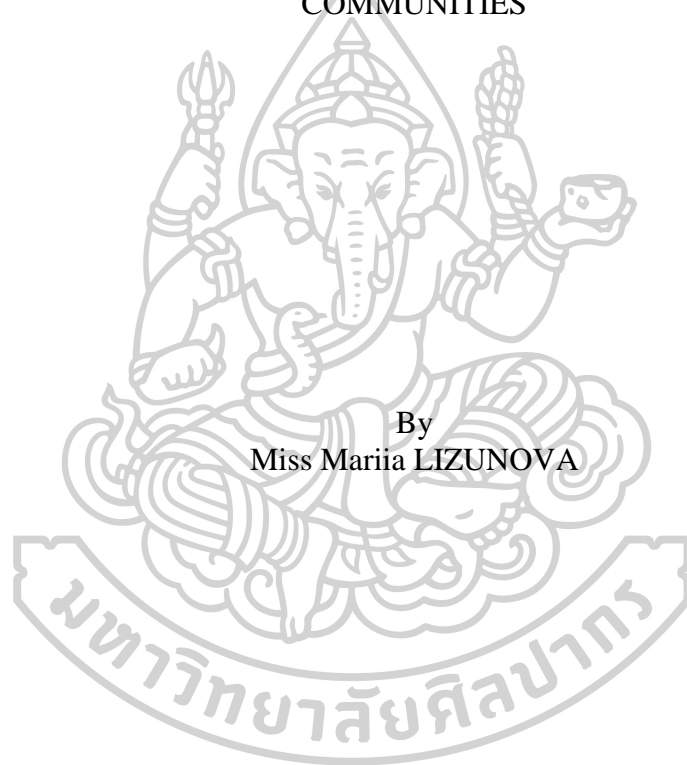




MANAGEMENT APPROACHES IN HERITAGE CONSERVATION IN
THAILAND: CASE STUDIES OF MAHAKARN FORT AND NANG LOENG
COMMUNITIES



A Thesis Submitted in Partial Fulfillment of the Requirements
for Master of Arts ARCHITECTURAL HERITAGE MANAGEMENT AND
TOURISM (INTERNATIONAL PROGRAM) PLAN A2
Department of ARCHITECTURAL HERITAGE MANAGEMENT AND TOURISM
Silpakorn University
Academic Year 2023
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Faculty of Architecture, Silpakorn University in Partial Fulfillment of the
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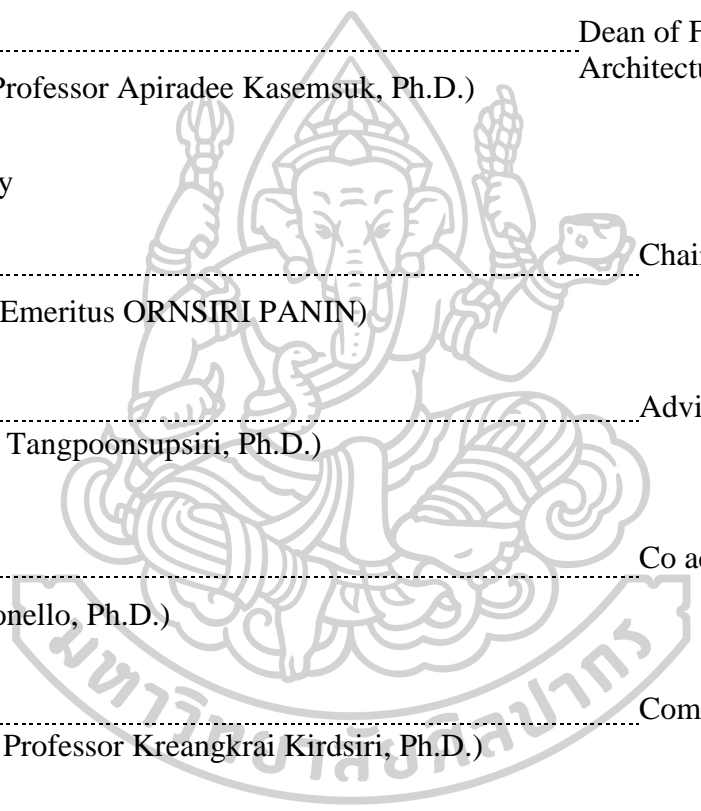
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Abstract

The fundamental pillars of any heritage management strategy encompass several key aspects: the development of a unified set of procedures specific to the historic environment, the increase of opportunities for public involvement and social inclusion, and the support for sustainability and its implementation in effective planning systems.

Over the course of the evolution of heritage conservation practices in Thailand, several challenges and issues have emerged that currently pose significant obstacles to effective heritage management implementation within the country. These challenges highlight the need for strategies that not only address technical aspects but also foster community engagement and support.

