

# IS THE REHABILITATION OF URBAN HERITAGE OF TLEMCCEN REGULATORY?

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## **Abstract:**

Tlemcen has been the subject of several rehabilitations on architectural and urban heritage supported by ten special restoration plans. These interventions have not produced the desired results, so we wondered about the reasons that led to these failures. To this end, we calculated the rate of applicability, raised their heritage impacts and verified their compliance with the legislation of each era. It turns out that the majority of these interventions have not been completed, some have a negative impact on cultural property and do not respect the legal framework in force.

**Key words:** Rehabilitation, urban heritage, regulation, Tlemcen.

## **Introduction**

Intervention on historic cities is highly complex in view of the economic, cultural, political, social, environmental and heritage issues. This intervention usually takes the form of reconquest or urban regeneration, given the abundance of these patrimonial areas in favor of the periphery which is caused by urban sprawl. It requires a multidisciplinary team and a participatory urban planning, that is to say; the involvement of the population and the associations for its success. On the other hand, it needs a plan to move and relocate the affected population (Munneke and Womack, 2015; Newton and Glackin, 2014; Rossi, 2004).

Its application on the ground also requires a financing mechanism that can be in the form of state subsidies from taxes, aid, national or international grants, loans or compensation. Its investments must also be profitable by promoting land, selling or renting rehabilitated housing, revitalizing commercial and craft activities and attracting tourists. Its economic actions must also avoid gentrification by ensuring social mix and favoring the most deprived strata (Caldeira and Holston, 2015; Cheung and Chan, 2014; Fergusson, 2013; Fernández, 2007).

Its interventions must be carried out with caution because any rapid action on these human settlements risks abruptly, brutally transforming existing conditions or even destroying and removing its heritage forever, hence the need for careful restoration. This prudence is also justified by the importance of these millennial cities because the stratification of the latter was done in a progressive and natural way for several centuries. These cities are also the traces of the knowledge, ways of life and cultures of several generations.

As early as 1931, researchers in urban heritage and international bodies began publishing books, charters, conventions, declarations and recommendations that deal with methods of safeguarding and intervening in historic areas. Examples of this are Giovannoni's book, which proposes to integrate old urban fabrics into town planning plans and directives to be followed for interventions. That of Ostrowski describes the experiences of urban interventions on historical complexes. Finally, the French book which deals with the stakes, the approach and the tools of intervention on the old quarters.

International bodies such as UNESCO and ICOMOS have issued charters such as the 1972 UNESCO Convention, the Amsterdam Declaration of 1975, the 1976 Nairobi Recommendations, the Grenada Convention of 1972 1985, the Washington Charter of 1987, the Morelia Charter of 1999 and the Vienna Memorandum of 2005.

The historic town of Tlemcen, like all the Algerian cities, is getting worse and worse, and its old buildings are abandoned by their owners. This can lead to the proliferation of debauchery and the installation of homeless people. This problem remains despite the adoption of several intervention strategies by the local authorities and which have led to numerous actions on the ground. That is why the research that will follow is to guide those responsible in the field to detect errors made during previous interventions.

### **Problematic and hypothesis**

The urban heritage of the historic city that has gone through time is threatened in its sustainability because of the many problems meet. Degradation and destruction have started during the period of the French colonization of the through several phases urban development and transformation. These deterioration continued during the independent Algeria.

Tlemcen had ten intervention strategies. Despite the ambitions expressed by the different intervention strategies to safeguard and restore the historical heritage of Tlemcen, it seems that they have not been able to move in the direction of an improvement of the urban situation envisaged. We ask ourselves about the implementation of the orientations given in order to understand the current state of the historic town of Tlemcen, hence the following questions:

- Are there any discrepancies between the proposals made by the documents d urbanism and concrete achievements on the ground?
- Are there any intervention strategies that have had negative impacts?
- Are the intervention strategies chosen in line with the legal framework in force at each time?

### **Methodology**

In order to answer the question and verify the hypothesis on the ground, we will compare the achievements on the ground with the proposals described in the planning documents. Then the rate of application will have emerged. It will be equal to the number of

proposals made one hundred times, divided on the total number of proposals. Secondly, we will highlight interventions that have a negative impact on the city's historical heritage.

The rate of achievement of negative proposals will also be calculated for each planning document. It will be equal to the number of inappropriate proposals made one hundred times, divided by the total number of proposals made. Finally, we allow ourselves to check the conformity of the intervention strategies with the legal framework of each period.

