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Conservation Techniques of Architectural Heritage and Private Property Legal Rights – Case Study Alexandria, Egypt

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Abstract

Conservation projects of architectural heritage primarily aim at preserving the cultural character and protecting the historical and value buildings through a set of techniques/approaches and concepts that deal with valuable urban heritage. These concepts and approaches are sometimes a major obstacle to community development. Thus, for a better understanding of the debate over conservation versus development in terms of ownership and private property legal rights, the study will review the classification of different techniques by applying them at the level of architecture, urban and society. Hence, these have been classified into three basic levels: building, urban and community, whereby policies for each type will be reviewed. These arguments will be discussed within the Alexandrian experience in architectural heritage listing and management. Moreover, the study also explores evaluation criteria of historical and value buildings, clarifying the attempts to conserve the architectural heritage in Alexandria. The study focuses mainly on the conflict between conservation techniques and concept of private property legal rights, and hence, proposing some future measure to address the conflict of interests between conservation on one hand and private property ownership legal rights on the other. In addition, it will present some recommendations for preserving the unique architectural style of the Mediterranean Sea that distinguishes the city of Alexandria. It will also adhere to the remains of this heritage by taking into consideration the legal rights of private property, which can contribute to the conservation techniques of architectural heritage for Alexandria.

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Keywords

Conservation; Architectural Heritage; Private Property; Legal Rights; Alexandria Egypt

1. Introduction

It is noticeable in recent years that there are many initiatives and real endeavors in Alexandria Governorate to conserve and protect the culture of this city. The culture is represented in preserving the historical and cultural heritage of the city; these initiatives and endeavors have followed a period of neglect resulting from the poor economic situation that occurred to the city in the past years (Hanafi, 1993; Alex Med, 2008). This situation has caused a decrease in the resources spent by the state on the projects of development and conservation of the city buildings. This led to a clear violation of the urban and architectural heritage manifested in the historical and valuable buildings that are considered to be a national treasure and a special character of this city, distinguishing them from other Egyptian and international cities (Ministry of Culture, 2010).

Private property legal rights are embedded in the conservation heritage processes practices in many societies worldwide. It is premised on the philosophy of community ownership and benefit/use. However, the legalistic public property concept, where ownership and benefit/use is vested in the State and the people, can only access and use with permission of the State. The State prevents the property owners from benefit/use, which leads to conflict, manipulate the law or even given away the building to external group with minimal benefit or common good for the people (Guiso & Sapienza & Zingales, 2006). Occasionally, this conflict maybe based on goodwill and some societal norms without necessarily any legislation (Hezel & Francis, 2009).

2. Conservation techniques of architectural heritage

2.1. Building level

The building is the basic unit of the urbanization and there are numerous types, which can be classified for the buildings (El Esawy, 2012), each type and classification has its own policy that can be dealt with through the building (as shown as Figure 1):