This study explores and analyses the methods used in heritage management, identify their impacts, and define any harmful practices. Through a comprehensive analysis, the found information is categorized and aligned with resources related to heritage management in Thailand. The research is based on case studies in Bangkok: Mahakarn Fort and Nang Loeng communities, which emphasize the vital role of local communities in heritage management and the necessity of their involvement in the decision-making processes.

These case studies highlight how cultural heritage is managed in Thailand and underscore the urgent need for greater community involvement, underlying the fact that the policies in place date back to the 1960s and have seen little adaptation to current needs.

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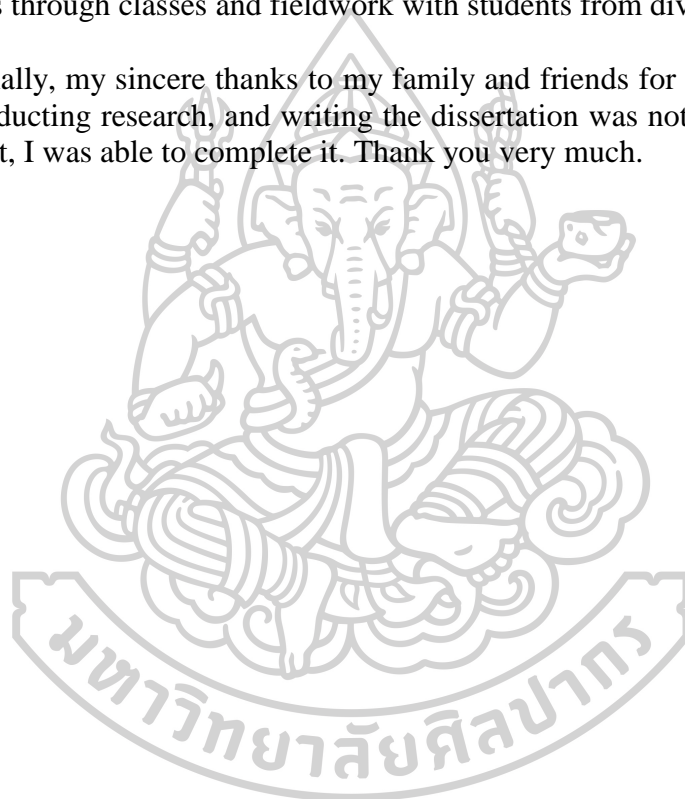


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Chapter 1

Introduction

1.1. Introduction

The fundamental pillars of any heritage management include: development of a unified procedures to the historic environment; increase of opportunities for involvement and inclusion; sustainability support and its implementation in effective planning systems (DCMS Welsh Assembly Government, 2007).

As it has been seen, throughout the time of heritage conservation practices in Thailand several challenges and issues have emerged. Today they seem to become main obstacles on the way of effective heritage management practices in the country. To be more precise, the mentioned matters can be grouped into ten areas depending on different criteria, starting from legacies and diversity concerns to tourism and professionals involved in heritage field (Stent, 2012). These concerns automatically nullify the fundamental principles of effective heritage management as in reality, there is none of them being widely used in practice today.

Moreover, following the standardised process of conservation, in technical content, Thailand has not carried on with other international practices. Recently, all actions aimed to protect or preserve heritage monuments, instead, have been aimed to increase their touristic value.

1.2. Problem definition

Nowadays, the problem of heritage conservation practices and management in Thailand affects not only cultural heritage in its great meaning and variety, but also involves business and tourism industries

that, in their turn, have a direct impact on the government and private sector.

Eventually, the problem of poor management approaches of heritage conservation escalated to the level of dealing with risk threatening heritage monuments in Thailand. In general terms, possible origins of mentioned risks on one hand, may be caused by human behaviour including bad management systems and on the other hand, the risks produced by natural disasters, by age and by lack of regular maintenance, as a result from a failure in understanding the values of a heritage monument, as well as from other factors.

There are several organisations taking care of national cultural heritage in Thailand; the biggest influence comes from Fine Arts Department (FAD) and Siam Society. Even today, FAD is operating under the Act on Ancient Monuments, Objects of Art, Antiques, and National Museums and National Museums of 1961. According to this Act, established more than 40 years ago, only ancient monuments, objects of art and antiquities can be registered as national heritage and, on that account, taken care of.

Moreover, the records show that the fact of given the priority of historically valuable ancient monuments over other inheritances from the past was the approach taken by Thai officials to protect the country's cultural heritage. This perspective has already shown its devastating consequences in failing to consider practical experience and gold wisdom of local people that were able to adapt to specific environmental conditions. Consequently, Thailand is currently falling behind other Southeast Asia countries, as South Korea or China, in their value-based approach management systems and preservation practices (Stent, 2012).