## Results and discussion

The intervention strategy of 1960 was established by the French town planner MAUGER. It proposes 43 proposals for intervention, but only 14 have been implemented, ie an application rate of 32.56%. In addition, of the 43 proposals, 35 are considered inappropriate. Fortunately, only 9 of them were realized on the ground. That is to say a realization rate of 64.28% of the 14 proposals made. This strategy, which includes a large number of negative proposals for intervention, was drawn up by the French colonial administration. Unfortunately it was renewed by the Algerian authorities after the independence of the country in 1962 under Law No. 62-157 of 31 December 1962 for the renewal of the legislation in force on 31 December 1962.

Among the unfulfilled negative proposals of this strategy, we can mention the remodeling and restructuring of the Islamic quarters of Ouled Sidi El Imam and Bab El Hadid. Many buildings dating respectively from the 14th century and the 16th century would have been destroyed. They would also have touched on the authenticity of the places by reconfiguring the radioconcentric urban fabric into a checkered pattern with the Haussmannian and shaking up the experience of the spaces and the social ties woven between neighbors.

These proposals were made despite the fact that the first quarter houses a mosque classified in 1905 by the French administration and that the renewed law No. 54-1160 of November 21, 1954 modifying the decree of September 14, 1925 on the historical monuments in Algeria in Article 1, to the protection of the Muslim heritage. Stretching, widening and building the streets would have upset the traditional functioning and morphologically transform the old urban fabrics by demolishing traditional Islamic buildings and French ramparts.

These proposals of encroachment would have violated article 9 of the renewed law of 31 December 1913 on historic monuments which prohibits the demolition of buildings in good condition of historical character. The sites of the town hall and the municipal services would have eliminated the French Cavaignac square of the 19th century because this type of space is considered a witness of the history and the collective identity. This proposal violated Article 13 bis of the 1913 Act, which prohibits the construction of new buildings on a historic site which will cause its disappearance.

Among the proposals put forward in the field and which have negative impacts, we will mention the achievements of the roads, equipment and subdivisions that have encroached on the archaeological areas. Agadir dating from the Berber-Irish period, Sid Senouci dating from the Zianid period, Mansourah in 1900, and El Eubed Essoufli in 1905, both of which date back to the time Merinid. These encroachments are in contradiction with Article 4 of Law No. 54-1160 which prohibits any deep transformation of the soil in places containing historical vestiges. These urban actions also seriously neglect the history of its sites.

During this period, there was an intervention on the colonial urban fabric by the incorporation of a fire station in a French settlement area. This one disfigured the place by its architectural style and its morphology. Its function is also incompatible with the residential function of the neighborhood which dates from the beginning of the 20th century. This action also violated Articles 12 and 13 of the renewed law of 3 April 1958 instituting the Urbanism and Housing Code, which relate respectively to the compatibility of the functions to be integrated into the historic urban fabrics and to the respect of the characteristics architectural features of neighboring buildings.

Actions to improve traffic have also created more disadvantages than advantages in view of the small size of the bus station. This equipment was installed within 500 m of the French rampart and the Bab el Hadid Islamic control tower, which is in contradiction with Article 1 of the 1913 Act. the history of the French presence by the destruction of all the urban gates which date from the 19th century, which hardly solved the problem of circulation which was the objective of the actions.

Finally, the realization of residential dwellings in a modern style with an R + 5 template next to Islamic-style buildings with an R + 1 template disfigured the premises, given the morphological and stylistic duality of the buildings projected with those existing. These cities were carried out in breach of the law since they did not respect the 500m easement. Indeed, the city of the alley of the pines is attached to the colonial stone ramparts built themselves on adobe ramparts dating from the Zianide period. The cities of Rhiba and Metchekana built respectively 10 m and 30 m from the medina. The city of Sidi Lahcen was built by shaving a historic quarter that dates back to the 14th century.

The strategy of intervention of 1964 was established by the Direction of the Culture of Tlemcen. It presents five proposals for intervention that have been carried out at 100%. It does not present any actions whose impact would have been negative on the heritage because this strategy proposed only interventions to restore monuments.

The intervention strategy of 1966 It was established by the BET SOFRED. It presents 29 proposals for intervention. Only 2 of them were actually carried out, ie an application rate of 6.90%. This strategy contains 6 proposals that would have had a negative impact on heritage.

Unfortunately, two of them were realized on the ground. That is to say a rate of achievement of 100% of the proposals made.

