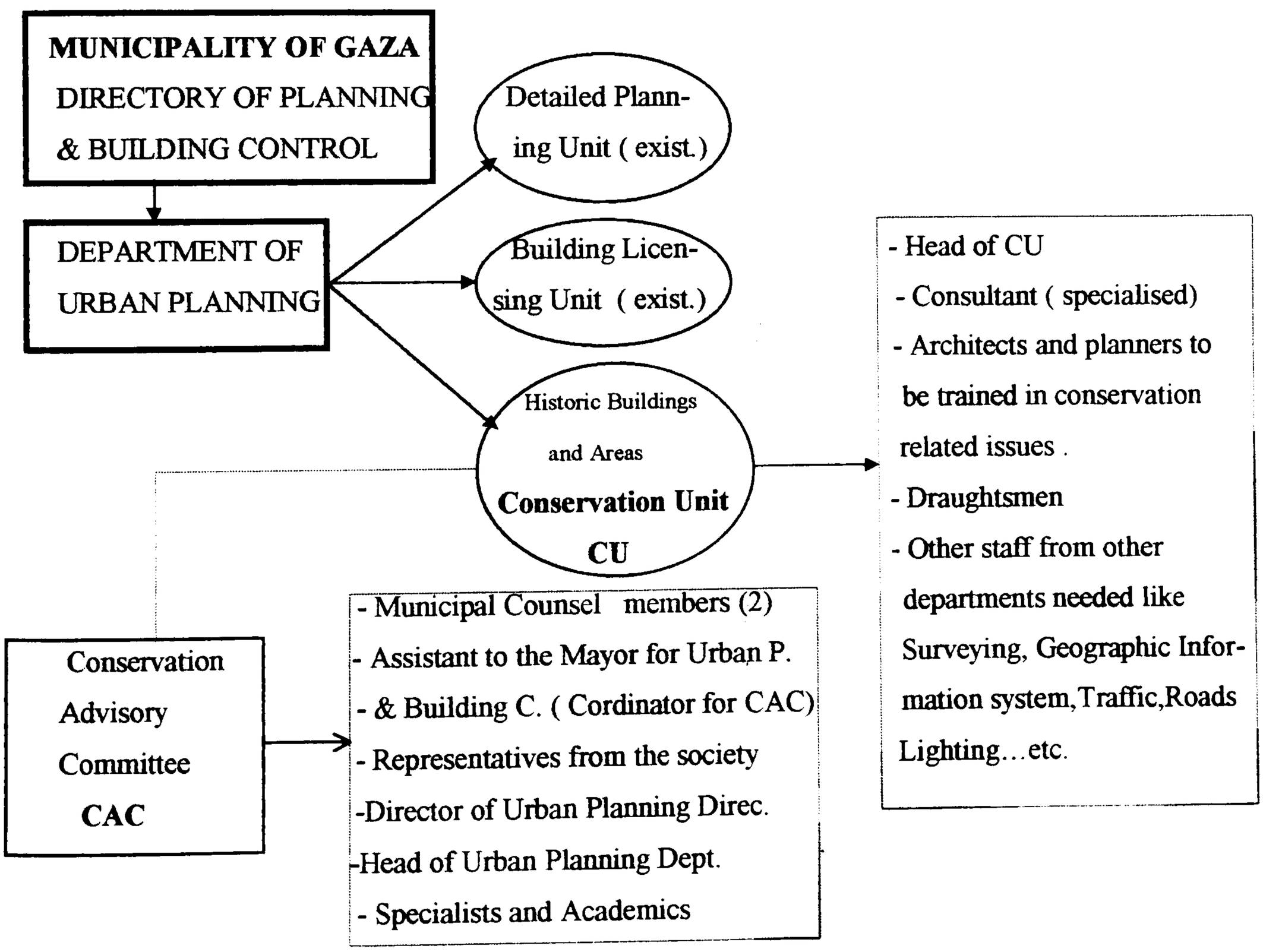


Diagram 10.6, PROPOSED CONSERVATION ADMINISTRATIVE FRAMEWORK AT THE MUNICIPALITY OF GAZA. (Source: The author).

The duties of the CU would, however, be varied and include the following tasks:

- The major responsibility is to initiate a strategy for the conservation of historic buildings and areas in Gaza. This has to be through planning schemes, regulations and conservation ordinances. The planning schemes and regulations could get legal power after approval by the Local Planning Committee of the Municipality and the Central Planning Committee. The conservation ordinance could be approved by the Mayor and then the Minister of Local Government.
- The documentation of the historic heritage, following an appropriate method.
- Gathering of detailed information on traditional building materials and techniques, stimulation of research for different conservation aspects and publishing of technical guides.
- Encouragement of public interest in historic buildings and areas through the use of different methods for increasing public awareness.
- Monitoring of the implementation of the planned conservation strategy.

MUNICIPALITY OF GAZA

CONSERVATION UNIT (CU)

CONSERVATION STRATEGY PROCEDURE

Interim designation of historic buildings and areas

Interim survey of historic buildings and areas according to specific criteria

Evaluation of existing or proposed projects within or around the area

Identify problems and possibilities of conservation and development

consult and evaluate options with the Conservation Advisory Committee

Identify development priorities and choose possible options

FORMAL DESIGNATION OF BUILDINGS AND AREAS

Conservation Policy development

Management statements and programmes

PREPARATION OF DEVELOPMENT SCHEME

Identify strategy of implementation

Prepare implementation action plan

ORGANISE MEANS OF IMPLEMENTATION AND FOLLOW-UP

Diagram 10.7, PROPOSED CONSERVATION STRATEGY PROCEDURE FOR GAZA. (Source: The author).

CONSERVATION UNIT

HISTORIC BUILDINGS AND AREAS

DEVELOPMENT PLAN

Conservation area limits and buildings involved

Map showing general conservation policies

Land use plan & landscape analysis

Infrast-ructure and services map

Management statement includes enhancement opportunities

Report of regulations and restrictions

Review, future considerations, consultation workshop for relevant institutions reassessment and revisions

Local Planning Committee, Municip-ality of Gaza (Approves)

Central Planning Committee, Ministry of Local Government (Preliminary approval)

Deposit the plan for public appeal

Local Planning Committee (Possible revisions & answer public appeal)

Central Planning Committee (Final Approval)

Municipality of Gaza (Implementation)

Diagram 10. 8, HISTORIC BUILDINGS AND AREAS DEVELOPMENT PLAN'S COMPONENTS AND PROCEDURE IN GAZA. (Source: The author).

The second proposed administrative framework is at the national level. This means the establishment of a national institution responsible for architecture and urban conservation in Palestine " The Palestinian Conservation Institute (PCI)". The major role of the PCI would be the following:

- The initiation of the basic conservation legislation throughout the required government channels.
- The establishment of a code of ethics for the conservation of the Palestinian heritage.
- Besides inspection and follow-up, the PCI would be responsible to raise required funds and distribute it according to conservation priorities.
- Organise different programmes to increase national and international interest towards Palestinian historic buildings and areas.
- Finally, the PCI would be responsible for including conservation initiatives in the yearly national development plan in Palestine.

The survey of existing institutions in Palestine in Chapter 7 shows that some Ministries play different relevant roles. The Ministry of Planning and International Co-operations is responsible for the annual national development plan. It is also responsible for national and international agreements and foreign policy. The Ministry of Tourism and Antiques is responsible for archaeological sites and the tourism sector. The tourism sector is relevant as it is important for the development of historic buildings and areas. The Ministry of Local Government has some authority over municipalities and it also directs the Central Planning Committee. The Ministry of Housing could incorporate housing development within historic areas in its future programmes. The Ministry of Culture has a distinctive role in the increase of public consciousness towards historic heritage. It also runs some programmes for the revival of traditional handicrafts. Finally, the Ministry of *Al-Waqf* - Religious Affairs- is an important one because it owns a large number of historic buildings in Gaza.

Consequently, representatives of the above Ministries could be active members of the PCI. In addition, specialists and university academics could also be members. According to the duties proposed and the prevailing conditions analysed earlier, the following is an appropriate location and structure for the PCI.

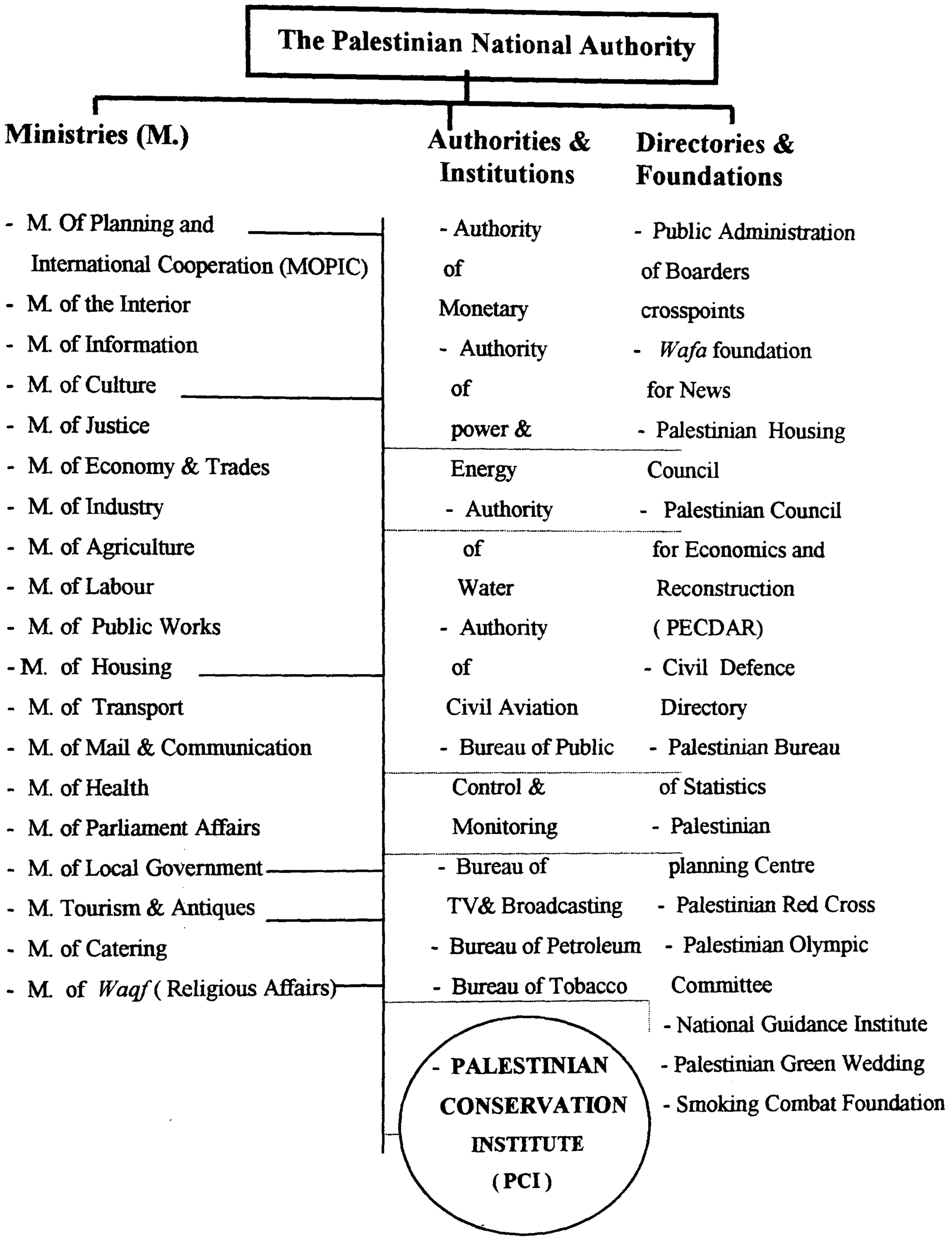


Diagram 10.9, PROPOSED LOCATION OF THE PCI IN THE PALESTINIAN AUTHORITY STRUCTURE AND RELATIONSHIP WITH OTHER INSTITUTIONS. (Source: The author).

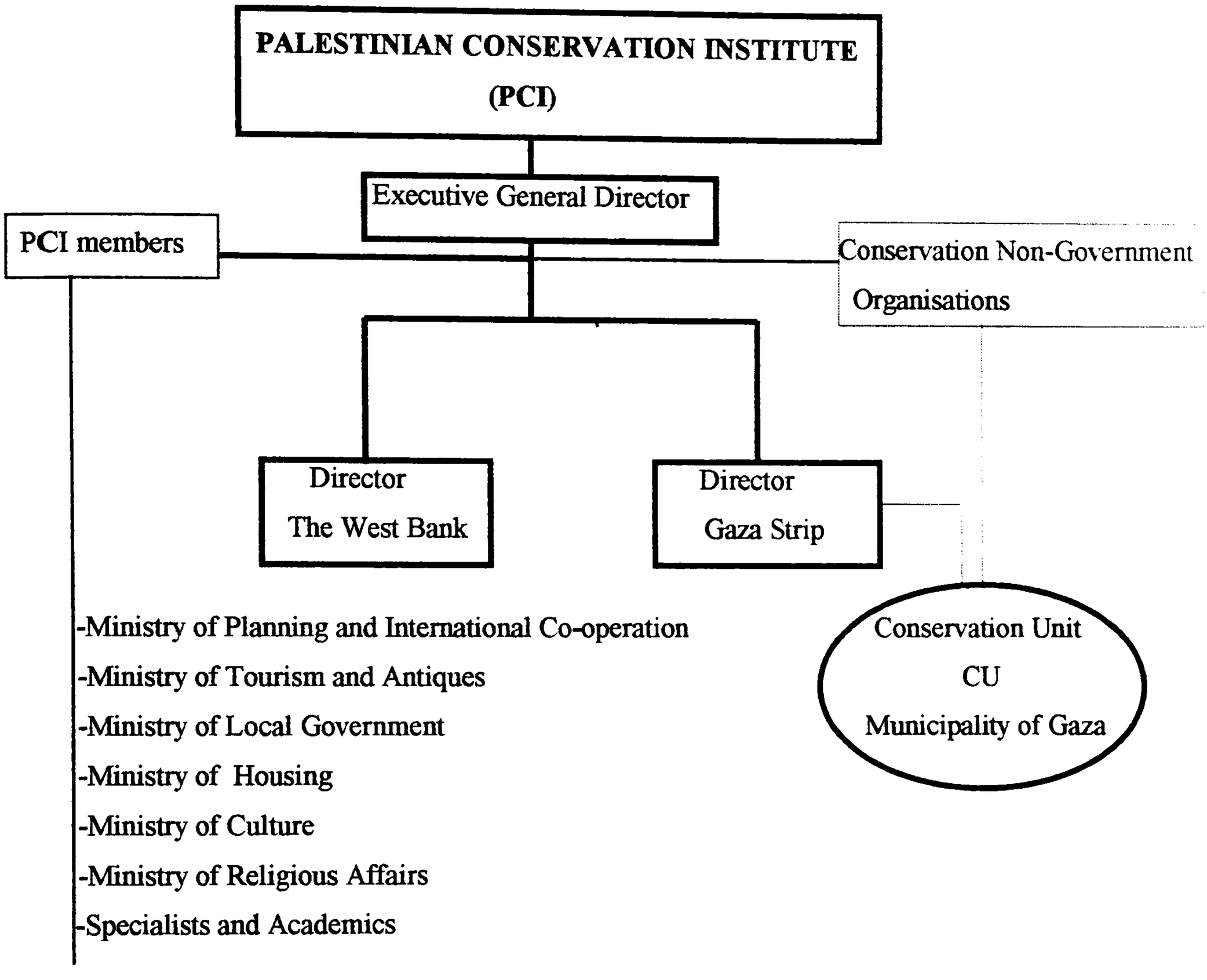


Diagram 10.10, PROPOSED STRUCTURE OF THE PALESTINIAN CONSERVATION INSTITUTE. (Source: The author).