1.3. Research questions

The following three questions are going to be the basis for this thesis research that is aiming to establish a guide-like references for anyone interested in the heritage conservation practices and is in need to see the up-to-date assessment of the situation in Thailand at the present day:

1. What are the most popular management approaches in heritage conservation in Thailand?
2. How the perspectives of authoritative organisations in charge of heritage management can be changed or influenced?
3. Why are the past century policies are still being used without required modifications in regulating heritage management practices in Thailand today?

1.4. Objectives

The main objectives of this study are:

- To explore and describe the background of heritage management approaches in their early periods of formation until present time in Thailand;
- To identify positive and negative impacts of these practices on heritage, culture and/or communities;
- To define harmful methods for heritage management practices;
- To produce a detailed analysis and explanation of contemporary heritage conservation approaches used in practice, possible risks and actual policies to classify the information and resources of heritage management practices in Thailand.

The significance of the study lies in its appeal to issues of classification and analysis of the modern situation in the field with the purpose to develop it into further and deeper research focused on

preparing a guide for any public organisation involved into the heritage field to follow or address to.

1.5. Scope of the research

The research will focus on heritage site management practices in the context of Thailand, Bangkok. The sites chosen as case studies for the research are: Mahakarn Fort and its community and central-city neighbourhood Nang Loeng, both situated in Bangkok.

The analysis has been done upon the recent work presenting current challenges in heritage management framework.

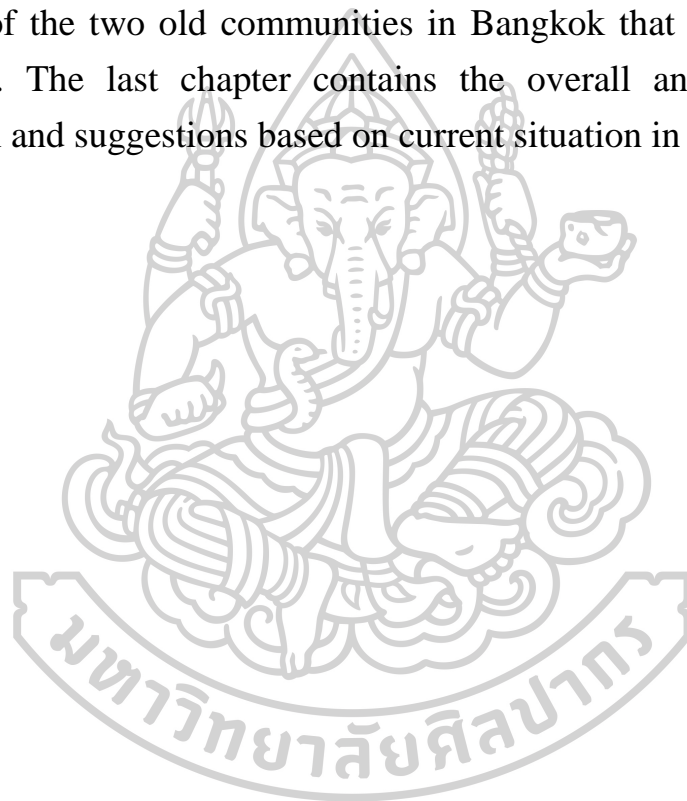
1.6. Assumptions of the study

Thai people have a great sense of pride and love in their heritage. Recently, the level of people's awareness towards their own heritage and culture has increased and resulted in creation of community-based civil societies. They are resisting the demolition processes and plans of historic buildings and neighbourhoods not only in Bangkok but also in provinces. They also declare more openly their rights to cultural identity.

Although, this is not the case for general public. The heritage values aren't being understood and respected properly, therefore, in the time of crisis, such as a redevelopment process, the public is unaware of the possible risks and consequences to the culture. This is to say, that the authorities are less likely to begin taking a deeper care of the heritage not related to the tourism industry on their own. Even less probable to see the development of formulation of new policies connected to the heritage values. Unless, there is a change in the general public's perception of this concern.

1.7. Organisation of the study

This research is made from the total of 5 chapters: introduction to the study and its questions and objectives; literature review about the management heritage practices in Thailand and detailed definition of challenges and issues appeared with time and practice; research methodology of the information collection and selection of the case studies for the research. The following chapter 4 is dedicated to close-up research of the two old communities in Bangkok that were selected for the study. The last chapter contains the overall analysis, summary, discussion and suggestions based on current situation in communities.



Chapter 2

Management of Cultural Heritage in Thailand

2.1 Introduction

The research is based on literature sources with the subject of cultural heritage management in Thailand. Studies about World Heritage were taken as a basement for future analyses and comparison. This chapter is focused on presenting a short history of heritage management practices in Thailand, their roots and aims at the very beginning, documents and legislations accompanying the process. Then, the chapter conducts an analyses of heritage management presented over different sources, illustrates the challenges and raises questions.