Among the unrealized negative proposals is the intensification of the historic district of Agadir, which would have encroached on an archaeological zone and violated Article 38 of Ordinance No. 67-281 of 20 December 1967 on excavations and protection of historic and natural sites and monuments, which prohibits any demolition or modification in archaeological areas. As well as the densification of the historical districts of Sidi El Haloui dating from the Merinid period, El Hartoune and El Kalaa inferior that date from the French colonial era that would have destroyed historical buildings of inestimable value. These areas were saturated and had constructions with an R + 1 template. These proposals constitute an infringement of Article 41 of Ordinance No. 67-281 which prohibits the demolition of buildings in good condition and the construction of new buildings in historic sites.

Among the negative proposals that have emerged on the ground, we will note the construction of residential buildings with an R + 4 gauge at Metchekana level with a modern architectural style within 500 m of the traditional medina. It spawned a duality and disfigured the historic site which presents traditional houses in the Moorish style and whose template is R + 1. This action violated Article 22 of Ordinance No. 67-281, which provides for a minimum easement of 500 m. Finally, the conversion of the Saint Michelle Catholic Church into a polyfunctional center for artistic, administrative and commercial exhibitions. Its cover by massive reinforced concrete blocks disfigured this 19th century French historical work, in the Neoroman style, encroached on a place of Christian worship and touched its authenticity.

The 1977 intervention strategy was established by the MHT BET. It presents 25 proposals for intervention, 11 of which were carried out. An application rate of 44%. The strategy presents 16 proposals that have a negative impact, 9 of which have been realized on the ground. This represents a realization rate of 81.81% of the 11 proposals made.

Among the unrealized negative proposals we will note the densification of the colonial urban center and the old medina which were already saturated as well as the archaeological zone of Agadir. They have encroached on and transformed historical areas, which is contrary to Article 38 of Ordinance No. 67-281 and Article 8 of the ICOMOS Charter of 1979 for the Conservation of Historic Places and Properties of cultural value (adopted at Burra).

The development of car parks within the historic urban core and the establishment of the bus station would have caused more mechanical traffic. These proposals are in contradiction with the 1976 UNESCO Recommendations on the Safeguarding of Historic and Traditional Settlements and their Role in Contemporary Life (adopted in Nairobi) which promote pedestrian traffic in ancient urban fabrics. They would also have made disappear the colonial place Cavaignac, the Almoravid citadel of El Mechouar of the 11th century and the French

barracks of the hunters of the 19th century. While the recommendations cited above prohibit transforming and affecting inappropriate use, which may affect the authenticity of the site.

Among the negative proposals made, we will mention the implementation of numerous projects which have led either to demolitions and encroachments on historic spaces or to the disfigurement of the site. Thus, the polyvalent high school and the collective housing of the Algerian military transformed and disfigured the French barracks Bedeau by the demolition of some old buildings and their replacements by new buildings. The Department of Town Planning and Construction which was built on a part of the Place Cavaignac. The house of culture that was realized by demolishing the remains of the French barracks Gourmala. The cadet school of the Algerian revolution which encroached on the archaeological remains of the citadel of El Mechouar. The annex of the town hall of the French quarter of El Hartoune which is glued to the zianides ramparts. The headquarters of the agency of the Algerian insurance company SAA which was carried out by demolishing a colonial construction in full historical center.

All these actions and interventions were carried out in violation of Article 22 of Decree No. 75-110 of 26 September 1975 governing the construction of buildings under Ordinance No. 75-67 of 26 September 1975 on building permits and a subdivision permit that prohibits the construction of any building that damages historic sites. In addition, the military wasteland was reconverted by reusing the old historical buildings as was done in the FATE project. Finally, the bus station project, which was carried out in front of the medina and which tramples the servitude zone of the 500 m like the one of Bab Wahran's collective dwelling which is in front of the French colonial ramparts.

The 1996 intervention strategy was drawn up by the Tlemcen Directorate of Culture. It presents 19 intervention proposals, 16 of which were carried out. That is an application rate of 84.21%. The strategy does not present any action whose impact would have been negative because all the proposals were restoration works of historical monuments.

The 1998 intervention strategy completed in 2007 was drawn up by the ANAT National Agency for Land Management. It presents 44 intervention proposals, 16 of which were carried out. That is an application rate of 36.36%. 24 of them have a negative impact on heritage, 12 of which have been realized on the ground. That is to say a realization rate of 75% on the 16 proposals made.