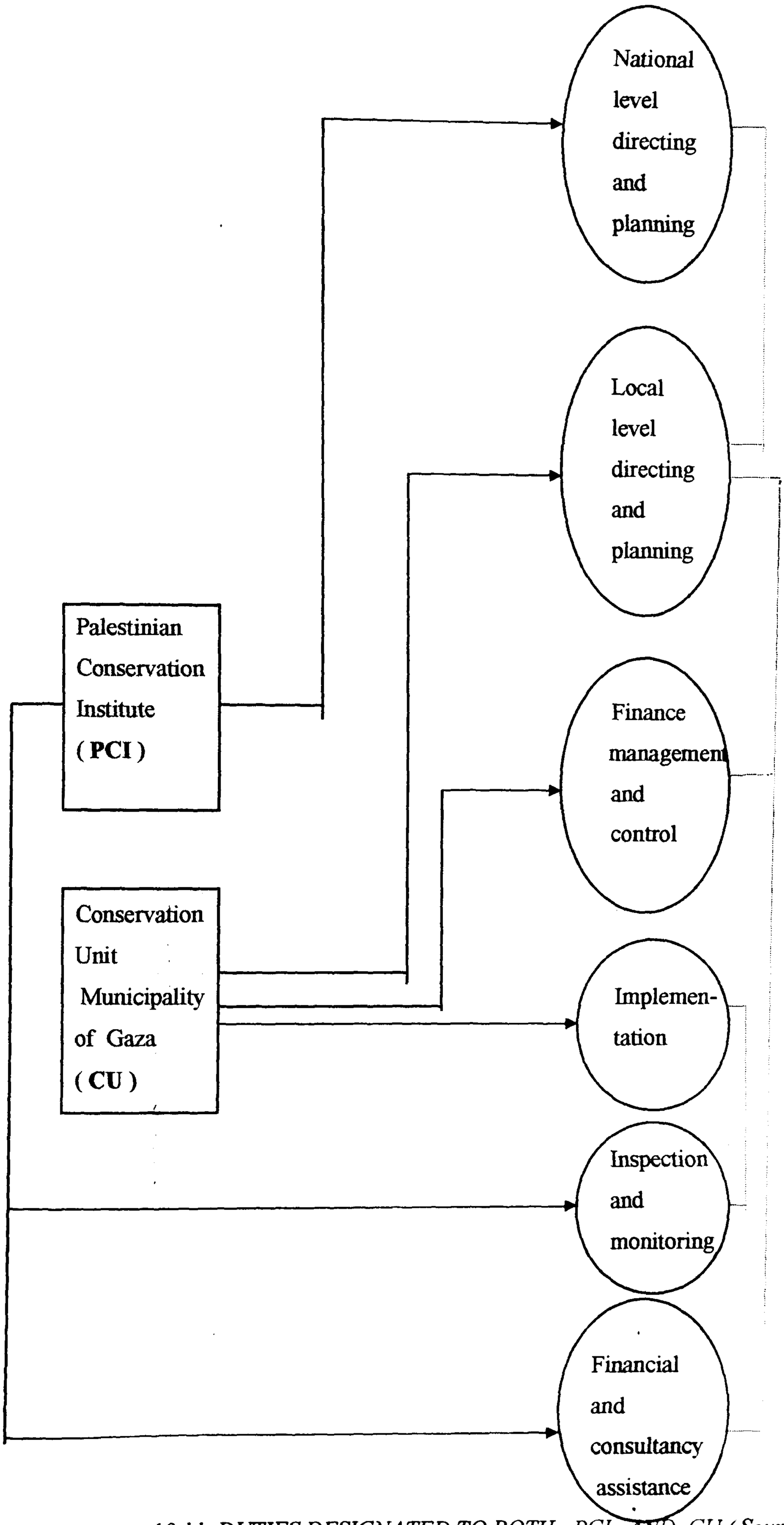


Diagram 10.11, DUTIES DESIGNATED TO BOTH PCI AND CU.(Source: The author).

10.3.2. Local Participation:

The public and public representatives are often insufficiently concerned with the conservation of historic buildings and areas. Administrative institutions, both at national and local levels, should stimulate public participation. Conservation organisations and trusts, when they exist, usually play an important and complementary role. They could stimulate responsible authorities to better performance. At the same time, they could play a major role in the stimulation of public interest in historic buildings and areas. Different methods are used to increase public consciousness, such as education, media, theatre, visits, publications and others. Public organisations can also help to establish specialised conservation library and conservation sections in existing libraries. They can also have an active role in the revival of traditional crafts and professions.

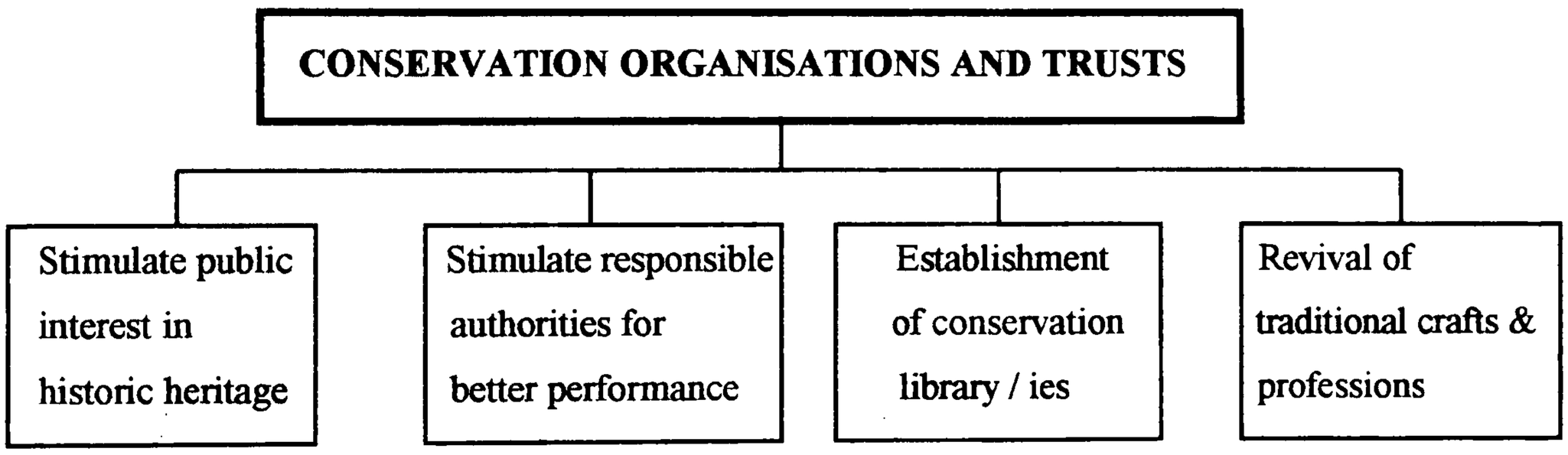


Diagram 10.12, THE ROLE THAT CONSERVATION ORGANISATIONS CAN PLAY IN THE CONSERVATION STRATEGY FOR GAZA. (Source: The author).

Finally, it should be mentioned that there are some difficulties that the proposed administrative framework may face. Some job difficulties may be attributed to the administrator's misunderstanding of the role of various professions in the conservation program. To efficiently and properly manage conservation programs, administrators must have a thorough understanding of the work involved. This understanding requires intensive on-job training, local specialised consultation and foreign specialised consultation as well.

10.4. CHARACTERISTICS OF THE CONSERVATION LEGISLATION FOR GAZA

10.4.1. The Targeted Legislation:

Before we start on a detailed study of the characteristics of legislation it is important to define the scope of the legislation subject in this study. The study will focus on the guidelines and specifications of the conservation legislation proposed for Gaza. These guidelines and specifications could be applicable to both national and local levels. Where there have to be specific details or differences, the local secondary legislation will be the target for analysis.

The newly established Palestinian Authority does not yet present a stable systematic system of government. There are no regular rules and regimes that have been practised through many years. The Palestinian Legislative Council tries to unify and establish laws for all aspects of life in Palestine. These attempts face frustrations because of various political restrictions. Therefore, it is difficult to forecast the future of the area . On the other hand, the Local Authorities' system has been working for decades. Despite minor changes, this system is stable and systematic. The Local Authorities' system has been stabilised and enforced by the Local Authorities Act in 1996.

The previous analysis, together with the aims of the conservation strategy outlined earlier, lead to a particular conclusion. This conclusion shows the importance of secondary legislation development at the local level (the Municipality). The development of secondary legislation, however, does not imply the delay or ignorance of basic legislation. This conclusion, however, has other advantages. The establishment and implementation of secondary legislation at the local level would constitute a practical guide for further legislation. It is known that legal codes are created and developed from established practice as the results of trial and error over the years. It is also relevant to mention the importance, in establishing the validity of new laws and rulings, that each favourable decision be used as a stepping stone to the next case. Consequently, the establishment and evolution of secondary legislation at the local level would be one of the main sources for improvement of the basic legislation at the national level.

The analysis of the characteristics of conservation legislation for Gaza has six main aspects. It includes general characteristics, building conservation, area conservation,

management of the conservation policy, finance and penalties, as will be discussed in the following sections.

10.4.2. General Characteristics:

Conservation legislation for Gaza is distinguished by some organisational characteristics. This includes features that apply to all parts and sections of legislation. The most important general characteristics of the conservation legislation for Gaza are equitable balance, strength, realism and finally simplicity and ease of understanding.

A- Equitable Balance: Conservation legislation should contain an equitable balance between public and private interests. This is important for the understanding and respect of the people. Mr. Mubied[6], Mr. Hijazi[7], Mr. Murillo[8] and his Excellency the Mayor of Gaza[9] have all stressed the importance of respecting ownership rights in any suggested legislation. Any acquisition of historic property has to be compensated, they added. They also proposed other options like the rent of historic property in an acceptable and fair lease.

Dr. Naji[10] explained the options of keeping ownership rights. Besides the mechanism of compensation and rent he mentioned the "co-operative development" of historic property. In such development, the authority finances totally or partly the conservation of the historic property. The revenues of such development are shared between the authority and the owner. Dr. Naji had also proposed tax relief as a tool to encourage the conservation of historic buildings. Dr. Amiry[11] recommended that efforts should be paid to protect historic buildings and not to leave owners to do what ever they want. At the same time, she recommended that there must be tax exemptions, soft loans and grants. Therefore, the previous viewpoints propose four proposed options for historic building owners to choose from: To sell, let, accept compensation or participate by contributing to the development of historic property.

Central Government and Local Authorities in Palestine have acquired some new private buildings to be used as State or public buildings. This process did not require any funds. The owner is substituted by a parcel of State land. This is an acceptable phenomenon in Gaza because of the scarcity and high price of land. At the same time, there is an availability of state land that is located in new and expensive parts of the city (about 30.2% of Gaza Strip area is state land). Although it is important for

public services, housing and state projects, it is reasonable to trade State land for the ownership of distinguished historic buildings.

B. Strength: Another general characteristic of legislation for Gaza is its degree of protection. Legislation should be strong enough to protect historic property from destruction, ignorance and demolition. Mr. Khuzundar[12] said that legislation can work only if it is strong and compulsory. On the other hand, Dr. Naji[13] said that legislation could work only if it is incentive based. All other interviewees stressed that legislation should be strong enough to protect historic buildings and areas. They also stressed that legislation should be flexible to motivate investment on historic properties. Both these criteria are the most appropriate for the designated aims of the conservation strategy for Gaza. To be protective means that it is compulsory and includes preventive penalties. On the other hand, to give incentives, legislation has to allow flexibility for investment and development.

C. Realism: The degree of realism is an important issue that could be raised for the characteristic of legislation. Some interviewees commented that conservation legislation has to be realistic so that people respect it. This is an important issue in the case of establishing a new legislation. Realism means that there should not be a tendency to list buildings that are severely dilapidated and impossible to conserve. It means also that there should not be a tendency to freeze an area that has already lost its historic and artistic character. It should also be recognised, that there probably always would be cases in which no viable solution for the conservation of a building or an area can be found. The role of legislation in such a case is to provide alternatives for the benefit of the owner and the public.

D. Simplicity and Ease of Understanding: Another general feature of legislation is its editing and presentation. Conservation issues and legislation in Gaza will be a new phenomenon. Consequently, legislation should be clear and easy to understand. Both the employees applying legislation, architects and planners and the public have to understand clearly its articles. This could be achieved through different aspects like the writing, structure and categorising of legislation.

The Original Arabic is the most appropriate language for writing because it is understood by all. The use of local materials and features' names is helpful

especially in secondary legislation and technical guidance. All interviewees except Mrs. Shawa[14] recommended that legislation should be written in plain language and with illustrations. Mrs. Shawa said that legislation should be written in plain language and followed by explanatory guidance for execution.

It is of great benefit to have the regulations written in plain language with drawings and diagrams to explain the requirements. Explanatory guidance need also be incorporated with illustrations and diagrams. This has been done successfully in some places such as the London Building By-Law[15].

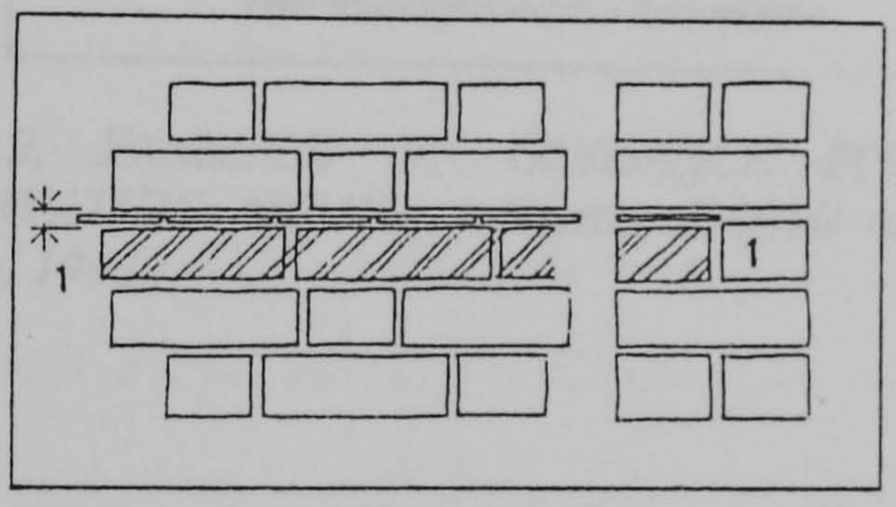
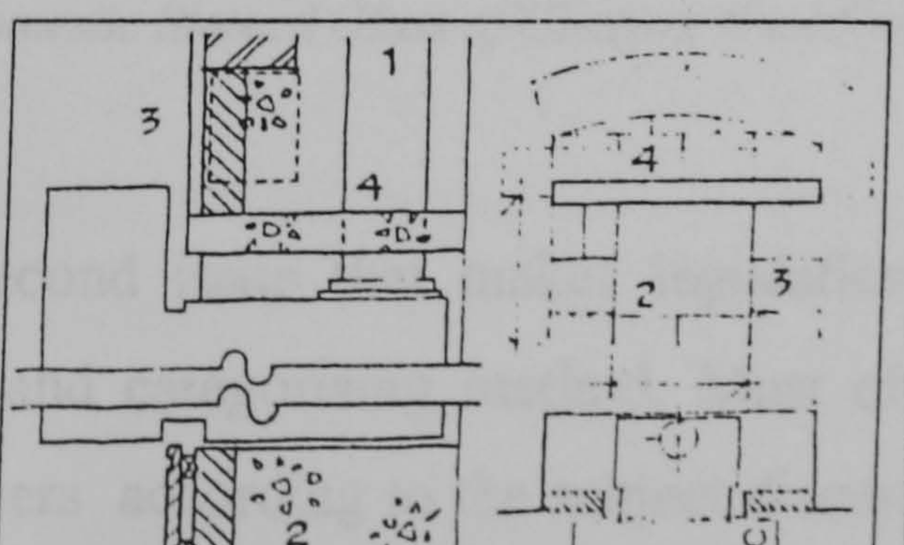
5.3.4 Piece in facing bricks Location: ..... 1 Brickwork: Cut out damaged facing bricks and piece in facing bricks to match. Allow: ..... no. bricks.  	*1 Insert number of bricks.*
5.4.4 Block fireplace (for back boiler) Location: ..... 1 Item: Sweep flue 2 Brickwork: Fletton or block plinth to boiler manufacturer's requirements with openings for pipework. 3 Brickwork: Block opening in half brick wall (on leadcore DPC lapped 150 mm with adjacent DPC at lowest floor level). Leave opening for back boiler to manufacturer's requirements. 4 Concrete: After installation of flue liner, cast concrete around liner to seal flue above boiler.  	General *See notes above.* *4 The flue sealer ensures that the boiler is not damaged by soot or debris falling down the flue and that the liner is fixed to the boiler.*

Fig. 10.1, EXAMPLES OF THE COMBINATION OF ILLUSTRATIONS AND TEXT IN A CONSERVATION GUIDANCE. (Source: Levitt Bernstein Associates and Anthony Richardson& Partners, Specification Clauses for Rehabilitation and Conservation Work, London: The Architectural Press Ltd, 1982, p. 42,45,46).