2.2 Cultural Heritage

2.2.1. Cultural heritage management as the concept

‘The hustle and bustle of everyday street scenes with shophouses and markets in Asian cities. (...) The streets are often vibrant, living entities where everyday life (...) and sense of living history are palpable’ (Taylor, 2015) — surely, people travel to other countries to see heritage monuments and landscapes, to discover and comprehend the sense of living history in those visited places, experience different way of living and meet with traditional communities and their culture. Or in other words, they are traveling to where heritage is living now.

The present problem is in the constant change, often initiated not by natural factors, but by a purpose to reorganise the space, to make it more beautiful or improve for the use in the future. In this situation, the livelihood of lower socio-economic households and communities is being

destroyed, hence their culture and knowledge are under the danger of disappearance and become a history.

Furthermore, the difference in terminology between history and heritage shows that while history investigates and clarifies pasts that lost their comprehensibility in the course of time, heritage makes use of historical tracks to clarify them and their history. Saying it otherwise, present heritage is the evidence of the past history.

The importance of this relationship is being indicated by Lowenthal that *'awareness of the past is essential to the maintenance of purpose in life. Without it we would lack all sense of continuity, all apprehension of causality, all knowledge of our own identity'* (Lowenthal, 1979). Although, he also mentions that the past history isn't fixed by specific circumstances or events, just as our interpretation of the past is constantly changing.

Accordingly, heritage is closely linked to the understanding of the past in its great perception, values, places, relationships, and events that today, we regard as important and significant for the history. Although, it was the very first concept of cultural heritage, connected directly to our past and mostly represented rich and famous monuments in Europe. The emphasis was on tangible sites of heritage to recover the architectural damages and losses after World War II and its omnipresent consequences (Ratchaneekorn, 2017).

Progressively, this practice has grown into the World Heritage sites as cultural and unique assets of every nation that today bring the attention of tourism industry. Further, it broadened its meaning and included intangible cultural heritage, supported by international organisations as an intellectual property of a nation and accomplished in form of Convention for Safeguarding of the Intangible Cultural Heritage (Ratchaneekorn, 2017).

For the present time we can observe a continuous expansion of the field: establishment of conventions, charters, policies, recommendations and technical guidelines related to the cultural heritage management. The concept is evolving. It all started from the understanding of different values attached to buildings, monuments, landscapes, artefacts, and works of art and the danger of their possible loss or destruction. The terminology of “universal outstanding values” was created through the realisation of importance to safeguard, protect, and preserve cultural heritage and its natural environment as objects of irreplaceable, exceptional, and common importance for history, culture, and humanity (Central European University, n.d.).

Starting from the 19th century, tangible objects of culture such as buildings and material goods were considered as a part of heritage. They were recognised as material heritage due to their values and inheritance, verbatim, valuable items passed through generation, from father to son. The concept was quickly evolving with time and greatly modified. First of all, heritage started to be associated with history of the humanity, acquiring even greater and broader value of importance. Therefore, not only different aspects but also new dimensions began to be considered: monuments, built heritage, natural heritage, historical sites, traditional assets — all kind of valuables representing nations and cultures around the world (Penna, 2018).

The establishment of the first international body — UNESCO — was a successful step in obtaining necessary support in preservation practices and creation of a new term — World Heritage. Consequently, it evolved into new approaches, such as heritage studies and heritage business (Central European University, n.d.).

Following the facts, the legal instruments of heritage protection start with the Athens Charter of 1931 focused on the restoration of historic fabric of buildings and monuments. The Venice Charter of 1964 became the standard of conservation practices as it attempted to determine ‘the

principles guiding the preservation and restoration of ancient buildings' which are considered to be an element of the "unity of human values" and "common heritage" (ICOMOS, 2011).

The Venice Charter was the main guideline in the heritage management field until 1980s when the conservation sector was expanded to urban areas, including towns and gardens. In 1985 there were two new documents: the Declaration of Amsterdam and the Resolution of the International Symposium on the Conservation of Smaller Historic Towns. Also, in 1982 and in 1987 the Florence Charter on Historic Gardens and the Washington Charter on the Conservation of Historic Towns and Areas, respectively, had been legalised in the field of cultural heritage management.

Regardless of the existence of new documents, the Venice Charter was still viewed as uncompromising approach in the field of heritage conservation and management. The shift started with the Nara Document on Authenticity of 1994 which highlighted the position of understanding different cultures and how they can't be measured by the same system of values and believes in application to heritage practice. The focus was on the fact of standardisation of conservation practices applicable and dictated by support of mostly European organisations expertise by ignoring the importance of cultural relativism in heritage.

The appearance of the Burra Charter in 1999 in its fifth edition straightened the shift towards the concept of heritage places which cover landscapes and other non-built features of a heritage place and its indigenous peoples. Thus, the heritage should be regarded, understood, and managed in its detailed context as in social as in cultural contexts in accordance with involved representatives.