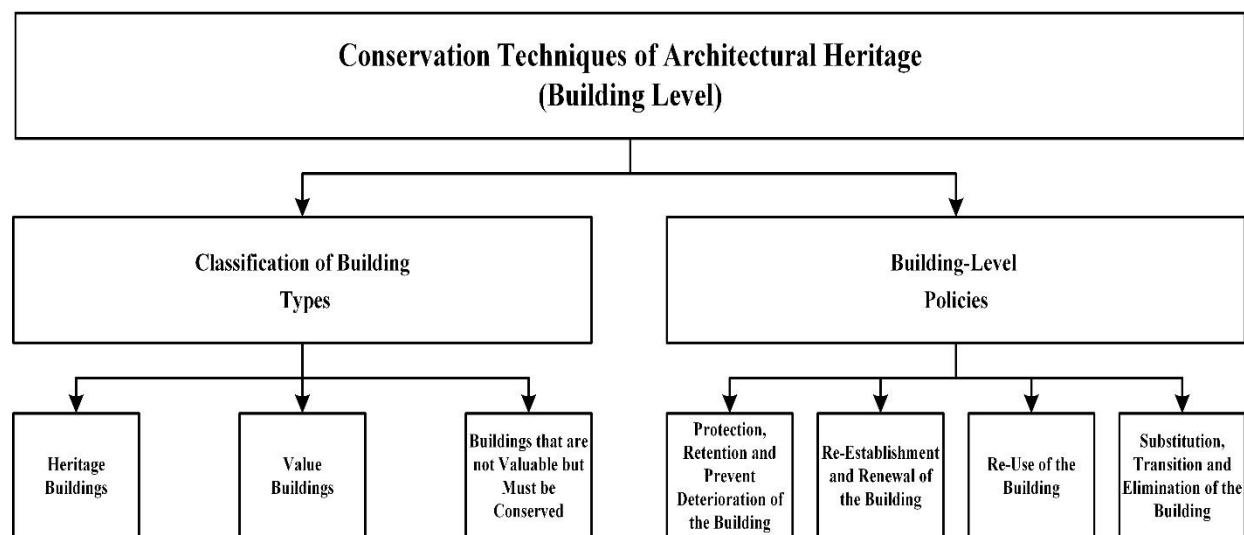


Figure 1: The conservation techniques of architectural heritage – building level (Author)

2.1.1. Classification of building types

Monumental buildings: every property or movable produced by different civilizations or created by the arts, sciences, literature and religions from the prehistoric era and during the successive historical eras until a hundred years ago is considered as a monument. It is considered as a monument when it has an archeological or historical value or significance as a manifestation of different civilizations, or has a historical connection to it as well as the remains of human breeds and their contemporary beings (Harrison & Huntington, 2000; Al-Manshawi, 2013):

Heritage buildings: The total number of buildings, structures and formations, which form the product of what we have inherited from our ancestors and predecessors of cultural achievements and civilization features.

Value buildings: historical buildings, buildings associated with important events, visually distinct buildings of the city or have aesthetic value, visually distinct buildings (landmarks), important buildings in the formation of the public character, buildings with important function or functional value, buildings related to an important figure or symbolic value and buildings with architectural value.

Buildings that are not valuable but must be conserved: existing buildings, which are considered to be an urban heritage and a treasure to be preserved, especially if this heritage has an important significance on the basis that it completes the urban fabric.

2.1.2. Building-level policies

The conservation of the building has three basic determinants through which the policy of dealing with it can be decided. Firstly, determining the main value of the building, i.e. the more important the building, the less freedom of choosing the handling policy; secondly, the current state of the building, i.e. the extent of damage: ruins, poor or good condition; and finally, the purpose or aim of the conservation process whether it is preservation of the original state of the building or the development and modification to suit with the modern era. Accordingly, policies of dealing with buildings can be divided into the following (El Esawy, 2012; Al-Manshawi, 2013):

Protection, retention and prevent deterioration of the building: these include maintenance, preservation and conservation policies.

Re-establishment and renewal of the building: these include restoration, reconstruction, renovation, up-grading, expansion, development and conversion policies.

Re-use of the building: these include the rehabilitation and adaptive reuse policies.

Substitution, transition and elimination of the building: these include replacement, saving and clearance policies.

2.2. Urban level

Urban is the architecture or the continuation of countries by industry, trade and construction. The relationship between man and place is reciprocal. Urbanization is considered as a reflection of the specificity and culture of the society and its features. It is the translation of a set of social relations, and the culture and heritage of society is the basic form that shapes its architecture. The urban environment is defined as the physical fabric that expresses the results of human interaction with its environment, in order to satisfy the material and spiritual requirements of man within the limits of his cultural, social and intellectual background (El Borombaly, 2015). The urban environment consists of all that is constructed and man-made buildings/blocks and spaces (solid and void, and urban patterns), which is the rule governing the relationship of blocks with spaces (El Esawy, 2012; Al-Manshawi, 2013): (as shown as Figure 2):