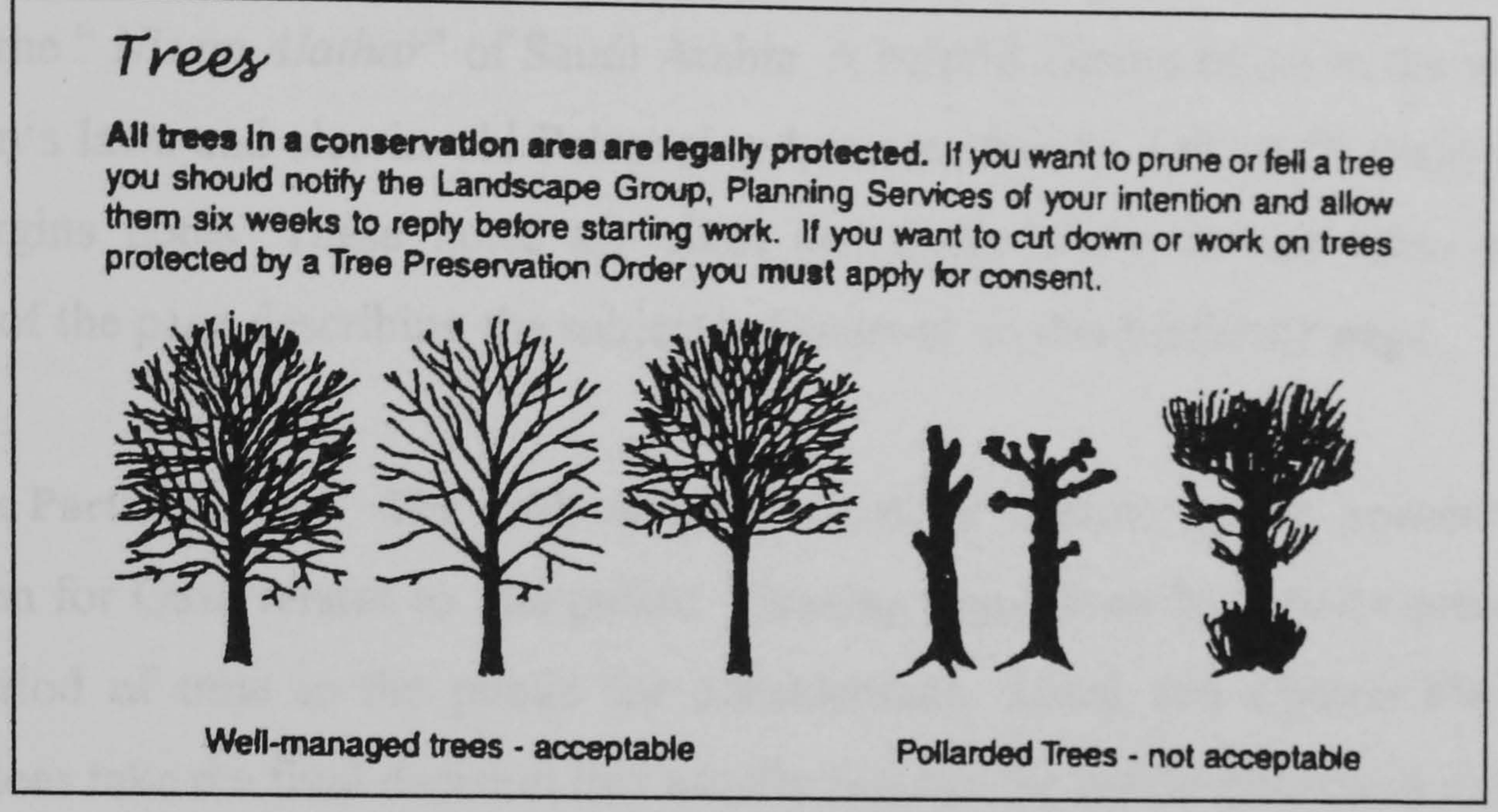


Fig 10.2, EXAMPLE OF GUIDANCE FOR THE CONSERVATION OF TREES IN CONSERVATION AREAS. (Source, Friends of Glasgow West, Looking after your property, Glasgow, 1998.)

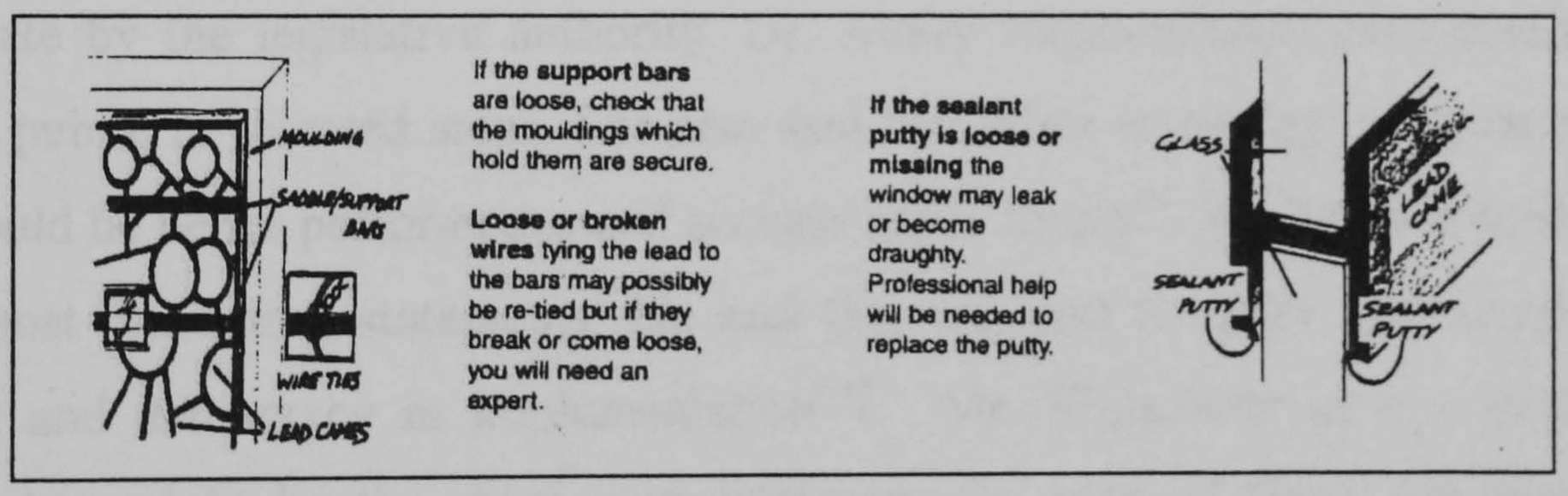


Fig 10.3, EXAMPLE OF GUIDANCE FOR WINDOW GLASS. (Source: Friends of Glasgow West, Domestic Stained Glass of Glasgow West End.)

The second issue that makes legislation simple and easy to understand is its structure and categorising method. Most of the analysed legislation is categorised into chapters according to the subject discussed. For example, the first chapter is for definition of terms. The following chapters are building conservation, penalties, ...etc. The conservation legislation for Gaza could be categorised according to: definition of terms and criteria, building conservation, area conservation, management and administrative framework, finance and penalties. Chapters are

usually subdivided into articles that run successively throughout the whole legislation.

The subdivision of articles into subarticles should be minimised as much as possible. This makes it easier to remember and refer to. A good example of this detail is the " *Nizam Alathar*" of Saudi Arabia. A helpful feature found in the writing of Britain's laws and also in old Palestinian Laws written by Driton (British) is the side margins notes. These notes are short and distinctively written titles in the margins of the page describing the subject/s discussed in this particular page.

E. Public Participation: The fifth and final general feature of the conservation legislation for Gaza relates to the public. Planning regulations have to be presented for a period of time to the public for consideration. Local and Central Planning Committees take the final decision that usually favours the public interest in cases of conflict with private interest. Other legislation, however, could be processed without public notification, subject to the authority's policy.

The interviewees reacted differently to this issue. Some of them like Dr. Naji, Mr. Murillo, Mrs. Shawa and Mr. Hijazi recommended the consultation of the public at all stages of legislation processing. Others proposed to implement what is thought as appropriate by the legislative authority. Dr. Amiry recommended the consultation with the public in selected steps. She also said that when involving the community, there would be better performance and success in the future[16]. Mr. Mubied made one of the most interesting statements. He said that we have to apply "dictatorship in planning and democracy in implementation"[17]. Mr. Khusundar gave a moderate opinion that might be the most appropriate for the case of Gaza. He said that conservation legislation should be initiated, approved and put in effect without the consultation of the public. After a time of implementation, he added, an evaluation and assessment should be undertaken by the public[18].

The interpretation of both the public and the administrative framework applying conservation strategies will provide a sound data for assessment. This could be used in the amendment and evolution of legislation. The consultation of the public after a time of conservation policy implementation will help to assess not only the conservation legislation, but also the performance of the conservation administrative framework.

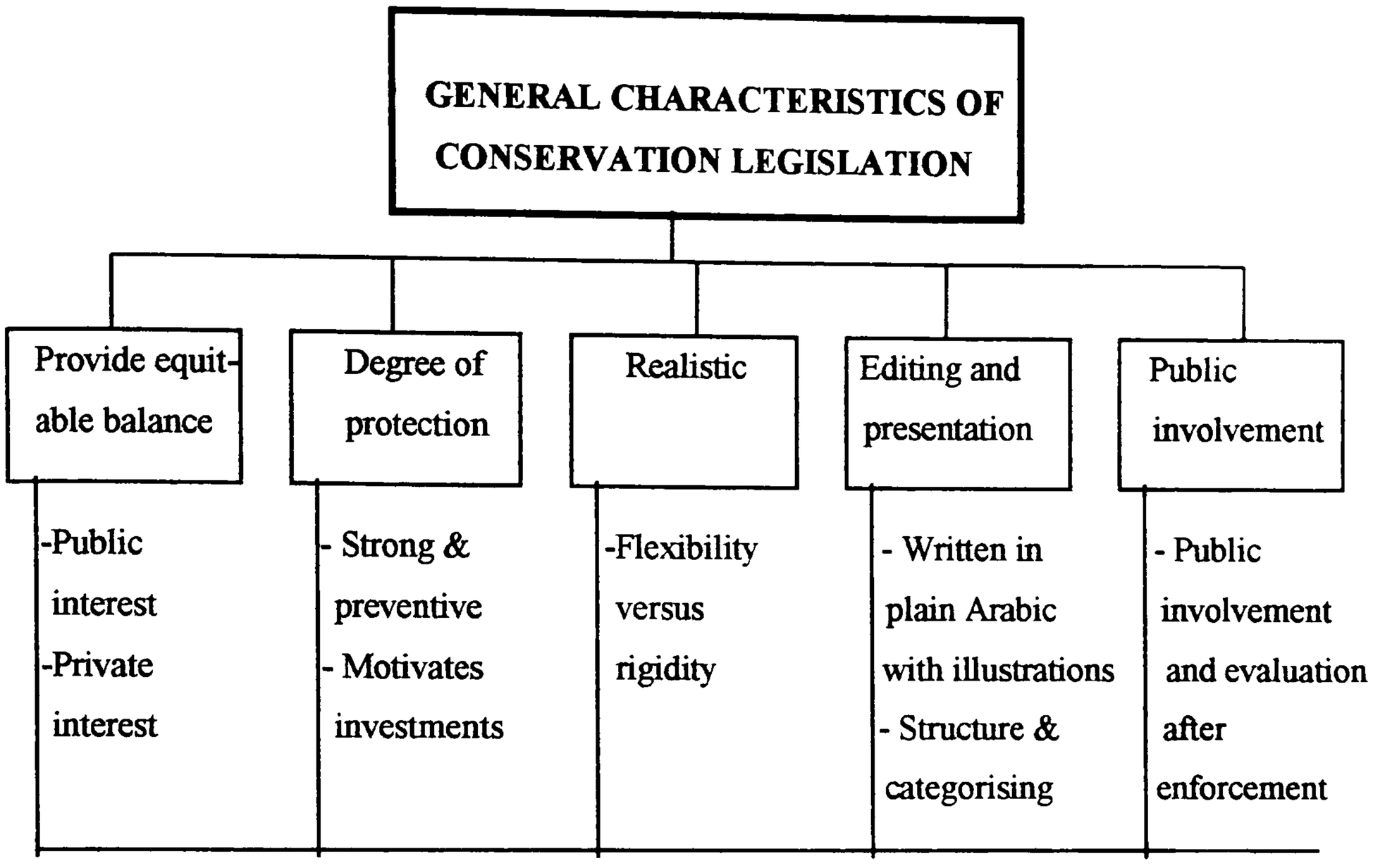


Diagram 10.13, GENERAL CHARACTERISTICS OF CONSERVATION LEGISLATION FOR GAZA. (Source: The author).

10.4.3. Building Conservation:

Most of the historic buildings in Gaza, whether public or private, are in an urgent need for protection from demolition and alterations. At the same time, most of them are in a need of appropriate repair. Building conservation legislation has to be specific and it has to include the following regulation categories:

10.4.3.1. Listing of Historic Buildings:

The listing of historic buildings requires a survey and assessment by the responsible administrative framework. Therefore, legislation has to define the criteria for listing. Different criteria for listing were discussed earlier in Chapter 2.

A. Options for Listing Procedures: Two attitudes and options are the most appropriate for the situation in Gaza:

- The first option is to list as much as possible of the historic fabric. Afterwards, a detailed assessment takes place when owners apply for listed building consents.

- The second option is to list only a specific number of historic buildings according to a detailed survey.

The number of surviving historic buildings in Gaza is limited. At the same time, there are no established historic, architectural, construction, or mapping backgrounds for these buildings. Owners may not be prepared to accept intervention in their own property nor to give access for survey works. They might refuse to cooperate or give accurate data required for surveying. Consequently, the protection of these buildings and structure by legislation is a priority. Legislation will, however, include the right of the responsible authority to do any surveying works required afterwards.

The first option mentioned is the most appropriate for the case of Gaza. Where there is not a comprehensive assessment, every building or structure that is recognised to be of historic or artistic significance is entitled to be safeguarded as an item of value and as a legacy of the past to the present and the future. The recognition of such significance, however, does not depend upon the fulfilment of preestablished criteria. Therefore, the assessment depends on a general rather than on a detailed survey. This definition experienced some problems in various countries especially in its implementation. The term "historic and artistic significance" is difficult to define. This would not be a problem for the case of Gaza because listing criteria could be specified by age limits. This was the case of Cairo as legislation has recognised the age as basic criteria for listing. A detailed survey has taken place to list buildings after the establishment and implementation of legislation.

B. Criteria for Listing: The following criteria could constitute a legislative basis for historic building listing in Gaza. The criteria was recommended by all interviewees[19] who also explained the definition of each criterion:

- **Building age**: Dr Amiry, Mr. Mubied and Dr. Sha't all recommended to list all buildings built before 1948. Dr. Naji recommended to list buildings built before the end of the Ottoman Empire (about 1917) while Dr. Hijazi recommended to list buildings that are more than 100 years old.

All buildings that were built in Gaza before 1917(The end of the Ottoman Empire and the beginning of the British Mandate) are definitely important historic buildings that have to be listed. They are distinguished by their history, design, materials and construction technique. Similarly, all buildings that were built between 1917 and 1948 represent distinguished styles, materials and techniques. Some

buildings built after 1948 are distinguished and have cultural or historic interest especially during the Egyptian administration in Gaza Strip. This categorising makes the choice easier. All buildings built before 1948 could be listed to guarantee the survival of the majority of our historic and cultural heritage. Consequently, the term "buildings of historic or artistic value" will be applied for very few buildings built after 1948.

- **Historic and artistic values:** Historic value according to Dr. Amiry includes political events, people, historic and social events[20]. Mr. Murillo has defined it as the design style concentrated in a strategic area/s and the age of the building (100 years old)[21]. Dr. Naji defined the historic values of Gaza as the dynamics of society development, social life and beliefs[22]. Mr. Mubied – a historian- defined the historic values as the value that the building gains because of being a place for historic events, and/or because it represents features of historic era/s[23].

Few people had defined artistic value. Dr. Naji said that artistic value could be assessed according to the inclusion of ornaments, proportions, design and relationship between building elements. Dr. Amiry defined artistic value as the values embodied in the interior of the building. Mr. Mubied mentioned the inclusion of specific elements such as arches, column crowns and others. He also added the colours and ornament used. It could be concluded that the major criterion for historic buildings in Gaza is building age. Other criteria are the historic and artistic values of the historic building.

C. Categories of Listed Buildings: Listed buildings in Gaza must be equally protected because they are limited in terms of quantity. There is a need, however, to categorise them for funding and preservation priorities. A further detailed survey will allow the categorising of listed buildings.

D. Listed Buildings Regulations: Regulations must include rules for both listed buildings and adjacent buildings or land including the following:

- The listing of buildings will prevent unauthorised demolition and alterations. This applies to the whole building or to some parts or elements of the exterior and the interior of the building. Listed buildings regulations must also prevent individual steps that lead to fake preservation. The interventions that are carried out by individuals, without supervision by a responsible body, usually lead to a destruction

of the character of historic buildings and areas. Building conservation legislation must control such interventions through licensing and supervising by the administrative framework responsible for conservation.

- Listing rarely insures the building's survival in good repair. In the case of Gaza, because of the scarcity of historic buildings, regular maintenance should be required by legislation.

- For more protection, any long-term conservation policy must be concerned more with fighting causes of deterioration than with repairing its effects.

- Rules for historic building acquisition, compensation and the share in the benefits of development with the owners as explained in section 10.4.2.a of this chapter.

- Regulations must ensure the responsible body's authority to interfere in cases where owners and occupiers disobey conservation regulations.

- Historic building regulations must also include rules for adjacent buildings or vacant land. This includes function, building heights, colours, design style and materials.

10.4.3.2. Listed Building Consents: Because of the proposed strategy of listing, listed building consents should be allowed by legislation. Where there is an application for a listed building consent, a detailed survey is needed. Listed building consents should legally be required for any intervention in a historic property. This might range between the demolition of the building and the alteration of an individual window case. Applications for consents could be applied to the Conservation Unit at the Municipality. Any interventions should be approved and supervised by the administrative framework responsible. The building will be best saved by limiting physical intervention to the minimum. How far one is able to go in achieving this ideal will depend partly on the circumstances of the building.

Four basic design principles underline the more recent international Charters for the conservation of historic buildings. All countries involved have agreed that the intervention in historic buildings carried out under the terms of conservation has to fulfil the following principles:

- Any interventions should be only the minimum necessary for the site's survival.
- Only a minimal loss of the existing fabric is acceptable.
- Any intervention should, as far as possible, be reversible.
- New work should be clearly differentiated from the old.