Further, in 2011 the Recommendation on the Historic Urban Landscape, indicates an all-inclusive perspective in managing resources of a city, additionally, including the human dimension.

The direct involvement of local communities at all stages of conservation and management processes is implemented in and required by the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

To mention, there are also negative impacts and consequences which are coming together with the expansion of cultural heritage practices and their development: intentional destruction of heritage values proper to lucrative intentions, change of local narratives, not accurate or completely different renovations, vandalism, lack of knowledge. The factors depend and vary, but the issues are still present in the 21st century and the concept is still transforming.

Today, we understand that cultural heritage management has multiple meanings and can be applied in diverse approaches and practices worldwide. It is connected not only to our past, but also to our present and future. The concept of heritage does not stop in its progression and broadening: it becomes more and more popular, acquires further meanings, and 'bears overtones of personal closeness, of identity, and of exclusive possession' (Chippindale, 1993) in the field of heritage studies. The global perception of heritage conception has resulted in an acknowledgment that heritage is not about the values of the experts as it has been believed previously, but it is about people and communities and about their values (Taylor & Verdini, 2021). Although, the participation and role of communities in heritage management practices continues to be a conflicted subject.

2.2.2. Cultural Heritage in Thailand

The early period of conservation practices in Thailand starts in the reign of King Chulalongkorn, titled Rama V from 1868 to 1910, to whom they were, apparently, introduced by European experts in architecture, engineering, and arts serving at the royal court at that time, yet, there is

no clear evidence to this assumption. The first archaeological survey was performed by Phaya Boran Ratchathanin, appointed governor of Ayutthaya, who also documented the surroundings of the city, gathered archaeological remains and antiquities and set an example for future procedures of surveys in Thailand later (Siriphatthanakun, 2022).

Although, it is important to mention that the western concept first appeared in Thailand in the reign of King Rama IV. The King was appealing to study new and modern knowledge including science, astronomy and foreign languages as he realised their importance and advantages, they could bring for the country. The threat of colonial regimes spreading in the neighbouring countries was taken into account (Ratchaneekorn, 2017). The King was also curious to learn more about Thai architecture.

Therefore, the recognition of the heritage importance was started by the King and the nobility. Buddhism played a crucial role at that time as great attention was paid to the construction and restoration of temples, religious works of art and other related items.

The concept of cultural heritage management in Thailand with the same meaning as the early European concept didn't have existence — the Thai notion of heritage was built around temples and places of worship, rather than buildings, ruins, and monuments like in European perception, due to the great influence of Buddhism on peoples' beliefs and life. Meaning, that the creation of the pieces of art, sculptures, and other relics was inspired by religious motives. In case of a damage, these items were mandatorily required to be restored, fixed and continuously maintained to be in a good condition. Unfortunately, there are no written principles, guidelines or any systematic recommendations for managing the process that are available to follow the techniques used in the present days. They were relying on practice and oral narratives to master their skills (Ratchaneekorn, 2017).

The next step comes with the reestablishment of the Fine Arts Department, after the 1932 Revolution in Thailand, as one of the ways of the country's modernisation. The new included direction of responsibilities covers the conservation and protection of ancient monuments, still being carried on at the present day. Following, *the Act on Ancient Monuments, Antiquities, Objects of Art and National Museums* was approved in 1934 and its direct prerogative is to deal with cultural heritage conservation. Then there were several changes, including a repellent in 1943, revision in 1961 and amendment in 1992 (see appendix 4). The final version is still enforced, authorised and supported by the Fine Arts Department. The Department's officials received appropriate training and education from the trips abroad to elaborate their knowledge and develop further cultural duties of the government. In addition, various influential international and regional organisations were assembled to empower the concept of cultural heritage management — UNESCO, Southeast Asian Ministers of Education Organisation Regional Centre for Archaeology and Fine Arts (SEAMEO SPAFA). Later, in the 1990s three cultural properties were inscribed on the UNESCO World Heritage List (Siriphatthanakun, 2022).

Returning to the concept of cultural heritage management, with the nominations for World Heritage list, the values and importance of heritage was developing and becoming wider in its meaning. Although, with these changes in peoples' mind, the actual modification of the Act of 1961 hasn't been done. The core definition of the document, cultural heritage, remains the description of "ancient monuments". It means that with the development of conservation practices, the approach that can be used in accordance with the Act is extremely limited by the interpretation of this Act. To precise, from the moment of the first approval of the Act in 1934 to the present day (for 90 years), the only modifications were made to the definitions about conservation, while the terminologies have never been changed.

Necessary to say, the Act is currently under an ongoing revision and modification process. There is an importance in narrowing down the definition of ancient monuments to make it more detailed and specific. A strong influence has been done to the implementation of the Act of 1961 (amended in 1992) by the *ICOMOS International Charter for the Conservation and Restoration of Monuments and Sites* or the Venice Charter from 1964.