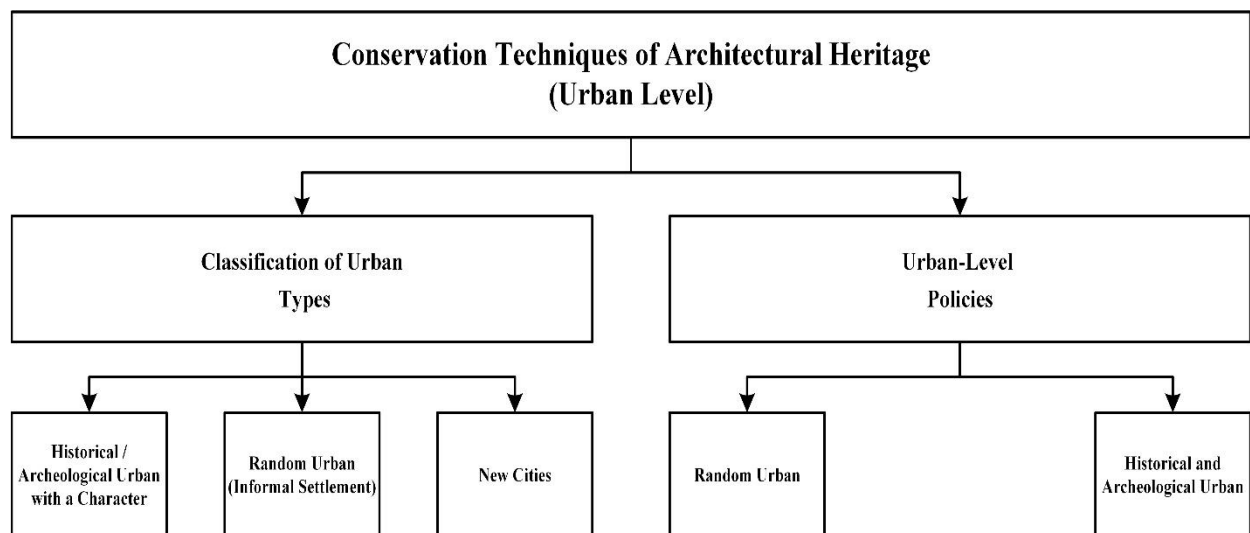


Figure 2: The conservation techniques of architectural heritage – Urban level (Author)

2.2.1. Classification of urban types

Urban is defined as the environment dominated by human additions, its material and non-material products, its human stable climax and its direct ranges (El Borombaly, 2015):

Historical / archeological urban with a character: urban fabric or the heart of old cities where there are many distinctive features that indicate the ancient culture and nature of the users at the time.

Random urban (informal settlement): this is an urban construction that is built without permission or license on agricultural land basins, or built-up areas through actual possession or occupancy by laying primitive materials. The problem of this construction lies in the proximity or overlap of archaeological areas.

New cities: new towns and communities, and governmental and public housing are among the easiest areas to monitor and deal with, as they are pre-planned contrary to the above-mentioned types that grow progressively with no planning.

2.2.2. Urban-level policies

New urban communities: only maintenance and follow-up are required to prevent their degradation or the appearance of infringements in them (Harrison & Huntington, 2000):

Random urban: it varies according to its type, where dealing with built-up areas through actual possession or occupancy applying primitive materials must be by clearance and replacement. This is different from informal settlement, so it is better to deal with it through the policies of up-grading and renovation / renewal. In the worst cases, the policy of clearance and replacement is to be applied.

Historical and archeological urban: this is different in terms of the handling directions with this rare type of urbanization, between conservation and other approaches of development and improvement. This is based on the historical conditions of the region (urban, social, economic, etc.) and according to its location and worldview at the national and regional levels.

2.3. Community level

The community is considered among the most important pillars of conservation. If there is an indigenous community or an authentic craft in a historical place, it must be dealt with especially if it is complementary to the nature of the place (El Borombaly, 2015). Community is the third pillar and complementary to conservation, so the culture of society is reflected in its surrounding urbanization (as shown as Figure 3):