Among the negative proposals not realized, we will note the installation of a parking lot in Bab Djiad which would have created more traffic and disfigured the place. This site is located in a colonial zone in front of the medina of Tlemcen, where the buildings have a template of R + 1. In this context, the 1987 ICOMOS Charter for the Safeguarding of Historic Cities (adopted in Washington) recommends the development of this equipment in an area that does

not disturb traffic. The construction of such a building which exceeds the height of the surrounding buildings constitutes an offense against section 6 of Act No. 90-29. The extension of the pine alley to the 24-meter boulevard would have caused the demolition the southern French ramparts and the encroachment of the barracks of the hunters and Bedeau. This constitutes an offense against section 69 of Act No. 90-29. In addition, its industrial and military wastelands should be reinvested and upgraded.

Among the negative proposals made, we will cite the demolition of many buildings dating from the French period to replace them with new public facilities. There was the demolition of the Bab Djiad flour mill, which is being converted into a tax center, the former military subdivision of El Mechouar, which has been converted into the second Algerian military region and the barracks hunters from Africa who are converted into medical schools. These demolitions of constructions in good condition contravene article 69 of the law No. 90-29 of December 1, 1990 relating to the planning and urbanism which prohibits the demolition of historic buildings except those that constitute a risk and whose " the competent services is required.

The achievements of the Olympic swimming pool, the Palace of Culture and the Center for Andalusian Studies have been established by breaking Article 17 on the servitude of Act No. 98-04 of 15 June 1998 on the protection of the cultural heritage which repeals Ordinance No. 67-281, as these buildings are located within 200 m of the Mansourah ramparts. This is also the case for the new recruiting office of the national People's Army, which is located next to the French ramparts and the border of Bab El Hadid. The encroachment on the historic sites by the installation of two cable stations at the French barracks Bedeau and the large Zianide basin disfigure the premises and constitute an infraction against article 4 of Law No. 90-29 which prohibits any construction in historic and archaeological areas of buildings whose function would be incompatible with the place. The development of a Moorish-style water jet in the French plaza Cavaignac also affects the authenticity of the place that Article 4 of the 1994 ICOMOS document on authenticity (adopted in Nara) requires respect.

The construction of the hoppers of Bab Wahran, Makhoukhe and Bab El Quarmadine caused cracks in the neighboring Islamic ramparts. In addition, during the construction of the Bab Wahran hopper, fragments of the old door were discovered. The site was not stopped, deflected and no excavations were carried out. This constitutes a breach of Article 18 of Decree No. 83-699 of 26 November 1983 on road clearance and the UNESCO Recommendations of 1968 on the preservation of cultural property endangered by public or private works (adopted in Paris). Finally, the late layout of the western entrance of the intramuros town with Roman arches that have nothing to do with the neoclassical and Moorish styles that characterize the historical core of Tlemcen, which has affected the authenticity of the place, as Articles 18 and 23 of the UNESCO Memorandum of 2005 on World Heritage, Contemporary Architecture and Management of the Historic Urban

Landscape (adopted in Vienna) recommend respectively the authenticity and enhancement of the periphery of cities by fundamental elements which will enable the recognition of the latter.

The 2001 intervention strategy (a) was drawn up by the ANAT National Agency for Land Management. There are 110 intervention proposals, of which only 11 have been implemented. That is an application rate of 9.09%. 9 proposals were judged to have a negative impact on heritage, 3 of which were implemented on the ground. Either a 27.27% realization rate of the 11 proposals made.

Among the unrealized negative proposals is the conversion of two ruined traditional houses into a plot at Rhiba, which would have eliminated two witnesses of Zianid architecture. These houses should have been proposed for an identical reconstruction as stipulated in Article 75 of Decree No. 91-176 of 28 May 1991 laying down the procedures for the appraisal and issuance of the planning certificate, the subdivision permit, the certificate of division, the building permit, the certificate of conformity and the permit to demolish or leave as archaeological remains and not demolish them. Other interventions proposed in the framework of this strategy contravene Article 69 of Law n° 90-29. The latter are the demolition of traditional houses to widen the streets of the brothers Allali and beautiful trellis as well as the destruction of a French rampart to open a way to the East Mechouar.