ICOMOS Thailand, a non-government organisation, was established in 1985 to work on the cultural heritage conservation in Thailand. Originally it consisted only from a group of officials from the field but eventually, it included conservation practitioners from various sectors and other individuals passionate about cultural heritage.

Further, as a reflection of the Venice Charter, the Fine Arts Department announced the Bangkok Charter in 1985 the *Regulation of the Conservation of Ancient Monuments*. The Charter hasn't been widely accepted and implemented due to the inflexibility of the country's concepts in the background of an economic growth in late 1980s.

Since 1997, ICOMOS Thailand has been trying to develop the *Thailand Charter (Bangkok Charter)* to complete the regulations and laws regarding cultural heritage from professional perspective and to re-examine conservation approaches and heritage perception in the country. The Charter couldn't function accordingly to its prescription due to the situation in the country by the time of its completion in 2006, although the level of awareness has been raised among heritage professionals.

The next change in the prescription of the concept was after the coup in 2006. The advancement and expansion in communication technologies brought the increasing awareness of heritage diversity, heritage practitioners, new heritage laws, legal instruments, and broader acknowledgment and concern for heritage management. It became clear that the Act of 1961 does not incorporate these new changes, especially new types of heritage.

The Promotion and Conservation of Intangible Cultural Heritage Act of 2016 addresses to protect and promote the Thai intangible cultural heritage and to allow Thailand to ratify the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage*, adopted in 2003. The accent is made on intangible heritage as the meaning of the term and its importance are yet to be widely acknowledged by the general public.

Therefore, it can be said that the concept of heritage conservation and management in Thailand is still far from the western one. The understanding of heritage, its perception, management, legislation structure and organisations in charge — the notion of heritage is perceived precisely as cultural heritage by separating it from natural heritage. Meaning, that the concept is still not fully recognised and is in high need of further promotion and support.

2.2.3. Values in cultural heritage management

In managing heritage places, one of the most important roles is in deciding which places are to be conserved while knowing that conservation is the process of safeguarding of places identified as having heritage values. To conduct a proper management plan, it is necessary to consult, observe, and analyse the environment of the site; discuss the situation and the site's importance with various stakeholders, indigenous, and local communities including. The reason for that is hidden in the meaning of values or rather their perspective — as an outsider to a site that is about to become a place of conservation, maintenance or other safeguarding approach in heritage, the manager and the team operating on place have to know what is valuable, where, and why. The best way to gather relevant and reliable information is to cooperate with stakeholders, indigenous, and local people as the source of local wisdom, sometimes obscure to others.

The cultural heritage places are supposed to have a significance of any sort as they are already important to and recognised by the society or specific sections of society. According to Pearson and Sullivan (1995): *'The only significance [heritage places] have, is given them by humanity'*. The heritage places are important to people and this is the main reason of their values.

Heritage management is taking the decision on what kind of actions should be taken aligning the best with presented values and significance of heritage. It understands the following set of actions: preservation, adaptation, maintenance, reconstruction, restoration, compatible use (Taylor & Verdini, 2021). Other factors should also be considering in making the final decision, such as political and economic factors.

Cultural heritage is not fixed. Its meaning and significance are subject to change over time. It also can vary between individuals, group of people, and communities. Official authorities and local people can have different perceptions as well as visitors and residents may have distinctive ideas of what is important and why. This kind of situation often triggers the process of heritagisation with the aim to prompt value assessment. The heritagisation process conceptualises specific objects, places, and practices as cultural heritage with a range of historic, social, and aesthetic values. The apparition of a new heritage can be featured as significant, while already designated one can be re-interpreted, reaffirmed, or rejected (FutureLearn, n.d.).

Generally, cultural heritage management is a challenging task — working on the recommendations for conservation process, the analysis is based on the judgemental review of a manager, who would decide which places are to be conserved and why, which need to be left untouched, and which can be modified (to a certain degree) or allowed to disappear (Taylor & Verdini, 2021). Therefore, the concept of cultural significance is crucial for the decision-making. Establishing and communicating significance of a heritage place is an important part of understanding its

cultural values as they can state the reason of why a place is significant, an essential step in answering the key questions—what, when, where, who, why—to comprehend any heritage place.

The concept of cultural significance was a novelty introduced in the Burra Charter in 1988. In article 1.2 of the Charter modified in 2013, the concept is expressed as ‘... *the sum of the qualities or values that a place has, including the five values—*aesthetic, historic, scientific, social and spiritual**’. Moreover, it states further that ‘*Cultural significance is embodied the place itself, its fabric, setting, use, associations, meanings*’ (Australia ICOMOS, 2013). The values can also vary from individuals or groups and their perception of the place.