These principles, together with restoration principles of the Venice Charter, 1964, are appropriate legal bases for the interventions required.

10.4.3.3. Building Preservation: there are many attitudes towards historic building preservation as discussed in earlier chapters. The most relevant attitudes to the situation of Gaza are: anti-restoration, adaptive reuse, authenticity of preservation works, flexibility and tradition.

A. Anti-restoration: anti-restoration attitude is derived from Ruskin's reactions against what observed in the practice of restoration. Anti-restoration means the smallest and careful degree of intervention in the historic building is demanded. A more detailed explanation for this attitude exists in chapter 2 (Section 2.2.1). The prevailing conditions in Gaza make the anti-restoration attitude a relevant alternative. This is because of the lack of historic documents and research for buildings and the successive turbulent history that the city has experienced. This creates pressure to restore buildings as they are without preserving them according to any particular historic style. Continuing maintenance is crucial to the effective conservation of historic buildings. Therefore, The repair of historic buildings includes the structural consolidation of the building, preservation of defaults and building's elements and the prevention of all factors of deterioration such as damp.

B. Authenticity of Preservation Works: preservation works should be carried out in a simple and honest manner, matching existing materials and methods of construction. The essential fact is that the special character of the building is not jeopardised. Two kinds of additions have taken place to historic buildings in Gaza. The first are successive historic additions that should be preserved and exposed to view so as to show the history of the fabric with its successive alterations as distinctly as possible. According to this definition, the materials used in maintenance should be identifiable. The second kind of additions is the interventions that owners had applied to their historic properties. These interventions are mostly carried out by modern alien materials that interrupt the integrity of historic buildings. Consequently, the removal of additions may be acceptable but only where they play no significant role in the commutative architectural or historic interest of a building.

C. Flexibility: one of the main objectives of the conservation strategy for Gaza is the contribution of historic buildings to the socio-economic development of the city. Legislation should allow flexibility to owners, designers and builders in the

conservation of historic buildings without contradiction to the authenticity principles mentioned earlier. Legislation should also allow the change of use according to contemporary needs. Most of the interviewees recommended the re-use of historic buildings. Dr Sha't[24], Dr. Naji[25] and Mr. Khusundar[26] proposed to encourage tourism and tourist-related uses. According to the building typology of Gaza, the following uses could be designated to particular buildings:

Building type	**Owner**	**New proposed uses**
Mosques	*Waqf* (Islamic religious Affairs)	Same
Churches (Only 3 churches)	Christian Religious Affairs	Same
Public Paths (*Hammam*) (Only one survived)	Private	Same
Monuments and landmarks	Public, *Waqf*	Same
Residential	*Waqf*, private	Residential, educational, municipal service, coffee' shops, cultural centres, libraries, and commercial
Commercial buildings	Private, *Waqf*	Commercial, handicraft workshops and restaurants
Public buildings	Municipal, *Waqf*, State	Museums, cultural, public uses and administrative

Table 10.1, PROPOSED USES DESIGNATED TO HISTORIC BUILDINGS IN GAZA. (Source: The author).

The change of use, however, requires new facilities. Installing new facilities requires a great deal of care to keep the original character of the historic building.

The main aim with change of use is the achievement of the best use of historic buildings. Dr. Sha't highlighted the importance of private enterprise in this investment. Therefore, legislation has to be flexible and allow change of use to achieve the maximum benefit of the historic property.

D. Preservation and Tradition: conservation legislation must recognise significant or inherent values attached to historic buildings. Those traditions that are being threatened or destroyed by neglect or new developments must be revived, restored and integrated. Besides traditional values and practices, tradition also is objectified and used to refer to something valuable passed on from one generation to the next.

Most of conservation legislation only concentrates on one part of the meaning of tradition. For example, conservation legislation in Britain, relating to cultural heritage, is concerned exclusively with protecting surviving physical features of the historic environment.

Building conservation in Gaza must include the survival of existing traditions and the revival of lost ones. This includes physical issues like building elements, materials, ornaments and construction techniques. The conservation craftsman has to be guided to understand the history and technology of the craft and be able to analyse how historic work was set out and produced. Building conservation in Gaza must also include other values such as folklore, ways of living and associated social practices and life. The demonstration of cultural traditions is a basic agent to attract tourism. It could be stressed here that one of the aspects that makes Gaza compete in tourism is the demonstration of its special traditions.

In conclusion, four aspects characterise the legislation required for building conservation in Gaza. The first is the protection of all surviving historic buildings built before 1948 and some distinguished buildings built afterwards. The second is to allow the enforcement of maintenance works required for the stability and survival of these buildings. The third is to allow interventions and change of use, but supervised by the administrative framework to ensure the authenticity and traditional values of the historic property. This framework will require the implementation of international Charters and codes of restoration. Finally, legislation has to encourage investment, especially from the private sector.

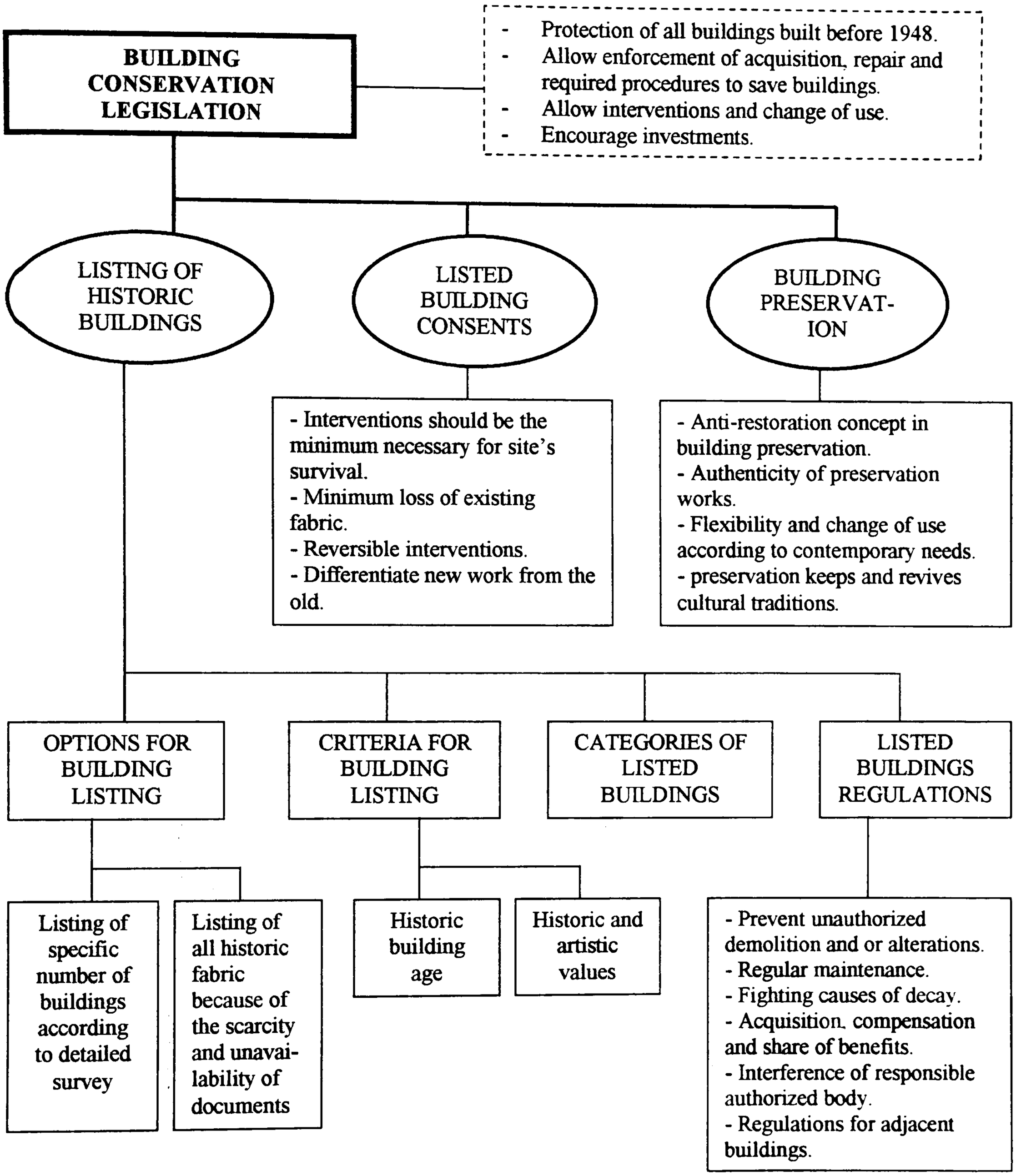


Diagram 10.14, HISTORIC BUILDING LEGISLATION FOR GAZA. (Source: The author).

10.4.4. Area Conservation:

The old town of Gaza used to be a unified organic tissue. Dramatic changes have taken place over the years resulting in the destruction of a large part of this tissue. New developments and roads have divided the old city into different segments. Some of these segments are totally new and others still retain original buildings and streetscape. Other segments are a mixture of the new and the old. Therefore, the old town of Gaza could be classified into two different categories:

- The first includes the few areas that still keep their original character. Those areas should be designated by the Local Authority as "Conservation areas". Legislation should protect these areas from any destructive change.
- The second category is the rest of the old town that contains individual historic buildings. This area also needs to be distinguished from the new parts of the city.

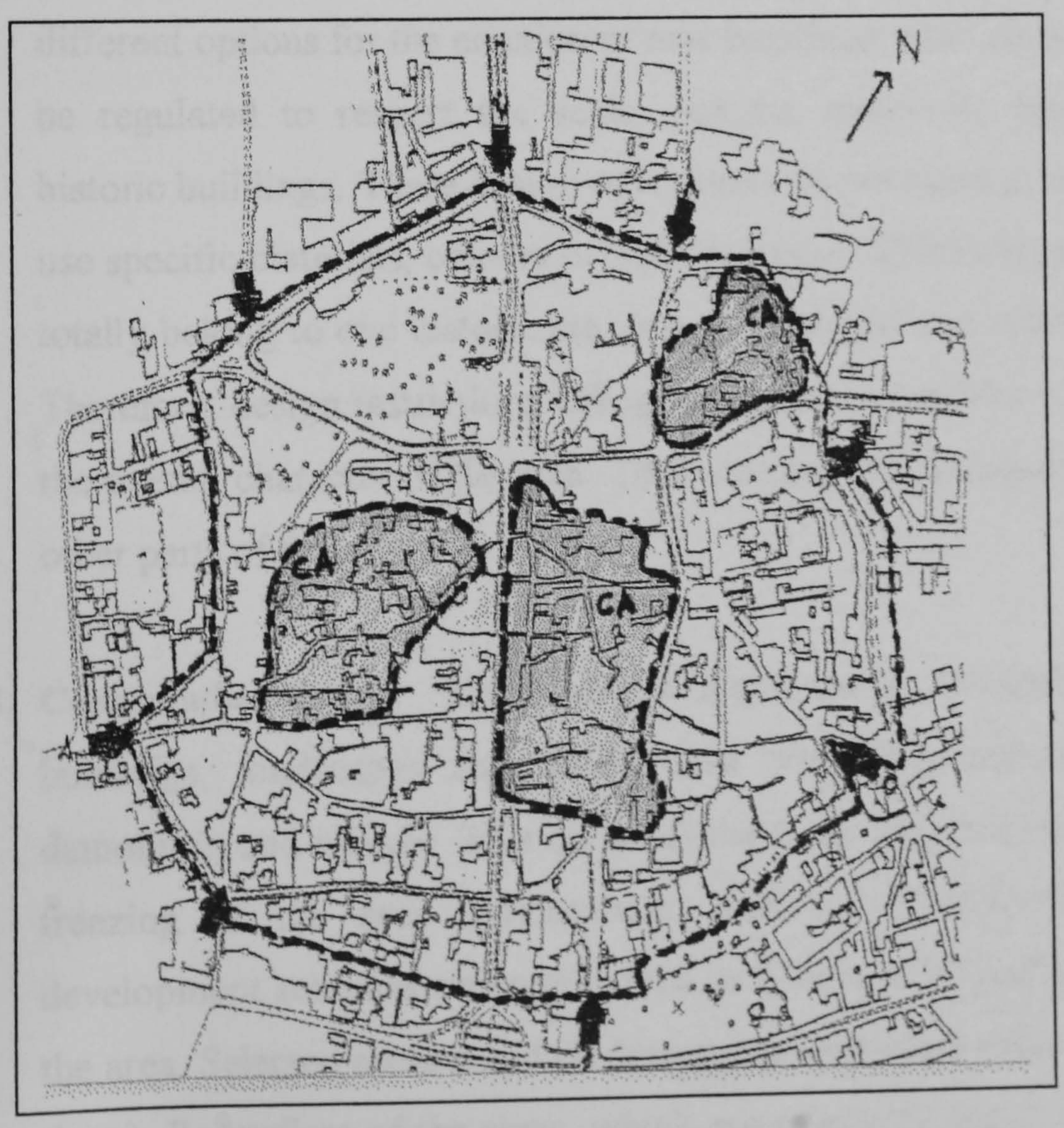


Fig. 10.4. The old town and possible conservation areas in Gaza. (Source: The Author).

10.4.4.1. Categories of Historic Areas: According to the previous definition, Two main categories could be identified:

A. The Old Town: The limits of the old town have to be designated through legislation. The definition of the old town's limits could be undertaken through the development schemes done at the local level that were mentioned earlier in this chapter. Development schemes must also include regulations for buildings and areas within the limits of the old town. The legislation for the old town should include listed historic buildings, unlisted buildings and new buildings proposed within the area.

Unlisted buildings have to be dealt with through the legal procedure. These buildings, although not significant as individual objects, could be important for the overall physical and visual character of the area. Similarly, new proposed building restrictions have to be stated within the development scheme and regulations. This includes the use, height, scale, shape, material, colour and other design principles. This issue was discussed earlier in chapter 3 and shows different options for the erection of new buildings. New designs, however, should be regulated to respect the scale, volume, materials, features and details of historic buildings. These design restrictions do not mean at all the requirement to use specific materials, colours or building styles. This is because the city does not totally belong to one historic era. It was destroyed and rebuilt at different times. Therefore, design restrictions will guarantee the sympathy of new structures with the overall character of the area. They also help to distinguish the old town from other parts of the city.

B. Conservation Areas: Conservation areas mean "protected areas" in which buildings, landscapes and streetscapes are all protected from unauthorised demolition and change. This does not mean, as happened in some countries, the freezing of the area development. Rather it means the establishment of development schemes and regulations as a basis to initiating the conservation of the area. Selected areas could be designated as conservation areas in Gaza (about three). Regardless of the sizes, which are relatively small, these areas still fulfil special criteria that will be explained later in this chapter. Conservation areas could be classified according to the degree of involvement of historic character. Possible grades are A and B. Special regulations could be applied to each

conservation area grade. The following composition could organise regulations for different area grades:

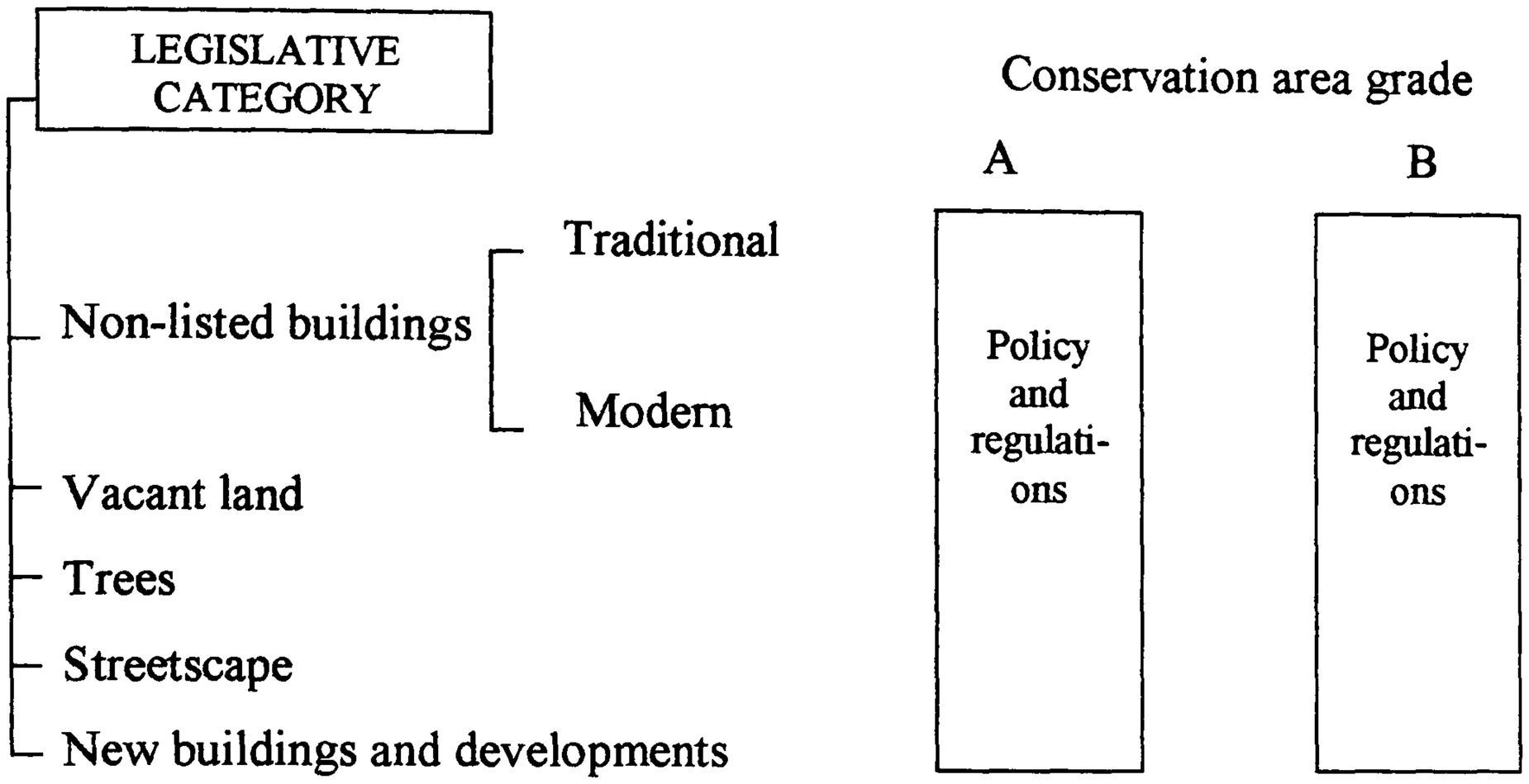


Diagram 10.15, Conservation area legislation composition for different conservation area grades. (Source: The author).