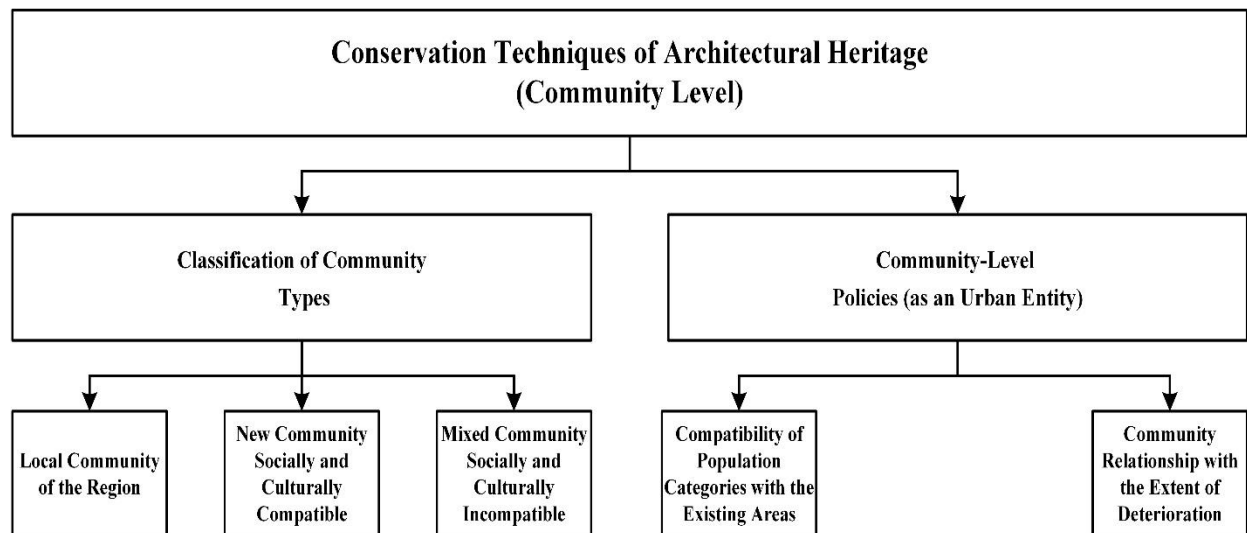


Figure 3: The conservation techniques of architectural heritage – Community level (Author)

2.3.1. Classification of community types

Each type of the classification has its own properties that it adds to its urbanization. If the community changed in some place, this would be one of the imbalance factors affecting urbanization. For example: if a rural community migrates to cities, i.e. to an urban community, this would be considered as an outlandish community, just like extraneous additions to buildings. Therefore, a distinction must be made between the two words community and society (El Esawy, 2012; Al-Manshawi, 2013). Accordingly, existing communities in the archaeological areas can be divided into:

Local community of the region: it is considered as the heritage to be conserved, especially if this community is one of the historical societies that has an integrated role and has a social heritage of traditions and customs associated with it. It contains static and dynamic values reflecting the cultural characteristics of the society that in turn mirrors this architectural and urban heritage (El Borombaly, 2015). Therefore, one of the objectives of conservation projects

in this case is to preserve the original craft and the original community. In this case, we stand among several basic policies; preservation of the original craft, which cannot be moved or the nature of the place cannot exist without it, conservation of the same people inhabitants and artisans of the area, while having effective development control on the addition methods to the workmanship to ensure continuity of life in this area. That is the introduction of modern techniques in the existing crafts but with limits so as not to cause distortion of the general character of the place. In addition, this community can be dealt with through up-grading and rehabilitation to enhance community efficiency. A community can be taught a craft and many non-governmental organizations (NGOs) work to raise the cultural and educational level, i.e. to return to its original craft, but with a modern perspective through which the standard of living and culture of the existing community can be raised (Harrison & Huntington, 2000).

New community socially and culturally compatible: these are the non-indigenous communities in the region but the ones that share many common attributes among them and the indigenous/original community. Otherwise, these communities work to sustain life or re-develop, and re-use of a particular area (El Esawy, 2012; Al-Manshawi, 2013).

Mixed community socially and culturally incompatible: communities that cannot reconcile with the place and the intensity of the phenomenon often occur as a result of migration from the countryside to the cities due to high population density and lack of housing. They form a different fabric that is not homogeneous with urbanization or with the existing indigenous/original community. This community can be dealt with by the gradual replacement policy, which results in renovation / renewal of the community by moving them to other state housings and finding another alternative to the usage of these buildings. For example: the agency, whose primary function was to trade and accommodate traveling merchants, can be worked on by one of two ways; either by restoring its original function as commercial stores (bazaars), or exploiting them in a new use that ensures their survival and renewal by additive reuse them as studios (workshops) and places for artists to sell their paintings and their artistic products in the same archaeological agency. Hence, the gradual replacement and renovation / renewal of community mean that community which does not conform to the place and to be replaced by another community that can be compatible with this place (El Borombaly, 2015).