Further, Taylor and Verdini (2021) present the values typology and their definitions from the Charter in greater details. *Social value* understands the inclusion of qualities specifying how a place become a source of political, national, spiritual or other cultural sentiments to a group of people. In its 1988s version, the Charter did not provide a definition to the meaning of spiritual value. Its addition to 2013 version symbolises its close intervention with other values.

Spiritual value indicates the intangible values physically incorporated in a place or evoked by it. The value means the significance of the spiritual identity, art, practices, traditional knowledge of a cultural group. The place can cause a strong emotional and even spontaneous reaction, reflect community associations and their understandings of their purpose, obligations, and place in the world.

Aesthetic value indicates how people respond to visual and non-visual aspects and perceive the concept of beauty; and how they influence peoples’ thoughts, attitudes and feelings.

Historic value indicates an influence of or by a historic event, person, phase, movement, or activity. By encompassing all aspects of history, it often underlines other values.

Scientific value indicates the ability of a place to contribute information and address important research questions.

In the context of Thailand, the values of an ancient monument described according to the Act, are those in its age, architectural characteristics, historical evidence, function in the field of art, history or archaeology. Aesthetic aspect in a monument's physical appearance appears to become one of the most important values for governmental organisations placed in charge of tangible culture.

As it was mentioned before, Buddhism in Thailand has had a great influence on fine arts and architecture which are devoted to religious places. The range starts from buildings, mural paintings in temples, then Buddha images, pagodas, and other objects. From that, the fact of an absolute protection is clear for governmental officials and general public through the common understanding of cultural significance of these objects.

Historical value in Thailand is connected with the monarchy as the history of the country is based on the royal chronicles. Professionals also consider ancient monuments as palaces or historical buildings to be representatives of historical values.

For archaeological value, according to Fine Arts Department, age is considered as the most important factor of cultural significance. This approach is controversial due to the presence of multi-layer evidences from different periods in most historical areas. The perception of heritage values in Thailand comes from the understanding that the older means the most valuable. Therefore, a conclusion can be made that religion, antiquity, and royal relation of any assets are the main credentials for a place or an object to become eligible to be an ancient monument or heritage.

Therefore, it is seen that the values of heritage became a significant discourse over the past time not only among practitioners, government

officials, and professionals, but also within communities. The main aim of value-based heritage approach is in preserving cultural significance of heritage places, spreading the knowledge of their significance to a wider public, by working on the common acknowledgment of the historic, scientific, spiritual, social, and aesthetic values embodied in a place by the past, for present and future generations.

2.3 Heritage Policies and Responsible Institutions in Thailand

2.3.1. Overview of heritage institutions

Fine Arts Department (FAD) — its main role is in the preservation of archaeological properties in order to protect it, safeguard, preserve and restore if needed. The national identity represented by the royal ceremonies, culture, traditions and art are considered to be the foundation of development.

After comparing the FAD roles to the main aspects of the Venice Charter, the conclusion can be made that the creation of the Department was most likely inspired by the Venice Charter and Florence Charter combined together. Other Charters such as Washington Charter, Lausanne Charter and Mexico Charter were taken as a basis for the establishment of conservational perspectives, importance of historic town and urban areas, management of archaeological protection and the significance of the build vernacular heritage (Ratchaneekorn, 2017).

Thailand cultural heritage management has similar step to UNESCO starting with tangible cultural heritage and followed by the intangible one. The Department of Fine Arts oversees archaeological sites, whereas the Department of Cultural Promotion is dedicated to preserving local wisdom. Created in 2002 under the Restructuring of Government Agencies Act, the Department of Cultural Promotion is a revival of the

Ministry of Culture, which had ceased to exist in 1958 amidst a political crisis. This department highlights culture as a core philosophy to enhance social awareness, morality, and virtues among the Thai population. It serves as a driving force for societal development, economic growth, and overall quality of life, anchoring national and international unity.

In 2010, the Department of Cultural Promotion was created as part of a government agency restructuring initiative. Formed from the former Office of National Culture Commission, its responsibilities include suggesting cultural policies, improving cultural events and studies, overseeing and assessing cultural programs, and advocating for Thai culture.

It has been noted that the Department of Cultural Promotion plays a significant role in upholding local wisdom. One key aspect of their successful work is the organisation and classification of Thailand's intangible cultural heritage, categorised into seven domains. These include performing arts, traditional crafts, folk literature, games and sports, social customs, rituals and celebrations, knowledge of nature and the universe, and languages. The list of nominated intangible cultural heritage will be reviewed and sanctioned by a committee, with updates shared annually.

The list contains various examples of local wisdom, including the mask dance, Mat Mi cloth, text on Thai cats, and Thai boxing (Department of Cultural Promotion, 2016). Furthermore, this crucial initiative is backed by the Act of Promotion and Preservation of Intangible Cultural Heritage 2559 (A.D), which was recently introduced in February 2016. The main aim of this act is to promote and emphasise the importance of Thailand's intangible cultural heritage, a focus that has not been as strong in the past.