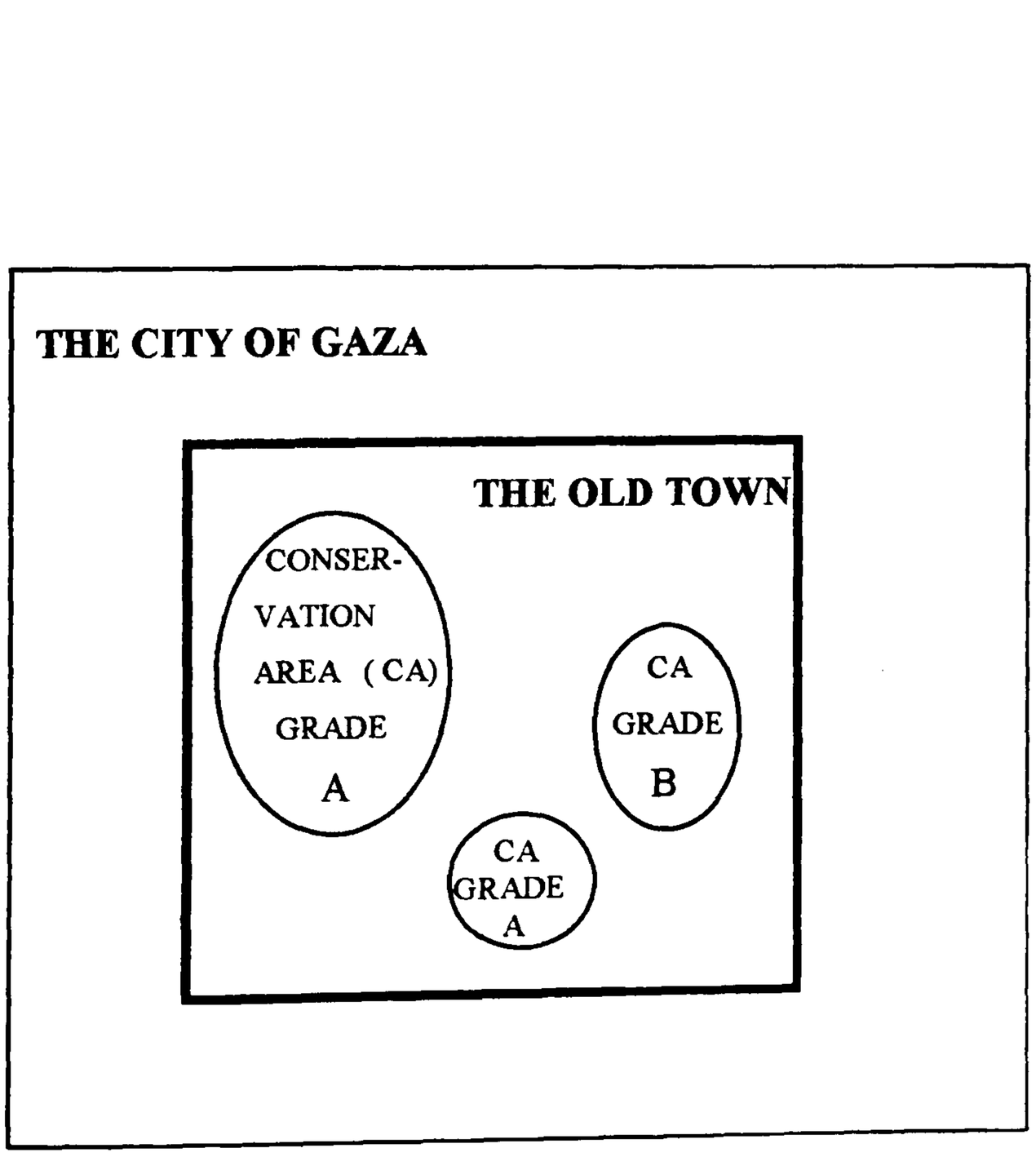


Diagram 10.16, RELATIONSHIP BETWEEN OLD TOWN AND CONSERVATION AREAS WITH THE WHOLE CITY OF GAZA. (Source: The author).

10.4.4.2. Criteria for Designation: this includes the visual appearance in which specific parts of the city in which historic buildings, streets, street furniture and landscape are playing a role in giving the area its historic character. The statutory definition of a conservation area is an area of special historic and architectural interest. Besides, another criterion could be added for the case of Gaza that is the life style and tradition that distinguish one area from another. The following are the criteria for conservation area designation in Gaza:

A. Homogeneity: the homogeneity of the area is an important aspect for designation. Homogeneity does not mean that all buildings in the area are built in specific style, colour or materials. The homogeneity must result not only from the urban grouping in a literal sense, but also from the continued existence of roads, scale of buildings as well as the original massing and urban pattern.

B. Historic and Architectural Interest: another aspect for designation is the historical and architectural interest. This interest lies less in the monumental character of particular buildings making up the group than in the overall quality. This includes the history of the area and different historic eras that it represents. It also includes the area's age, building style/s and distinguished people or events.

C. Traditions and Life Style Involvement: this aspect refers to the traditional and cultural symbolism of an area. Social habits of people: Their celebrations, food, customs, uniform and other folklore issues.

10.4.4.3. Building Control: another legislative aspect for historic area conservation is to control and regulate new buildings and developments. Listed buildings within conservation areas are controlled by listed building legislation while new buildings are controlled by conservation area legislation. This is because new buildings are an important part in the composition of the areas. Three trends have developed towards new building design within conservation areas as explained in chapter 3 of this research (section 3.2). There is a diversity of concepts and attitudes towards the aesthetic problems of introducing new buildings inside or adjacent to a historic urban area. These attitudes range between an accurate copying of different historic styles to the use of new forms using modern materials and techniques.

Despite this diversity, and in order to conserve the character of historic areas, the design of new developments should respect the scale of the urban setting and the

silhouette of the buildings, their proportion and layout to conform to the general scale of the historic area. The total integration of these new structures into the traditional urban setting should be ensured by conservation area legislation.

10.4.4.4. Area Rehabilitation and Regeneration: The conservation areas are located within the old town of Gaza. They therefore, constitute part of the development scheme. Special regulations, however, are needed for the rehabilitation of conservation areas. This will be in accordance with the concept that conservation area legislation must contribute to the socio-economic prosperity of the city. The conservation legislation for Gaza should include the revitalisation of the historic areas. Revitalisation does not only mean the improvement of living conditions, but it also aims to attract developers, tourists and to encourage the overall development of the area. To achieve that, it is necessary to upgrade both physical and social developments:

A. Physical Development: Physical development includes upgrading of different kinds of infrastructure like road pavements, sewage works, car parking, traffic control, lighting...etc. It also includes restoration of historic buildings and streetscape and the development of tourist attraction facilities.

B. Socio-economic Development: Social upgrading includes the introduction of different social facilities in the area. This includes the introduction of required social facilities at both neighbourhood and city levels. Examples for that are museums, cultural centres, children playgrounds, open and green spaces and entertainment facilities. Legislation should also contribute to economic upgrading. This could be achieved by the attraction of tourism, development of tourist related industries, revival of traditional handicrafts and the flexibility and change of uses according to contemporary needs.

10.4.4.5. Protecting the Urban Character: No development may be undertaken within conservation areas unless care is taken to ensure that the original and unique character of the area is preserved. The following elements influence conservation areas' character in Gaza and must be conserved:

- One of the most characteristic elements influencing urban character is the urban pattern. This pattern is special and unique resulting from principles of planning and methods of construction. The geographic location, the visual density of urbanisation,

the formal cohesion, the irregular line of facades, the alignment and shape of roads and the homogeneity of the silhouette play a major role in defining the urban pattern in Gaza.

- The relationship between buildings and green areas and open spaces.
- The third is the formal appearance of the buildings as defined by scale, size, style, construction, material, colour and decoration.
- The forth element is the relationship between the historic town and it's surrounding natural and man-made settings.
- The four elements mentioned describe physical aspects while the fifth element is a spiritual one. The fifth element that helps create historic character of the conservation areas is the role that this area has acquired over time. This role could be social, political, economic, historic or any other non-physical aspects.

10.4.4.6. Legislative Measures: The principles that help create the historic character of the conservation area could become legal through conservation ordinances and planning regulations. The following legislative measures may be applied for the historic areas of Gaza:

CONSERVATION AREA LEGISLATION	THE OLD CITY	CONSERVATION AREAS
ZONING, BULK AND HEIGHT	- Different zones and land uses depend on existing situation. - Restricted height in the area and more restricted near historic buildings. -Restriction of traffic and encourage the availability of parking in the surrounding areas.	- Same land use as before. Allow change according to area development policy. -Very restricted height and massing. - Pedestrianisation and very restricted traffic interference.
LISTED BUILDINGS WITHIN THE AREA	-Same listed building legislation - New uses are allowed. -Flexible listed building consents.	-Same listed building legislation -Restricted new uses (functions relevant to tradition). -Restricted listed building consents.

NON-LISTED BUILDINGS WITHIN THE AREA	-Need permission for major alterations. -Any alterations should be sympathetic with the historic buildings in the area.	-Need permission for any alterations. -Any alterations should be sympathetic with the overall character of the area.
VACANT LAND AND NEW DEVELOPMENTS	-New buildings' designs should be sympathetic with the historic ones and the over all character that the area used to have. -Preferred to be used as parking spaces and other service facilities required for the area. -If adjacent to a historic building, great care should be taken according to building's setting.	-New buildings' designs should be sympathetic with the over all character of the area. -Where it is needed to be cleared or landscaped in order to improve the character or appearance of the area or the setting of a listed building, landscape elements should be sympathetic with streetscape and traditional ones.
STREETSCAPE	-Being a commercial and administrative area, an advertisement regulation needed: Dimension, appearance, colours and location. -Special lighting units sympathetic with the area. -Tree protection and conservation. -Other original streetscape elements should be conserved and ensure new ones are sympathetic with the area.	-Restricted advertisement regulation needed: Dimension, appearance, colours and location. -Special lighting units according to the originals. -Tree protection and conservation. -Other original streetscape elements should be conserved and new ones are sympathetic with the overall character of the area.
AREA REVITALISATION	-Provision of infrastructure required. - Provision of social facilities needed: Schools, cultural centres, libraries, healthcare, kindergartens, children's playgrounds, sports facilities, social clubs, ...etc. -Tourism attraction developments and activities.	-Provision of infrastructure required. -Provision of social facilities needed: Schools, cultural centres, libraries, healthcare, kindergartens, children's playgrounds, social clubs, ...etc. -Tourism attraction developments and activities.

Table 10.2, LEGISLATIVE MEASURES FOR AREA CONSERVATION IN GAZA. (Source: The author).

In conclusion, the inclusion of the old town and the conservation areas into the local planning system is a workable proposal. This would control the designation and the enhancement of conservation areas. The aim is to achieve an overall development of the area that was earlier called "revitalisation". This development should turn historic areas alive and dynamic zones rather than dead and static segments of the city. Not only will this help to improve living conditions, but also it will attract both local and foreign tourism and consequently, contribute to the cultural and socio-economic prosperity of the city.

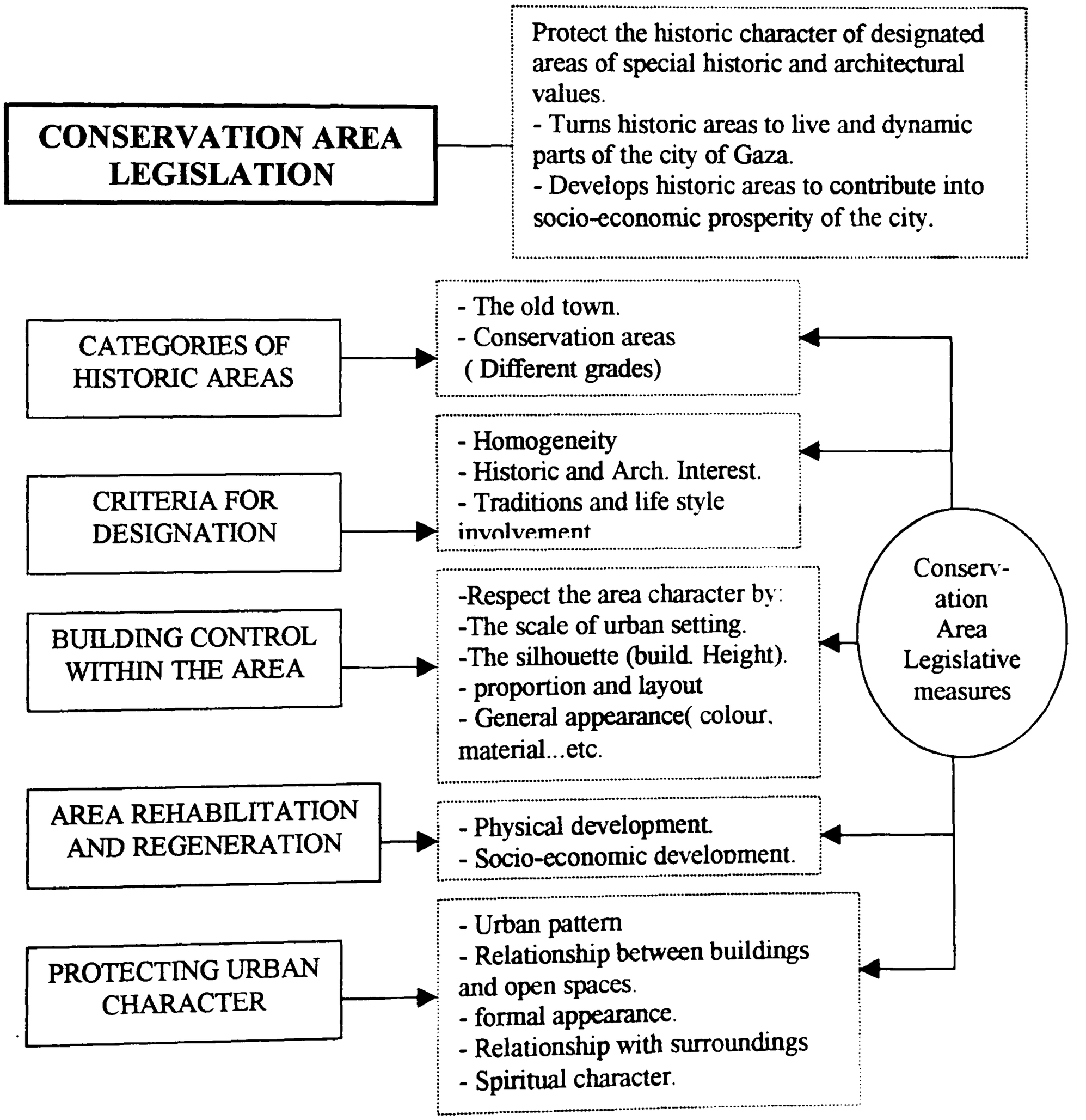


Diagram 10.17. CONSERVATION AREA LEGISLATION FOR GAZA. (Source: The author).

10.4.5. Management of the Conservation Policy:

In spite of the fact that decisions are undertaken based on specialised studies, one of the most frustrating and destructive issues in the policies adopted in Gaza is the conflict between different policy decisions. The contradiction evolves from the implementation of a number of decisions that are adequate on their own, but when applied within one entity they conflict with others, leading to a project's failure. Consequently, legislative measures have to be established to overcome such conflicts. One way to minimise the conflict is to have appropriate management programmes. Management programmes have to be established to guide both initiation, development and implementation processes of the conservation strategy. Management programmes, however, have to be at both national and local levels.