The construction of the parking lot at Bachir Ibrahimi square and the boulevard colonel Lotfi would have generated a heavy traffic and eliminated the place of victories and a flour mill that date back to the French era. Among the proposals made concrete on the ground we will note the construction of a shopping center in the Bab Zir district instead of a traditional house dating back to the Almoravid period. The realization of this building goes against the current issue of the medina, namely the substitution of the residential function by the commercial function. In addition, the building is poorly integrated with the site in relation to its size, morphology and architectural style, which constitutes an infringement of section 6 of Act No. 90-29 which requires that the new construction not exceed not the height and respects the style of the neighboring buildings. Lastly, parking facilities in intramuros, namely those in the Jewish quarter and the Mechouar, have generated a stronger and more harmful traffic, due to the narrow narrow streets of the medina. The first car park was built after evacuating the ruins of ruined Jewish houses from the Zianid era and the second after destroying the Ottoman Mustapha palace.

The 2001 intervention strategy (b) was established by the SARCHI BET. It presents 17 intervention proposals, only 2 of which have been implemented. That is an application rate of 11.76%. This plan contains only one proposal that would have had a negative impact on the heritage. Fortunately, it has not been realized on the ground. The latter was intended to widen internal channels of the urban fabric of Sidi Boumedienne which dates from the Merinid era by partial demolitions of traditional dwellings on both sides of the streets. This would have



caused its architectural hidden to be lost and constituted an infringement of Article 69 of Law No. 90-29.

The intervention strategy of 2003 was drawn up by the Urban Planning Agency of Tlemcen. She presented 23 proposals for intervention, only one of which was carried out. That is an application rate of 13.04%. This strategy includes three proposals whose effect would have been harmful had they been realized.

Among these negative proposals, we will note the restructuring of the historic merinid zones of Sidi El Haloui and idrisside of El Kessarine. This restructuring would have caused demolitions to align automobile lanes. This would also have disfigured the place by making it lose its authenticity. These proposals constituted an infringement of Article 7 of Decree No 83-684 of 26 November 1983 laying down the conditions for intervention on the existing fabric which introduced either urban restoration or rehabilitation for old fabrics and the declaration of UNESCO Convention of 2003 concerning the intentional destruction of cultural heritage (adopted in Paris), which punishes acts of intentional destruction of the built cultural heritage. The renovation of the buildings would have caused them to lose their original architectural character. This type of intervention does not take place on historic buildings. Thus, this proposal runs counter to the Nara document of 1994, Article 18 of the 2005 Vienna Memorandum and Article 2 of the Washington Charter.

The 2009 intervention strategy was drawn up by the Office for the Management and Exploitation of Cultural Property OGEB. It presents 93 intervention proposals, of which 47 have been carried out. That is an application rate of 53.76%. This strategy has 4 proposals that have a negative impact on the heritage and which have all been realized on the ground. That is to say a realization rate of 8.51% on the 47 proposals made.

Among these negative proposals is the protection by a wall of fence of the mosques of Mansourah and Agadir, which is an infraction against article 70 of the law n ° 90-29 which prohibits the construction in hard fence on an archaeological area. Also, the reconstruction of the El Mechouar zianide palace, which affected the authenticity of the archaeological site, since the ICOMOS Charter of 1990 for the management of the archaeological heritage (adopted in Lausanne) prohibits reconstruction on archaeological remains. In addition, the restitution is identical, the case where the plans exist and the added parts must be identifiable (Di Gioia, 1979). Finally, the demolition of the headquarters of the academy for the construction of a museum of contemporary arts. This building (figures 15 and 16) of neo-Moorish style was an infirmary for the natives in the French epoch. This constitutes an offense against section 69 of Act No. 90-29.

## Conclusion

At the end of this work, it is necessary to us to take stock and to establish the general synthesis of the different aspects dealt with in this scientific article. Firstly, not all the proposed intervention proposals are implemented on the ground. The low rates are explained by the lack of supervision of the project owners on the total application of these intervention strategies. Second, some proposals and actions of the ten intervention strategies have negative impacts on the heritage of the city of Tlemcen. 39 actions with a negative impact were carried out out of a total of 98 proposals. Moreover, these proposals and actions do not respect the national legislation in force, the charters, recommendations and international conventions of intervention on the urban heritage. While these operations should normally reinforce heritage values, preserve the character of the historic city and opt for the reuse of buildings. Moreover, through these results, we confirm our initial hypothesis and support a global intervention on the historic city of Tlemcen within a framework of sustainable development, without distinction between colonial and pre-colonial urban tissues, using cross-sectoral strategic planning presenting a heritage impact study to prevent the risk of irreversible damage to cultural property. Its proposals will be made in full, improved, revised or adapted in the event of major forces on the ground in a regulatory framework. Finally, this research did not study the financing mechanisms as well as the roles and responsibilities of the different actors involved which can also explain the current chaotic state of the historic town of Tlemcen. This can be the subject of future research.

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