2.3.2. Community-level policies (as an urban entity)

There are many methods and policies to deal with the community, but compatibility of this community with the place must be identified through observing the extent of the deterioration caused by the community to the urban environment; therefore, the most appropriate policies of dealing with the community can be determined (Harrison & Huntington, 2000):

Compatibility of population categories with the existing areas: the characteristics of the population vary according to their urban areas. If this community is indigenous in the region, i.e. it is the community that has existed since the beginning of this region; this community is more compatible than any other exogenous/outsider community (El Esawy, 2012; Al-Manshawi, 2013).

Community relationship with the extent of deterioration: there are many reasons caused by the community affecting the deterioration of urban areas, including (El Borombaly, 2015):

- Weak perception of the aesthetic or historical abstract value of the building and the inability to translate it into economic value, making some owners tend to distort and destruct the archaeological building deliberately, in order to cause damage that lead to its demolition, selling and benefit from the land.
- Neglecting the necessary periodic maintenance needed for the conservation of this type of buildings.
- Perform careless and distorted maintenance processes of the monument.
- The infringement of the architectural style by changing the building character, through modifying or adding technological innovations without considering the aesthetics of the building.
- Damage caused by misuse of unsuitable function of the building.
- The redundancy of some buildings.
- The socio-economic incompatibility between current users and the original setting of the buildings (areas).

3. Methodology

As the study is exploring legal rights of private property as one of the conflicts that may impede the implementation efforts to conserve the architectural heritage, it will attempt to do so by reviewing conservation approaches of architectural heritage at three different levels: building level, urban level and community level. A number of case studies will then be presented in terms of their property legal rights within the conservation process by analyzing the evaluation criteria of historical and value buildings, clarifying the conflict between conservation of architectural heritage and private property legal rights and the attempts for conserving the architectural heritage in the city of Alexandria. Taking into account the guidance of all local entities to restore areas of historical interest to be preserved, the participation of all parties in the conservation projects to ensure continuity, and the reuse of heritage buildings in other functions that may serve the community. Furthermore, the role of concerned international organizations is to be investigated, as well as the role of private investments in the continuation of these conservation projects, which can contribute to the process of conserving the architectural heritage in its different forms at the city of Alexandria.

4. Case Study preserving the architectural heritage and private property legal rights

4.1. Background of Alexandria, Egypt

Alexandria is the second-largest city in Egypt and a major economic center, extending about 32 km along the coast of the Mediterranean Sea in the north central part of the country. Alexandria was founded around a small, ancient Egyptian town 332 BC by Alexander the Great, king of Macedon and leader of the Greek League of Corinth, during his conquest of the Achaemenid Empire. Alexandria became an important center of Hellenistic civilization and remained the capital of Ptolemaic Egypt and Roman and Byzantine Egypt for almost 1,000 years, until the Muslim conquest of Egypt in AD 641. Hellenistic Alexandria was best known for the Lighthouse of Alexandria (Pharos), one of the Seven Wonders of the Ancient World, and Alexandria Great Library that was the largest in the ancient world. The city was at one time the second most powerful city of the ancient Mediterranean region, after Rome. From the late eighteenth century, Alexandria became a major center of the international shipping industry and one of the most important trading centers in the world (Alex Med, 2008).

4.2. Evaluation criteria of heritage and value buildings in Alexandria

Conservation and preservation of architectural heritage represent a message in preserving the values of public and private properties. These values help to set priorities in the conservation or preservation and maintenance of historical buildings. For example, the buildings that were established in Alexandria during the end of the eighteenth and nineteenth centuries and the beginning of the twentieth century, many architects/artists created beautiful iconic landmarks/memorials that soon chronicle the history of the nation (Abdel Fattah, 2012; Ministry of Culture, 2010), this can be shown in the monument of Saad Zaghloul in 1923, where it stands tall, attracting tourists from all around the world (as shown as Figure 4):



Figure 4: The Monument of Saad Zaghloul, Raml Station - Alexandria (Imgrum, 2018)

The values of public and private property come in three main axes: firstly, emotional values, i.e. admiration of the building, sense of identity or subjectivity, continuity through the ages and spiritual symbols; secondly, cultural values, i.e. documentaries, historical, archeological, architectural, urban, scientific and natural reserves); and finally, usage values, i.e. functional, economic, social, traditional and political (Abdel Fattah, 2012; Ministry of Culture, 2010). For example:

Historical values: a famous owner (resident or beneficiary of the place), rare (according to the place's history) and precedence of construction (the first building of its kind at this time) (Abdel Fattah, 2012; Ministry of Culture, 2010), such as the Egypt Station (as shown as Figure 5), the oldest Railway Station in Alexandria. It was built in the thirties of the last century and was mentioned that the Egyptian Station, in its current form, was opened in 1927 (Part musings, 2015), a pioneer building such as the first municipal council in Egypt, and the old wooden buildings of the fish market in Anfoushi in Alexandria.