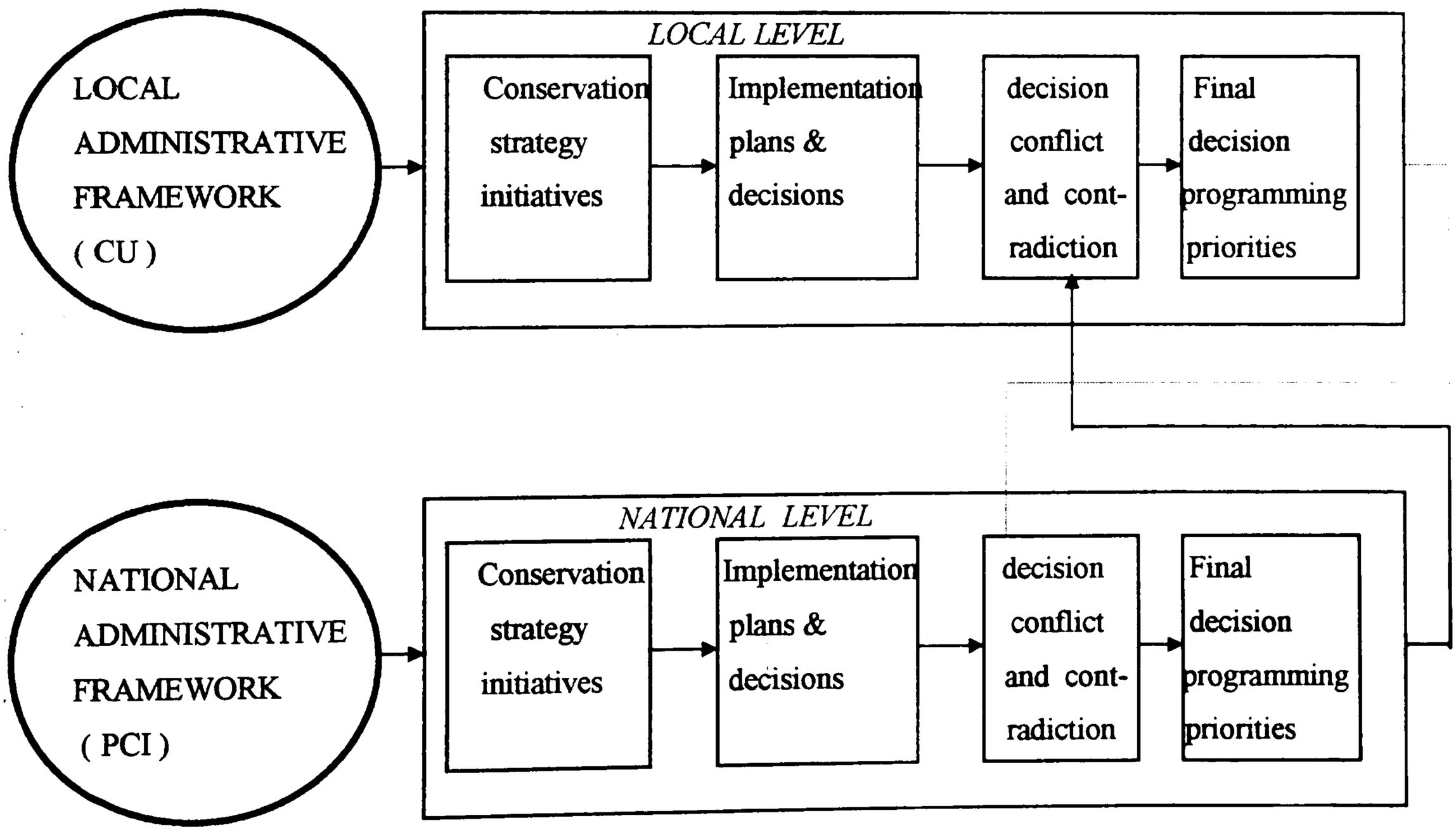


Diagram 10.18, MANAGEMENT PROCEDURES OF CONSERVATION PROGRAMMES FOR GAZA. (Source: The author).

Another aspect that helps to minimise contradiction and conflict has to do with responsibility. Conservation legislation has to involve a detailed description for the administrative framework. This includes the composition of this framework as discussed earlier in this chapter and the duties of every individual member. Job descriptions are also required for different positions involved within the administrative framework.

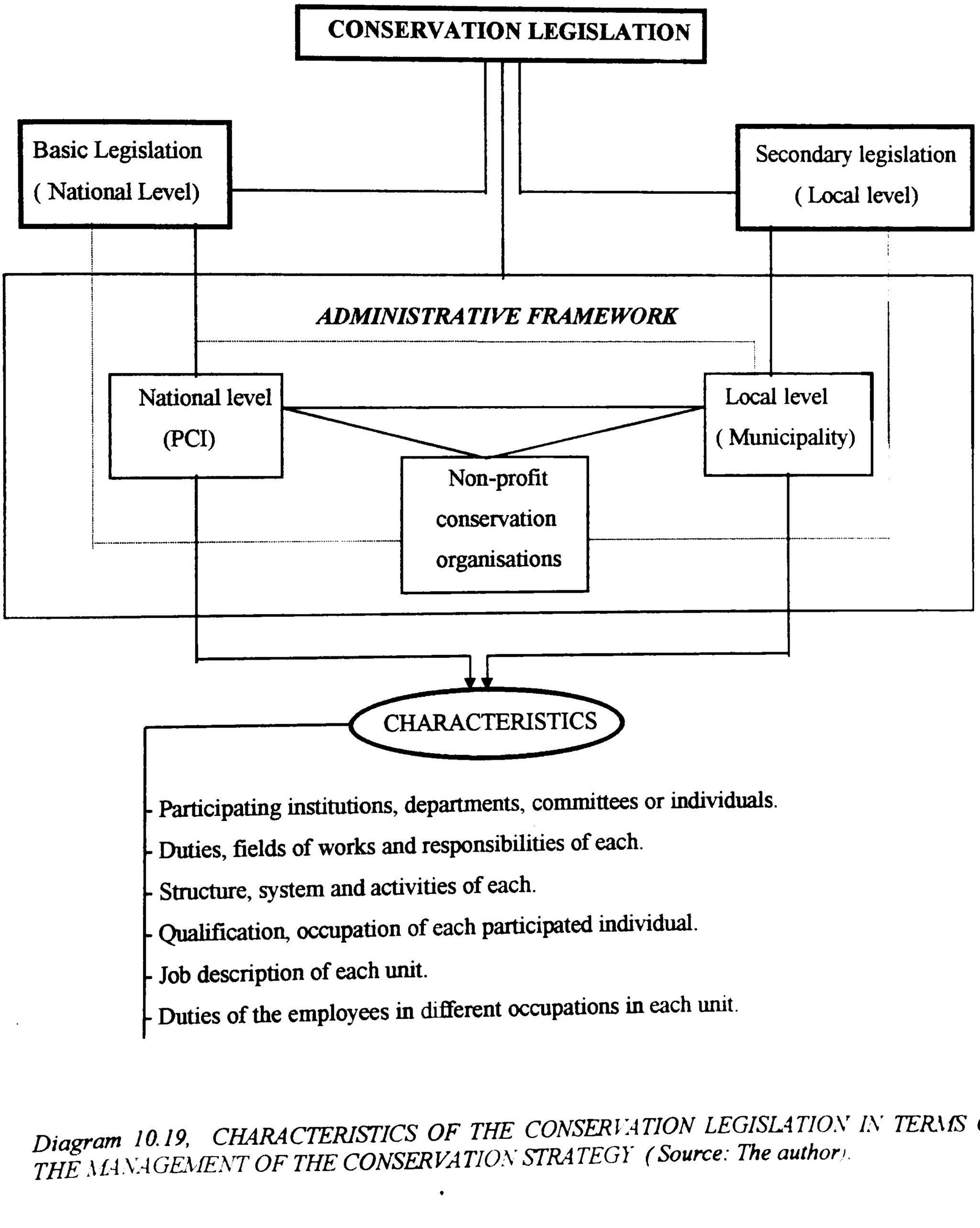


Diagram 10.19, CHARACTERISTICS OF THE CONSERVATION LEGISLATION IN TERMS OF THE MANAGEMENT OF THE CONSERVATION STRATEGY (Source: The author).

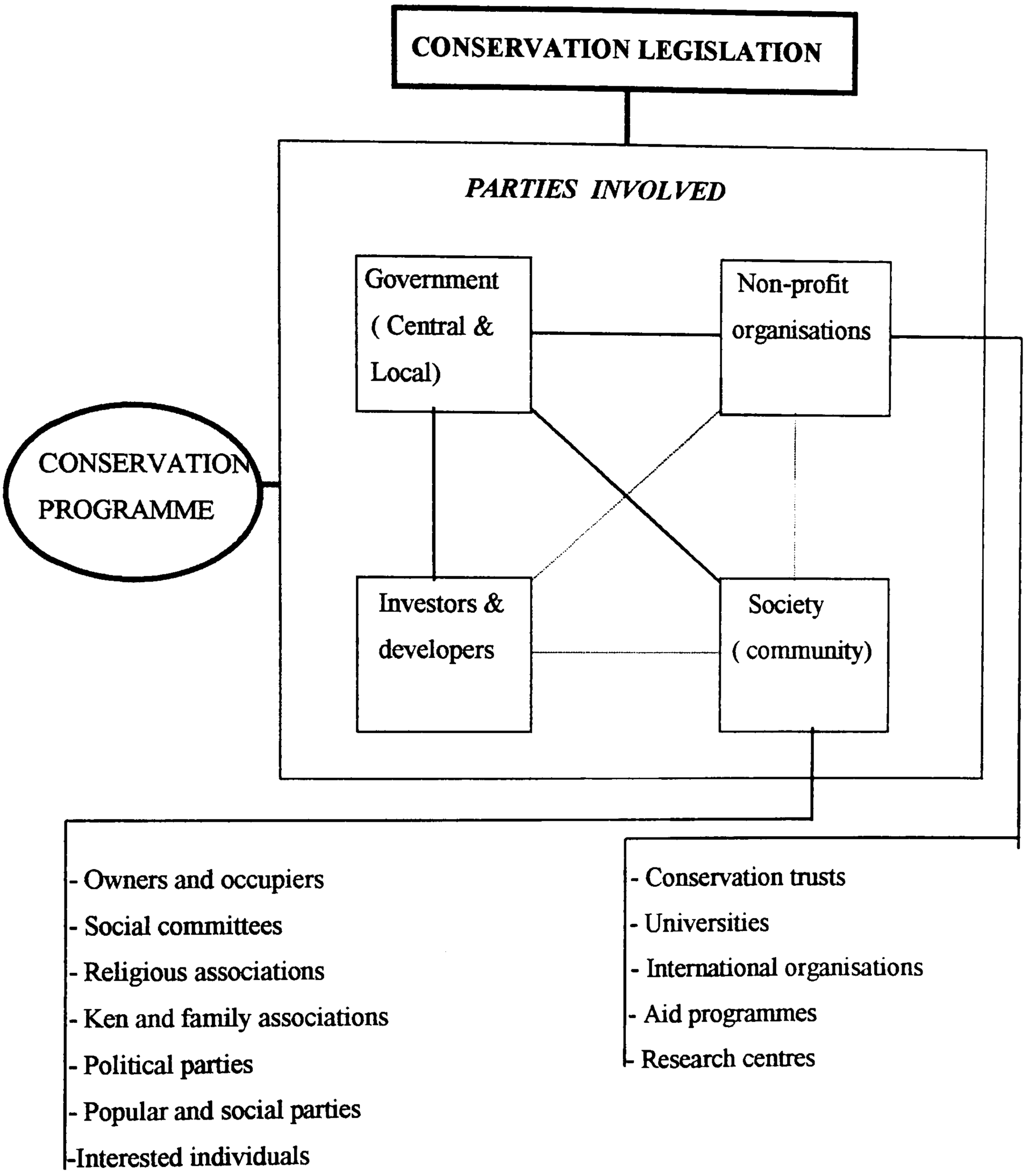


Diagram 10.20, PARTIES INVOLVED IN THE MANAGEMENT OF CONSERVATION PROGRAMMES IN GAZA (Source: The author).

Not only do management programmes have to minimise contradiction and conflict, but they also have to encourage co-operation between different parties. Better management for Gaza is one that would encourage all parties to participate within pre-planned limits. Four parties could play a role in the conservation programmes in Gaza. Each party is supposed to play a specific role without

overlapping (Diagram 10.20). To conclude, legislation has to include the establishment of conservation management programmes. An ongoing co-ordination and co-operation between different parties is required for the success of the conservation programmes.

10.4.6. Finance:

Many conservation legal systems provide grants and loans paid by the central government for the cost of restoring historic buildings and areas of outstanding interest. Finance is also used for other individual historic buildings by local authorities. This is the case in Britain, although there is some criticism of its financial strategy. The criticism is aimed at the tendency of legislation to be largely permissive, allowing local authorities to designate conservation areas, but failing to provide adequate finance for conservation work. Conservation legislation in Saudi Arabia and Egypt give authority to the administrative framework to finance and implement any conservation works required for listed buildings. There is also criticism, especially in Egypt, of the shortage of governmental budgets and other sources of finance.

UNESCO recommendations have stated that member states should ensure that adequate budgets are available for the preservation or salvage of cultural property. In addition, the recommendations state that there should also be the possibility of obtaining additional funds through enabling legislation. Some interviewees, however proposed that authorities finance some buildings and areas in Gaza, as models for the owners and developers to follow.

It is also advantageous for the case of Gaza to use international donations given for the development of the city. These donations come through the World Bank, United Nations Development Program (UNDP), US Aid, European Union Aid and other international individual aid programmes. The donations are usually oriented by the international community towards the rehabilitation and upgrading of living conditions in Gaza. They aim to install infrastructure facilities in different areas, increase green areas in the city and provide educational facilities like schools. Some of the aid is oriented basically to provide job opportunities to lower unemployment. No serious works have been done through unemployment projects although they have great potential. Because of the absence of a conservation strategy in Gaza, non of the aid projects has been oriented to the conservation of historic buildings.

The old town and the conservation areas' upgrading could be designated for budgets from international donations. The upgrading of these areas lies within the objectives of donation aid to the city. Where there is a strategy, it could be applied by the Local Authority or through the Central Government for support. Other sources could be UNESCO and the International Labour Organisation (ILO). Both of them usually provide technical assistance and know-how.

Another financial source for conservation is self-finance. Although important and efficient, self-finance cannot be an effective source in Gaza except in the case of capable institutions like *Al Waqf*. This relates to the existing depression in the economic sector. On the other hand, some existing problems are there in historic areas and buildings. The investment of the positive aspects of existing problems could be a source of finance. Example for that is the illegal mixed land use problem. Owners might be allowed to keep existing uses if they participate in the preservation process.

Another self-finance source is capable people. Economically capable people could be persuaded to buy and preserve historic buildings. This is a way that worked in Jeddah and succeeded in saving a number of historic buildings. Capable people could participate either for the purpose of investment or for cultural interest.

In conclusion, Legislation should give flexibility for attracting different sources of finance. Where there is limited source of finance, this could be utilised according to priorities. It is the role of the management of the conservation policy to define such priorities. The survival of historic buildings is the first priority until there are further funds for development.

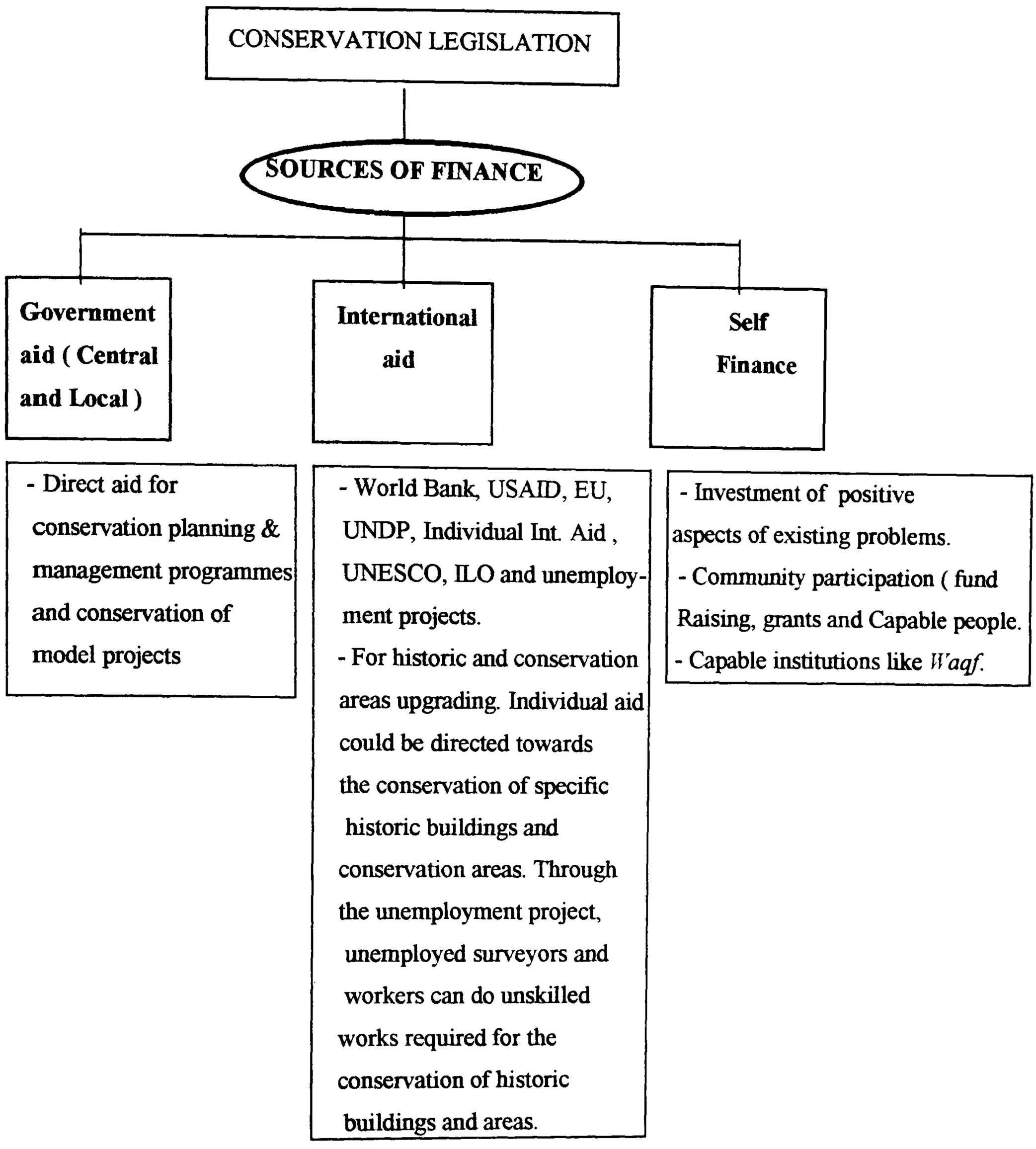


Diagram 10.21, AVAILABILITY OF FINANCE FOR THE CONSERVATION STRATEGY IN GAZA (Source: The author).