Figure 5: Egypt Railway Station Building - Alexandria (Part musings, 2015)

Architectural values: the symbol (the building has an aesthetical character), the style (construction and building by one of the pioneer architects), the materials (materials of construction and building were used for the first time in that era) and the elements of construction (such as handwork ornaments or landscape of rare trees) (Abdel Fattah, 2012; Ministry of Culture, 2010), such as Montaza Palace in 1892 (as shown as Figure 6), the Khedive Abbas II built the palace to serve as a summer residence for his family. Until King Farouk rose to Egypt's throne, the Montaza Palace remained the royal summer residence of the royal family. The beauty of the palace lies in its unique location on the Alexandria beach, where it was built on a high plateau surrounded by gardens and forests on an area of 150 acres. Its architecture combines French and Islamic Ottoman styles, and its gardens include basins of flowers, plants, trees, playgrounds, children's garden, a summer stage and a center for marine sports (Egypt Travel Link, 2004).



Figure 6: Montaza Palace (Montaza Royal Gardens 150 acres) - Alexandria (Egypt Travel Link, 2004)

Functional values: it can be defined as any building performing a certain function for the first time in history (Abdel Fattah, 2012; Ministry of Culture, 2010), such as Collège Saint Marc in 1928 (as shown as Figure 7). It was the first school in Alexandria that taught all pre-university levels at that time. The history of Collège Saint Marc dates back to 1921 when the monks managing St. Catherine School thought that they needed a new school to accommodate the increasing number of students, so they went to King Fouad asking permission to build a new school, and the foundation stone was laid in 1926 on an area vacant of any buildings in El Shatby. The school opened in 1928, and the monks themselves supervised the building and proposed some designs based on their knowledge of architecture sciences (AAHA index, 2008).

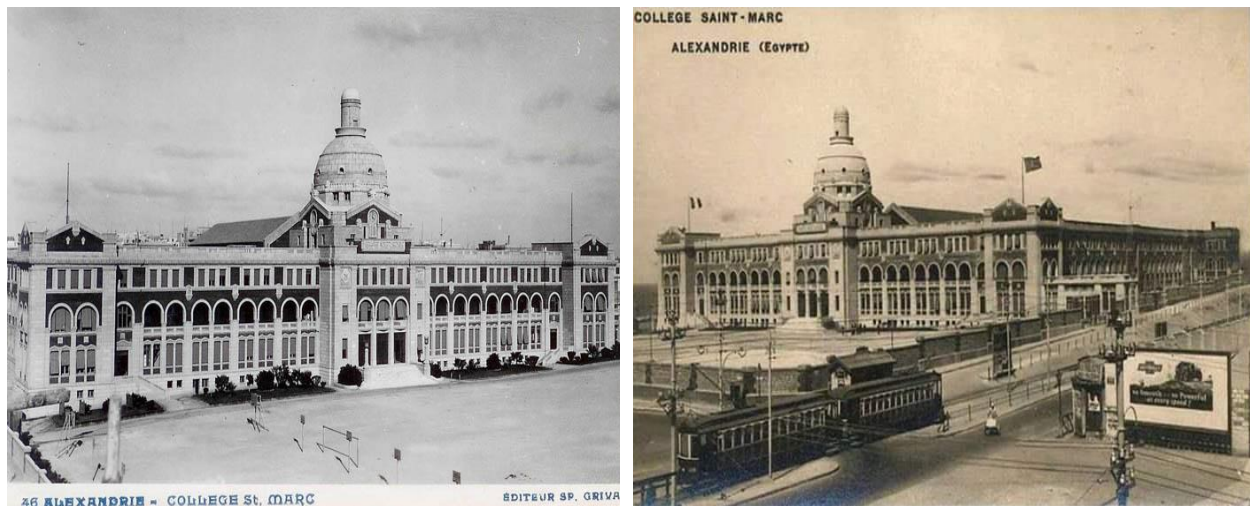


Figure 7: Collège Saint Marc, El Shatby - Alexandria (AAHA index, 2008)

4.3. Conserving architectural heritage and private property legal rights in Alexandria

One of the main problems facing the conservation of heritage buildings is the dispute/conflict between the freedom and legal rights in privately owning these buildings (regardless the civilizational and cultural considerations) and the holding or controlling those buildings through governments (regardless the individual considerations of private property). This adopted the idea of the welfare of the community over the rights of individuals, supported by those advocating the process of conserving the architectural heritage. These are mostly the class of intellectuals and academics. It is clear that these policies are quite unfair to the rights of the owners of those buildings. In addition, it is clear that these policies did not bring about any positive results to preserve the architectural heritage. Rather, they had a negative impact on the plans to conserve the historical and value buildings, which likely outweigh the economical aspect more than the cultural issue in most cases.

Consequently, when evaluating the conservation cases of architectural heritage, consideration should be given to the issue of the private ownership/property of these heritage buildings in order to conserve and preserve them. The main obstacle in the conservation process of architectural heritage is money because the property of those buildings belongs to ordinary people who took the position of defending their legal rights in their own ownership of that heritage and to benefit from it.

Recently, the increase in the value of construction lands in the city and the spread of the increasing temptations of businessmen led the owners of those unique buildings to sell them to some construction companies. As a result, this demolished these historical and value buildings through legal methods and was replaced by residential towers to earn a large amount of money. For example, Villa Checorail in 1930 (as shown as Figure 8) was built by the Art Deco style. It was designed by three of the most famous French architects: Leon Aziman, Jack Hardy and George Park, and was especially famous for the wealthy Checorail and his heirs until the nationalization laws of the 1950s and 1960s were passed and it was nationalized. It has been expropriated to become like the rest of what was nationalized then as the property of the Egyptian state. Regardless of the moral or legitimacy of this nationalization, it has become the property of all Egyptians. Then, in the 1970s, the villa was a presidential residence. Finally, the harsh blow to this wonderful villa comes from a decision issued by a former Prime Minister, removing it from the list of heritage, as

well as removing it from the list of the archaeological / historical buildings of the city (El Mwatin Newspaper, 2016). Thus, there is nothing to prevent its demolition, after obtaining the necessary permits.



Figure 8: Villa Checorail, Ahmed Shawki Street; Roshdy - Alexandria (El Mwatin Newspaper, 2016)

Therefore, it is necessary to think in an unusual way to conserve or preserve such works of unique cultural heritage by taking into consideration the private property's legal rights and the cost of conserving these buildings with the help of the regional and international cultural organizations and communities. This is made to prevent the reoccurrence of disasters against architectural heritage, such as what happened in Villa Gustave Aghion 1922 (as shown as Figure 9). At the beginning of the twentieth-century, Gustave Aghion commissioned the French pioneer architect Auguste Perret to build a villa in the Wabour Al Mayah district in the center of Alexandria, where construction began during this period. UNESCO has listed a number of buildings designed by Perret in the World Heritage List due to their high value to become a heritage for all humanity not for one nation. However, Villa Aghion is listed as a monument within the French architectural heritage only and not on the UNESCO's list according to what was released by sources in the Egyptian Ministry of Antiquities, following a wave of protests in the Alexandrian community on the demolition of the historical villa (News, 2014). The Technical Secretariat for the Conservation of Architectural Heritage in Alexandria warned in a report that "the governorate is facing a historical disaster, after the removal of 43 historical villa, palace and building from the list of heritage in Alexandria, and entering into the preparations for demolition". Unfortunately, the last of these demolished buildings was Villa Gustave Aghion in 2010s.