10.4.7. Penalties:

The characteristics of conservation legislation mentioned earlier have shown that legislation should be protective and preventive. To fulfil this feature, sanctions against offenders have to be applied. A variety of sanctions have been applied in Palestine and elsewhere. These are fines, imprisonment, enforcement and direct action to repair.

Chapter 3 of 1983 conservation Law in Egypt is concerned with sanctions. Sanctions mentioned differ according to the degree of violation of the act's articles. They range between imprisonment and fines. Similarly, Chapter 7 of the "*Nizam Alathar*" of Saudi Arabia is devoted to sanctions. They also range between imprisonment and fines. The Saudi legislation adds an important and relevant issue. It defines a special court to be responsible for judiciary actions instead of regular existing courts. This is a key issue in Gaza, as the judiciary actions have to be done through regular courts . The unavailability of a specialised court in Gaza for planning laws' execution makes it difficult, in most of the cases, to take urgent action.

All interviewees recommended that conservation legislation for Gaza should be incorporated by preventive sanctions. It should be mentioned here that it is not relevant to consider imprisonment sanctions as the first option. This is because of the prevailing political conditions and the general public attitude towards prisons. For example, it would be difficult for the society to accept the imprisonment of an ex-Israeli prisoner because he or she is doing alteration work to his or her historic building. People would not accept this behaviour from their national government, especially in the beginning stages. Possible effective tools for the case of Gaza could be the following:

- **Enforcement repair actions:** where a listed building requires urgent repair in order to preserve and improve its character or appearance, the owner or occupier should be notified to undertake necessary works under the supervision of the Local Authority responsible within a fixed period of time. If the notified person or institution does not comply with the notification, the Local Authority should execute the necessary works and recover the costs incurred. Enforcement actions of repair could also be applied to remove any unauthorised additions, alterations or change of character to the historic buildings and areas.
- **Fines:** fines could be an effective tool against offenders. The amount of fines should vary according to the degree of violation. Fines could be applied against unauthorised demolition of historic buildings, additions or alterations. Fines could also be applied against the works that change the appearance of historic buildings and conservation areas such as painting, advertisement signage, poster hanging and others. Fines should also be issued in cases of

additions and alterations and change of character of buildings and lands adjacent to historic buildings and sites.

- **Freeze of development:** Since imprisonment is not recommended as the first option, there must be an effective tool to prevent the demolition of historic buildings. Developers can pay the required fine when planning to build a large-scale new development. A workable tool in Jeddah is the prevention of development. If a historic building is demolished, no building license can be issued in the same place.
- **Specialised court:** another workable tool is to have a specialised court for conservation or it could be for both conservation and planning judiciary. This enables the administrative framework to undertake direct and urgent procedures in the cases of offending conservation regulations.

10.5. SUMMARY

The initiation of a conservation strategy for Gaza requires the establishment of an appropriate legislation to guide and govern conservation initiatives. The conservation legislation, however, requires the establishment of both appropriate legislative and administrative frameworks. This will not be well defined except if there are specific aims and objectives that play a guidance and reference role. Therefore, the characteristics of conservation legislation have to be in accordance to the aims and objectives of the conservation strategy for Gaza.

The aims of the conservation legislation have to fulfil the objectives of the conservation strategy of Gaza. This strategy aims to protect the historic heritage and at the same time, encourage its contribution to the socio-economic prosperity. Consequently, the aims of the legislative strategy for Gaza consist of three aspects: To prevent the destruction of historic buildings and areas, to motivate their contribution to cultural and socio-economic development and to enable the intervention of a responsible authority to guide the conservation strategy.

The conservation legislative and administrative frameworks for Gaza require the initiation of secondary legislation that authorises the Local Authority to intervene. The intervention is done through the establishment of a conservation unit and a conservation advisory committee at the level of the Municipality of Gaza. At the same time, basic conservation legislation is required to be established at the national level. A specialised and independent institution is proposed to be responsible for the initiation of basic legislation and to guide conservation strategies in Palestine.

Legislation has to designate duties and responsibilities of institutions at different levels. It also has to set in place appropriate management of conservation programmes. The management of conservation programmes in Gaza has to organise complementary relationship between different partners. At the same time, management should minimise contradictions and overlapping of decisions and duties.

Conservation legislation for Gaza should have features that are easily understood and respected. No law is of much value if it does not have public understanding and respect. Nor is it of much value without finance to carry out its positive provisions. It has to be written in plain and original Arabic language and contains illustrations. Simply written and categorised according to the different aspects of the conservation

strategy. For example, categories such as rules for building conservation, area conservation, management, finance and penalties.

Finally, the mechanisms of legislative and administrative framework require assessment after a period of implementation. The public has to participate in the assessment of both policy decisions and implementation procedures. The attitudes of the public together with the experience of the administrative framework involved will be a good database for amendment and evolution of conservation legislation at the local level. The whole process, however, will be an expanded experience for further conservation legislation at any level in Palestine.

Footnotes:

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2. World Bank, Palestinian Council for Development and Reconstruction, Ministry of Tourism, Palestinian Tourism Sector Planning & Development Project- A conference held to discuss the preliminary proposal, Jerico, the West Bank, 14.4.1999.

3. Palestine Government, "*Kanun Tanzeem Almudun* 28/1936", *Alwaqa'a Alfilistinia*, no. 589, May 5, 1936, amended by Laws 58/1936, 8/1938, 5/1939, 30/1941, 257/1957.

4. Ibrahim, Dr. Abed Albaqi, Director, and Centre of Planning and Architectural Studies, Cairo: Interview on 2.12.1997.

5. Sha't, Dr. Ali, Deputy Minister, Ministry of Planning and International Co-operation, Gaza: Interview on 9.5.1998.

6. Mubied, Saleem, General Director, Palestine National Library, Gaza: Interview on 10.10.1998.

7. Hijazi, Aded Allah, Deputy Minister, Ministry of Tourism and Antiques, Gaza: Interview on 18.5.1998.

8. Murillo, Fernando, head, United Nations Volunteer Team (WHI), Municipality of Gaza, Gaza: Interview on 8.10.1998.

9. Shawa, Aown, Mayor of Gaza City, Gaza: Interview on 9.10.1998.

10. Naji, Dr. Maher, Director, Directory of Policy, Laws and Regulations, Ministry of Housing, Gaza: Interview on 7.10.1998.

11. Amiry, Dr. Suad, Director, Riwaq: Centre for Architectural Conservation. Ramallah, The West Bank, Palestine: Interview on 10.2.1999.

12. Khusundar, Husam, General Director, Director of the Central Planning Committee, Ministry of Local Government, Gaza: Interview on 27.5.1998.

13. Naji, Dr. Maher, op. cit.

14. Shawa, Rawia, Legislative Council Member, Gaza: Interview on 5.6.1998.

15. Parnell, Alan, Building Legislation and Historic Buildings, London: Architectural Press, 1987,. p. 64.

16. Amiry, Dr. Suad, op. cit.

17. Mubied, Saleem, op. cit.

18. Khusundar, Husam, op. cit.

19. Amiry, Khusundar, Shawa, Mubied, Naji, Sha't and Murillo, op. cit.

20. Amiry, Dr.Suad, op. cit.

21. Murillo, Fernando, op. cit.

22. Naji, Dr. Maher, op. cit.

23. Mubied, Saleem, op. cit.

24. Sha't, Dr. Ali. op. cit.

25. Naji, Dr. Maher, op. cit.

26. Khusundar, Husam, op. cit.

CONCLUSION

CONCLUSION

The conservation of historic buildings and areas has become a popular cause in many countries. Although pollution, neglect and demolition still take a heavy toll, more and more buildings are now being 'rescued'. This change in attitude has meant that serious conservation strategies are being put forward to save historic buildings and areas. Most of these strategies have depended on the establishment of appropriate legislative and administrative frameworks to guide conservation initiatives. There are, however, places around the world that are still suffering neglect of their historic heritage. This can be seen not only in the continuing loss of built heritage, but also in the absence of any conservation consciousness, awareness, studies or activities. Gaza, which is a major city in Palestine, is an example of this and is in urgent need of conservation strategies to save its remaining historic buildings and areas.

It was the aim of this research to pave the way for sound architecture and urban conservation initiatives in Gaza and possibly other comparable places. I believe that legislation is one of the most important aspects in the evolution of conservation strategies. The research therefore aimed to find out the role that conservation legislation plays in the initiation of a conservation strategy. An important objective of the research was to help the city of Gaza save its historic buildings and areas.

To fulfil its aims and objectives, the research was organised in the following way: a survey of the relevant literature was conducted (chapters 1-3), the research problems, hypothesis and methodology were defined (chapter 4), the main case study was analysed (chapters 5-7) and comparative case studies were carried out (chapters 8,9) and finally, the conclusions of previous studies were compared to lay out the findings of the research (chapter 10).

The survey of the literature led to two major conclusions. The first is that conservation must be seen as only one facet of a much wider issue. There are many factors affecting the evolution of conservation strategies. These factors are cultural,

ideological, socio-economic, technical and legal. To be effective, conservation strategies must be guided by aspects that are relevant to the area concerned and integrated with wider planning policies, especially at the local level.

The second conclusion of the literature survey is that attitudes to the conservation of historic buildings and areas differ. The most important attitudes to historic building conservation are building restoration and anti-restoration, reconstruction, replication, conservation of the outer skin and conservation re-location. In addition, historic zones of special interest are designated as 'conservation areas'. There are different aspects to the conservation of designated areas, i.e., the enhancement of the character of historic areas, building regulations, area rehabilitation and area regeneration. From the analysis of these aspects I concluded that interventions in historic buildings and areas must respect the original historic character and artistic works of the past, without necessarily adopting a specific date or style which may becomes the conservation aim. I also concluded that the regeneration of historic areas is a comprehensive phenomenon that provides potential for better living conditions for local residents and for enhancing the attraction of tourists. In all cases, adaptive re-use of historic buildings and areas is considered an important contemporary strategy which can contribute to socio-economic prosperity. Therefore, conservation is considered as an asset for controlled socio-economic change that seeks to make the most effective use of resources.

The analysis of the prevailing conditions in Gaza and the different aspects affecting the establishment of a conservation strategy led to a hypothetical conclusion i.e., that protective and incentive legislation and a legislative framework play a major role in the establishment of a conservation initiative for Gaza, where the prevailing inefficiency of institutions makes it preferable to apply conservation legislation through a modified local planning system and a specialised national institution.

A case study method was used for the research which involves three main sources of data. The first is the analysis of the legislative and institutional systems dealing

with conservation in Gaza. This study has shown that there are major deficits in the existing conservation legislation, legislative system and relevant institutional structures, which makes it very difficult to save historic buildings and areas. Therefore, options for conservation legislative and administrative frameworks were proposed.

The second source was a study comparing conservation strategies in cities that have similarities to Gaza, i.e., Jeddah and Cairo. These two cities, and others with comparable conditions, have adopted different approaches to initiate conservation strategies. Most cases which were successful achieved their aims because of the comprehensive character of conservation legislation and because conservation strategies were initiated and implemented at local level by those who understood the real needs of the area under their control.

The third source of data was the individual and group interviews of conservation related specialists and policy-makers. The conclusions of each of the three sources were juxtaposed, compared and measured up on the basis of a comparative assessment to achieve final conclusions.

The findings confirmed the hypothesis. The main conclusion is that conservation legislation has a very important role in the initiation of conservation strategies for cities where there is a continuing loss and neglect of historic buildings and areas. To be effective, conservation legislation should be comprehensive. A comprehensive conservation legislation model must satisfy three criteria. The first is to fulfil the objectives of the conservation strategy for a particular area. For example, if the model is applied to Gaza, it must help to protect historic buildings and areas as a symbol of cultural pride and identity, and to consider them as an essential resource that contributes to the socio-economic prosperity.

The second criterion of the comprehensive conservation legislation model is that it must be established through a legislative framework. Conservation legislation should have features that are easily understood and respected. It has to be written in a common language and contain illustrations. It must be simply written and

categorised to include all conservation aspects relevant to the targeted area, i.e., rules for building conservation, area conservation, management, finance, penalties...etc.

The third criterion of the model is that conservation legislation should enable an appropriate administrative framework to be responsible for guiding conservation initiatives. In the case of Gaza, the legislative and administrative frameworks for conservation require the initiation of secondary legislation that authorises the Local Authority to intervene. At the same time, basic conservation legislation is required at the national level, guided by a national conservation institution. Both legislative and administrative frameworks require assessment after a period of implementation. The public has to participate in the assessment of both policy principles and implementation procedures.

In conclusion, one of the most important aspects of the evolution of conservation strategies where there is a continuing loss of historic buildings and areas is the establishment of a comprehensive conservation legislation model.

The research faced some difficulties which have affected its design and research methodology. One of these difficulties is the lack of local information on the conservation of historic buildings and areas in Gaza. This is represented in the lack of studies, research, experience, public awareness, institutions...etc. This problem, however, gives additional importance to this research as being the first study to deal with the conservation of historic buildings and areas in Gaza.

Another difficulty faced by the research was due to the subject itself. The literature on conservation around the world is vast, and continues to grow rapidly. The lack of conservation initiatives in places where there is a continual loss and neglect makes most of the conservation subjects relevant. If there were previous local studies or experience, this research would have been able to focus directly on specific detailed aspects. This is why I investigated all conservation aspects in order to recognise the most important ones for the conservation of historic buildings and areas. This phenomenon, however, shows the need for further research in relevant topics.

Further research on the conservation of historic buildings and areas in Gaza needs to concentrate on specific topics. One of the topics is the appropriate methods for the documentation of the historic heritage. Documentation is a record of the social history of the building and its occupants, its morphological development across time described in verbal and graphic form, a complete set of measured drawings and a complete photographic coverage. Although these elements are used in many places, there are differences in implementation depending on the conditions of the place and of the historic artefacts. What is thought to be the appropriate documentation model in a specific region would not necessarily be relevant for another place where there are differences in physical, cultural and socio-economic conditions. Therefore, there is a need to identify the most appropriate documentation model for a particular place.

Another research topic is the criteria for defining and classifying historic buildings and areas. This is an important issue, especially at the start of a conservation strategy. Buildings and areas could be defined according to the age, design, style, designer, building materials and techniques, historic values, cultural values and artistic values. A detailed definition of every element should be investigated, i.e., which cultural values are embodied in historic heritage and what are the effects of these factors on conservation policy. Historic buildings and areas also need to be classified into different categories. Buildings and areas are classified into two or three categories depending on many factors such as the national importance, the regional importance, the local importance ...etc.

Policies needed to increase public awareness of conservation are also a major research topic. The state of ignorance, neglect and socio-economic conditions in Gaza and in similar places poses an important challenge of how to increase the awareness of conservation related issues. Education, different kinds of media, seminars, government and non-government conservation organisations and personal contacts are some of the tools that may be appropriate for a particular area.

The lack of public awareness has resulted in the loss of building traditions and handicrafts. It is evident that technical changes in the building industry have resulted

in a reduction in demand for skilled craftsmen. The research of this topic should not only include ways to revive traditional handicrafts, but should also include the ways to adapt traditional handicrafts to contemporary technology and needs.

Technical aspects are of vital importance to the preservation of historic buildings. Technical aspects depend on local conditions and, therefore, need to be investigated in every particular place. Identifying causes of decay of historic buildings and preservation techniques are essential for the investigation of technical aspects. What are the possible natural agents of deterioration that affect the building material and how rapid is their action? What are the possible human causes of decay? The investigation of this topic needs on-site observations and tests of building materials and structures. This is essential for fighting causes of deterioration and for the establishment of technical guidance for historic building preservation.