Figure 9: Villa Gustave Aghion, Ahmed Ismail Street - Alexandria (News, 2014)

4.4. Attempts for conserving the architectural heritage in Alexandria

The possibility of compatibility between conserving architectural heritage and private property legal rights may clearly be demonstrated in the incident of the U.S. Consulate General in Alexandria. The consulate was a royal palace for several decades known as the magnificent Basili Palace 1928 (as shown as Figure 10) on El-Horeya Road (formerly known as Fouad Street), which was a villa of the Greek timber merchant Basili, built in modern Italian style and remained until 1954 and then sold to the U.S. Consulate, which remained until it was bought by the Supreme Council of Antiquities in 1996. It was decided to be closed at the end of the twentieth century and was for sale. A businessman offered to buy it for 22 million Egyptian pounds and to turn it into huge residential buildings. However, the Egyptian Ministry of Culture presented an offer to buy the consulate and use it as a museum for the history of Alexandria. The offer was approved by the U.S. consulate. Although the Ministry of Culture's offer was only 8 million Egyptian pounds, the U.S. Consulate has accepted the much lower price so that this palace again would be used for the noble purpose as (Alexandria National Museum). The Museum mainly focuses on three collections: Ancient Egyptian, Coptic and Muslim, and includes a collection of about 1800 artifacts covering all ages from the Old Kingdom to the modern era and completes the collection contained in the Greek Museum. It remains a rare and unique building of the Mediterranean architectural heritage (Home-SIS., 2016). The incident does not need more comments, but may serve as a message "to whom it May Concern".



Figure 10: Alexandria National Museum (formerly known as Basili Palace), El-Horeya Road - Alexandria (Home-SIS., 2016)

5. Conclusions

The reason for these crimes against the architectural heritage of Alexandria is the increasing cases of selling those unique and value buildings through their owners in an attempt to make money since this is considered as their constitutional right. The government of the July 23, 1952 revolution excluded a few rare cases, where it confiscated a number of villas and palaces used to serve governmental purposes. However, there were some owners who preferred to sell their villas and palaces to banks, companies and organizations suited to their activities. Therefore, it is necessary for the government and the concerned bodies to intervene, in order to conserve these architectural heritage and value buildings.

This intervention is considered parallel to the application of the laws that prevent the demolition or modification of these buildings. Definitely, this must be done by legal means that address the investment and economic companies and the banks by obliging them to use these buildings for the purposes of their departments and companies while ensuring their commitment to regular maintenance without any interference that could damage the value of these buildings.

This proposal can be supported by a legal mechanism/technique guarantees the state to conserve these heritage and value buildings by self-financing, as long as it is done through a team work with high technical capabilities in conservation and preservation fields.

There have been successful examples of major banks, institutions and companies that have stimulated their efforts and strength to support this noble objective in order to conserve this national wealth. At the same time, they support

the private property legal rights for owners of these buildings and compensate them financially in a rewarding, civilized and respectful manner.

Furthermore, increase awareness and motivation for public participation while clarifying the value of those heritage buildings. Likewise, it is also possible to increase the awareness of future generations by adding these concepts and information to educational programs, enabling these children to recognize the importance of conservation and development policies and values for valuable heritage and historical buildings, alongside the following:

1. The importance of increasing popular participation and cultural awareness of the value of Alexandria city architectural heritage to unite the public opinion to face the overwhelming materialistic/economic ambitions prevalent in those days.
2. The importance of adherence to the implementation of conservation laws and policies very firmly, which helps to develop the national wealth and heritage, while updating the inventory and conservation lists of heritage in Alexandria, and activating the role of the conservation committees in the city, such as the Technical Secretariat for the Conservation of Architectural Heritage in Alexandria, and not issuing weak administrative decisions that would lead to the loss of these architectural heritage and value buildings.
3. The importance of amending Law No. 144 of 2006 regarding the regulation of the demolition of buildings and non-fallable buildings and preservation of architectural heritage, and the attempt of filling the existing gaps in its executive regulation, beside the revision of Ministerial Decree No. 301 of 2016 and in coordination with the National Organization for Urban Harmony.
4. The importance of re-reviewing the judgments issued by the Administrative Court of Justice in the last twenty years, which approved the removal of 43 villas and palaces in Alexandria from the Heritage folder/report, while putting a deterrent punishment for demolition contractors when they demolish buildings without obtaining the necessary permits.
5. The importance of creating unusual ways to motivate institutions, major banks and companies to adopt the process of conserving and developing the architectural heritage of Alexandria, through the enactment of appropriate legislations and fair legal settlements for the private property legal rights of the historical and value buildings owners.

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