The topics mentioned are considered important research subjects for the initial stages of the conservation strategy. There are, however, many other research topics that would help in the development of conservation strategies. Examples for research topics are the economics of conservation, conservation and tourism, adaptive re-use of historic buildings, conservation principles and attitudes and others.

The current developments in Gaza are mainly oriented towards the construction of infrastructure projects. In addition, there are some projects that aim to provide the city with recreation places and cultural centres. There is, however, recognition of the importance of tourism as a resource for income. Therefore, a group of tourist developments are being considered. A major project for this purpose aims to develop the Mediterranean Sea-side as a tourist site along the Gaza Strip beach and neighbouring areas. Conservation initiatives could have a place in these development projects whether in a direct or indirect ways. To fulfil this, there must be a strategy for the conservation of historic buildings and areas. The issues mentioned in this research and my role in the city of Gaza will help to implement a conservation strategy in the city.

AFTERWARDS

My current role in the city allows me to act in the following three areas. The first is my occupation as assistant to the Mayor of Gaza for urban planning and building control. This role may enable the establishment of a structure for the conservation of historic buildings and areas within the Municipality. This structure will aim to establish and implement conservation initiatives. It is possible to start work on a detailed plan, regulations and conservation legislation model for historic buildings and areas in Gaza guided by the findings of my research. After approval, these plans and regulations become legal and could be applied as basic guidelines for development in the historic area of the city. Parallel to the work on the plan, the Municipality can propose conservation projects in its annual development plan according to the conservation strategy. A proposal was prepared by the author for the conservation of *AlQassaria* – the old gold market- was submitted to SIDA –A Swedish organisation which funds such projects- through *Riwaq* centre in the West Bank.

My role in the Municipality also enables me to influence decisions on building and demolition licenses. In October, 1999 the Municipality blocked the construction of a new concrete building in front of Al-Ridwan Palace in Gaza (described in Chapter 5). The Ministry of Tourism and Antiquities who owns this historic palace began to build the new building to be used as an administrative and service facilities for the palace. The palace itself was intended to house an archaeological museum. The Municipality stopped the works and decided to demolish the new construction because it was too close to the historic building and would affect its setting. The Municipality proposed to have an open plaza in front of the old building and suggested a conservation plan for the Ministry to follow. I personally played a major role in enforcing the change and now there is a complete co-operation between the Municipality and the Ministry to have this project implemented.

The Municipality could also run a programme for public awareness of the importance of heritage as it did in the successful programmes for cleanliness and water and electricity consumption.

The second aspect of my role in the city of Gaza is my occupation as an elected executive member of the Syndicate of Engineers. I head both the Architecture Committee and the Scientific Committee. The Architecture Committee is preparing a brochure which contains explanations of the importance of the conservation of historic buildings and areas in Gaza. Although the role of the Syndicate is limited compared with that of the Municipality, the Syndicate plays an important role in developing the engineering profession. This fact could be useful if the Syndicate runs special training programmes for the conservation of historic buildings and areas and for the increase of awareness of the importance of heritage among engineers, architects and the public. At some stage, the Syndicate must play a major role in issuing licenses for conservation practice.

The third important aspect of my role relates to my occupation as a lecturer in the Islamic University of Gaza and the ex-chairman of the Architecture Department. My role in the University had already begun when, for the first time, I proposed a conservation project for Bachelor degree students. The student, Ayman Abu Ramadan, who worked on the project got excellent results and now is doing graduate studies in Sweden on the same topic. Similar projects have thereafter been proposed and the subject's popularity is growing amongst architecture students. It is my intention to introduce a regular course in the conservation of historic buildings and areas to the Architecture Department's curriculum. This course will help to raise both theoretical and practical conservation issues. In addition, architecture students are to be advised to conduct research in different aspects of the conservation of historic buildings and areas in Gaza.

I will do my best to place the ideas developed in this thesis in the agenda of relevant authorities. At the same time, I will dedicate a considerable part of my time and efforts in developing an appropriate conservation strategy for Gaza.

APPENDICES

APPENDIX 1

THE RESEARCH INTERVIEW

A future for the past: Architecture and urban conservation of the historic buildings and areas of Gaza, Palestine

Architectural structures are considered symbols of cultural development of nations. They are also evidence of their economic and social development. It is the aim of this PhD study at the University of Glasgow to help save the historic structures and areas in the city of Gaza, Palestine. By mentioning 'save' I do not only mean the protection from the threat of demolition and decay, but also the contribution to social and economic development.

Because of the absence of local participation in development schemes in the past; there is a lack of local studies and theories providing a basis for research. Therefore, research methodology will be based on a case study method involves individual and group interviews of conservation related subjects specialists: Architects, planners, historians, lawyers, archaeologists, administrative, people who play a role in drawing policy of related subjects, owners and occupiers of historic buildings and areas and finally Palestinian academics and professionals interested in such subjects. Consequently, I would like to discuss the following issues with you clearly at the time which we have scheduled earlier:

1- What are the aspects which do you think play a role in establishing a conservation strategy for Gaza?

2- In the prevailing political and socio-economic situation in Gaza the establishment of conservation legislation is considered one of the most important aspects to begin with. Do you:

A- Agree?

B- Disagree? Why?

2- The establishment of the most important aspect is not an aim by itself but rather a tool to establish a conservation strategy. What are the aims and objectives of this aspect and what is the role that it must play?

4- How could this aspect be protective and incentive at the same time?

5- What do you think the appropriate institution to be the most responsible for conservation especially in the first stages:

A- Ministerial level to be responsible for conservation in Palestine. Which Ministry (Planning, Culture, Tourism and Antiquities).
B- Local level (Municipality of Gaza) for both planning, administration and execution.
C- A specialised and authorised conservation institution in Palestine.
D- A specialised and authorised conservation institution in Palestine for administrative and financial aspects and the local level for application.
E- Others (specify)

6- Would it be the same institution for the long run? Please specify?

7- The proposed institution:

A- Has an executive authority only.
B- Has planning and executive authority but the financial authority is centralised.
C- Has both planning, financial and executive authority.

8- What do you think are the criteria to classify and define historic buildings and areas in Gaza:

A- According to the age.
B- According to the design style or designer.
C- According to the method of construction.
D- According to the historic value (specify and define).
E- According to the artistic value (specify and define).
F- Others (explain).

9- For conservation techniques and guidance it is appropriate:

A- To follow the international related charters like Venice Charter for example.
B- To establish new guidance appropriate for our buildings, culture and technology.
C- Others (specify).

10- What kind of legislation do you think is appropriate for Gaza:

A- Strong and protective Laws corporate with penalty.
B- Incentive regulations like financial helps or tax incentives or others.
C- Others (specify).

11- What do you think the best system to apply legislation:

A- Separate Acts with enforcement actions.
B- Regulations through planning.
C- Others (specify).

12- Legislation should be precise and clear to be understood by both the public and the employees applying it. This could be achieved by:

A- It should be written in clear language and incorporated by illustrations.

B- It should be written in clear language and followed by explanatory guidance for execution.
C- Other proposals.

13- Do you think it is appropriate or not to consult the public in all the steps and to give the right for appeal or just to enforce what is thought as appropriate?

Thank you very much for your time and effort
Nihad Almughany

The information mentioned represents my point of view and I have no objection that the researcher uses it in his research or publications.

Name ..... Position .....

Date ..... Signature .....

APPENDIX 2

CONSERVATION CHARTERS AND OTHER INSTRUMENTS

A 2.1. Charters adopted by the General Assembly of ICOMOS:

1964 International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter)

1976 Charter of Cultural Tourism

1982 The Florence Charter (Historic gardens and landscapes)

1987 Charter on the Conservation of Historic Towns and Urban Areas (The Washington Charter)

1990 Charter for the Protection and Management of the Archaeological Heritage

1996 Charter for the Protection and Management of the Underwater Cultural Heritage

A 2.2. Resolutions and Declarations of ICOMOS Symposia:

1967 Norms of Quito (Final report of the Meeting on the Preservation and Utilisation of Monuments and Sites of Artistic and Historical Value, Quito)

1972 Resolutions of the Symposium on the Introduction of Contemporary Architecture into Ancient Groups of buildings

1975 resolution on the Conservation of smaller Historic Towns

1982 Tlaxcala Declaration on the Revitalisation of Small settlements

1982 Declaration of Dresden

1983 Declaration of Rome

1993 Guidelines for Education and Training in the Conservation of Monuments, Ensembles and Sites

1994 The Nara document on Authenticity (Nara Conference on Authenticity in relation to the World Heritage Convention, held at Nara, Japan, from 1-6 November 1994)

1996 Declaration of San Antonio at the InterAmerican Symposium on Authenticity in the Conservation and Management of the Cultural Heritage.

1997 The Stockholm Declaration: Declaration of ICOMOS marking the 50th anniversary of the Universal Declaration of human Rights (adopted by the ICOMOS Executive and Advisory Committees at their meeting in Stockholm, 11 September 1998

A 2.3. Charters adopted by ICOMOS National Committees:

1981 The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance

1982 Charter for the Preservation of Quebec's Heritage (Deschambault Declaration) (ICOMOS Canada)

1983 Appleton Charter for the Protection and Enhancement of the Built Environment (ICOMOS Canada)

1987 First Brazilian Seminar about the Preservation and Revitalisation of Historic Centres (ICOMOS Brazil)

1992 Charter for the Conservation of Places of Cultural Heritage Value, (ICOMOS New Zealand)

1992 A Preservation Charter for the Historic Towns and Areas of the United States of America. (US/ICOMOS)

A 2.4 Other International Standards:

Athens Charter for the Restoration of Historic Monuments (First International Congress of Architects and Technicians of Historic Monuments, Athens, 1931)

Declaration of Amsterdam (Congress on the European Architectural Heritage, 21-25 October 1975)

European Charter of the Architectural Heritage (Council of Europe, October 1975)

UNESCO Conventions and Recommendations

Other Cultural Protection Treaties

A 2.5. UNESCO International Conventions and Other Instruments:

Constitution of UNESCO (1945)

Convention for the Protection of Cultural Property in the Event of armed Conflict (1954)
(The Hague Convention)
commentary on the Convention.

Convention for the Protection of the World Cultural and Natural Heritage (1972)
World Heritage List
List of the World Heritage in Danger
Convention Secretariat

Convention on the Means of prohibiting and Preventing the Illicit Import and Transfer of Ownership of Cultural Property (1970)

Unidroit Convention on Stolen or Illegally Exported Cultural Objects (24 June 1995)

International Cultural Protection Treaties. Multilateral Project. Fletcher School

A 2.6. UNESCO Recommendations and other Standards:

Recommendation on International Principles Applicable to Archaeological Excavation (1956)

Recommendation Concerning International Competitions in Architecture and Town Planning (1956)

Recommendation Concerning the Safeguarding of the Beauty and Character of landscapes and Sites (1962)

Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of cultural Property (1964)

Recommendation Concerning the Protection, at National level, of the Cultural and Natural Heritage (1972)

Recommendation Concerning the Safeguarding and contemporary Role of Historic areas (1976)

Recommendation Concerning the International Exchange of Cultural property (1976)

Recommendation for the Protection of Moveable Cultural Property (1978)

Charter of Courmayeur (1992)

Resolution on Information as an Instrument for Protection against War Damages to the Cultural Heritage (1994)

APPENDIX 3

THE VENICE CHARTER

International Charter for the Conservation and Restoration of Monuments and Sites

Imbued with a message from the past, the Historic monuments of Generations of people remain to the present day as living witnesses of their age-old traditions. People are becoming more and more conscious of the unity of human values and regard ancient monuments as a common heritage. The common responsibility to safeguard them for future generations is recognised. It is our duty to hand them on in the full richness of their authenticity.

It is essential that the principles guiding the preservation and restoration of ancient buildings should be agreed and be laid down on an international basis, with each country being responsible for applying the plan within the framework of its own culture and traditions.

By defining these basic principles for the first time, the Athens Charter of 1931 contributed towards the development of an extensive international movement which has assumed concrete form in national documents, in the work of ICOM and UNESCO and in the establishment by the latter of the International Centre for the Study of the Preservation and the Restoration of Cultural Property. Increasing awareness and critical study have been brought to bear on problems which have continually become more complex and varied; now the time has come to examinee the Charter afresh in order to make a thorough study of the principles involved and to enlarge its scope in a new document.

Accordingly, the IInd International Congress of Architects and Technicians of Historic Monuments, Which met in Venice from May 25th to 31st 1964, approved the following text:

DEFINITIONS

ARTICLE 1. The concept of an historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilisation, a significant development or an historic event. This applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time.

ARTICLE 2. The conservation and restoration of monuments must have recourse to all the sciences and techniques which can contribute to the study and safeguarding of the architectural heritage.

AIM

ARTICLE 3. The intention in conserving and restoring monuments is to safeguard them no less as works of art than as historical evidence.

CONSERVATION

ARTICLE 4. It is essential to the conservation of monuments that they be maintained on a permanent basis.

ARTICLE 5. The conservation of monuments is always facilitated by making use of them for some socially useful purpose. Such use is therefore desirable but it must not change the lay-out or decoration of the building. It is within these limits only that modifications demanded by a change of function should be envisaged and may be permitted.

ARTICLE 6. The conservation of a monument implies preserving a setting which is not out of scale. Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.

ARTICLE 7. A monument is inseparable from the history to which it bears witness and from the setting in which it occurs. The moving of all or part of a monument cannot be allowed except where the safeguarding of that monument demands it or where it is justified by national or international interest of paramount importance.

ARTICLE 8. Items of sculpture, painting or decoration which form an integral part of a monument may only be removed from it if this is the sole means of ensuring their preservation.

RESTORATION

ARTICLE 9. The process of restoration is a highly specialised operation. Its aim is to preserve and reveal the aesthetic and historic value of the monument and is based on respect for original material and authentic documents. It must stop at the point where conjecture begins, and in this case moreover any extra work which is indispensable must be distinct from the architectural composition and must bear a contemporary stamp. The restoration in any case must be preceded and followed by an archaeological and historical study of the monument.

ARTICLE 10. Where traditional techniques prove inadequate, the consolidation of a monument can be achieved by the use of any modern technique for conservation and construction, the efficacy of which has been shown by scientific data and proved by experience.

ARTICLE 11. The valid contribution of all periods to the building of a monument must be respected, since unity of style is not the aim of a restoration. When a building includes the superimposed work of different periods, the revealing of the underlying state can only be justified in exceptional circumstances and when what is removed is of little interest and the material which is brought to light is of great historical, archaeological or aesthetic value, and its state of preservation good enough to justify the action. Evaluation of the importance of the elements involved and the decision as to what may be destroyed cannot rest solely on the individual in charge of the work.

ARTICLE 12. Replacements of missing parts must integrate harmoniously with the whole, but at the same time must be distinguished from the original so that restoration does not falsify the artistic or historic evidence.

ARTICLE 13. Additions cannot be allowed except in so far as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.

HISTORIC SITES

ARTICLE 14. The sites of monuments must be the object of special care in order to safeguard their integrity and ensure that they are cleared and presented in a seemly manner

The work of conservation and restoration carried out in such places should be inspired by the principles set forth in the foregoing articles.

EXCAVATIONS

ARTICLE 15. Excavations should be carried out in accordance with scientific standards and the recommendation defining international principles to be applied in the case of archaeological excavation adopted by UNESCO in 1956.

Ruins must be maintained and measures necessary for the permanent conservation and protection of architectural features and of objects discovered must be taken. Furthermore, every means must bee taken to facilitate the understanding of the monument and to reveal it without ever distorting its meaning.

All reconstruction work should however bee ruled out "*a priori*." Only anastylosis, that is to say, the reassembling of existing but dismembered parts can be permitted. The material used for integration should always be recognisable and its use should be the least that will ensure the conservation of a monument and the reinstatement of its form.

PUBLICATION

ARTICLE 16. In all works of preservation, restoration or excavation, there should always be precise documentation in the form of analytical and critical reports, illustrated with drawings and photographs. Every stage of the work of clearing, consolidation, rearrangement and integration, as well as technical and formal features identified during the course of the work, should be included. This record should be placed in the archives of public institution and made available to research workers. It is recommended that the report should be published.

The following persons took part in the work of the Committee for drafting the International Charter for the Conservation and Restoration of Monuments:

Piero Gazzola (Italy), Chairman
Raymond Lemaire (Belgium), Reporter
Jose Bassegoda-Nonell (Spain)
Luis Benavente (Portugal)
Djurdje Boskovic (Yugoslavia)
Hiroshi Daifuku (UNESCO)
P.L de Vrieze (Netherlands)
Harald Langberg (Denmark)
Mario Matteucci (Italy)
Jean Merlet (France)
Carlos Flores Marini (Mexico)
Roberto Pane (Italy)
S.C.J. Pavel (Czechoslovakia)
Paul Philippot (ICCROM)
Victor Pimentel (Peru)
Harold Plenderleith (ICCROM)
Deoclecio Redig de Campos (Vatican)
Jean Sonnier (France)
Francois Sorlin (France)
Eustathios Stikas (Greece)
Mrs. Gertrud Tripp (Austria)
Jan Zachwatovicz (Poland)
Mustafa S. Zbiss (Tunisia)

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