The act notably granted substantial authority to the Department of Cultural Promotion, boosting the importance of community involvement, particularly in the preservation of intangible cultural heritage. However, it

lacked details on how exactly the heritage would be safeguarded and preserved.

There are agencies mentioned in Thailand that play a role in managing cultural heritage, but it's important to note that the constitution also plays a significant role in safeguarding this heritage. The cultural mission is appeared in The Constitution of the Kingdom of Thailand. (2550 B. E), Community Rights, section n.66 mentioning that:

“Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion”,

following its section n.67 states that:

“The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately...”

and then section n.80 Religions, Social, Public Health, Education and Culture Policies affirming that:

“The State shall act in compliance with the social, public health, education and culture policies by encouraging and instilling the right awareness of national unity and learning, and instilling and making known of arts, tradition and culture of the nation as well as good value and local wisdom” (Ratchaneekorn, 2017).

Thailand possesses all the necessary components and corresponding laws for managing cultural heritage. Nonetheless, a lack of hands-on experience and inadequate expertise in cultural heritage management

poses challenges and uncertainties for Thailand in effectively addressing heritage conservation and social shifts.

Compared to the previous era, the management of cultural heritage has improved in the sense that there are now specific agencies dedicated to its preservation. These agencies are supported by the constitution and other institutions like the Ministry of Education, which plays a role in educating and increasing awareness about the importance of preserving Thai cultural heritage (Ministry of Education, 2016). Additionally, organisations such as the Designated Area for Sustainable Tourism Administration (DASTA) focus on promoting cultural aspects through creative tourism, and the Tambon Administrative Organisation (TAO) represents a form of decentralisation at the smallest administrative level.

Nonetheless, there are several case studies that highlight cultural heritage management in Thailand, focusing on two main aspects: tangible cultural heritage and intangible cultural heritage. The initial three case studies examine tangible cultural heritage, while the subsequent three highlight aspects of intangible cultural heritage (Ratchaneekorn, 2017).

2.3.2. Western influence on management approaches

As Russell Staff highlights in his article on cultural sustainability and heritage (2016), ‘Asian conservation is not so much about protecting the way building or structure looks but what a building does’.

Interesting fact, in the past people seemed to align with the Buddhist philosophy that emphasises the impermanence of every existing object in the world. However, a strong belief was held of maintaining and preserving temple buildings was a significant source of merit for Buddhists.

Not only was it important to restore and return the damaged buildings to their original, primarily state, but making them even more beautiful or improving their condition was seen as a noble act of merit-making too.

This mindset is still existing in our days. Regrettably, at one point in the past this viewpoint clashed with the traditional conservation practices introduced from Western nations during the early stages of modern conservation in Thailand (Siriphatthanakun, 2022).

Evidently, it is still necessary to mention that Thailand has been inspired by UNESCO in evaluation of cultural heritage management practices. Though, western discourse is always embedded in the applicable perspective of heritage management against inferior eastern community and others developing countries in the form of western versus eastern perspective or superiority against inferiority or from governors to people's perspectives approaches.

This concept is always reproduced and taken for granted in South Asia. As Ratchaneekorn (2017) states from his findings from Said's study:

"Western perspective familiarised with superiority, unavoidably transmitted to Thai cultural heritage management. *Subjectivity, objectivity and any bias of superiority towards inferiority or people probably tactfully display to devalue their culture and dehumanise them through management like Mahakarn Fortress.*"

2.3.3. Challenges in heritage management

Although specific laws protect historic buildings, the integrity of the community as a whole — vernacular buildings, public spaces, landscapes, and the environment — is often not the subject of products, regulations, or other security measures. Furthermore, local cultural practices have never acted in predictable ways or adapted to the pressures that threatened their continuity

In the heritage sector, there have been major conceptual evolutions within the past forty years. From defending heritage islands populated by monuments and archaeological sites (1960s–1990s); to acknowledging

living heritage (from 1994); and finally, to mobilising heritage in the broader quest for sustainable development (2010) (Unakul, 2020).

In terms of structure and vision, many national heritage institutions in Southeast Asia still focused on monuments and archaeological sites as the main definitions of cultural heritage. However, they are challenging the changing concepts and norms of heritage practice that are being generated within international heritage circles. These new concepts incorporate broader definitions of heritage and also rights-based and participatory approaches to heritage governance.

In short, it is still difficult to change cognitive frameworks and alter institutional relationships, governance structures and resource allocations. In the future, heritage-management systems may need to shift in favour of organisations with looser mandates. Not having a fixed heritage mindset and a permanent group of staff with corresponding competencies could actually create space for more learning and more innovative solutions (Unakul, 2020).

Today, amidst the challenges of heritage management practices, the Rattanakosin Charter, one of the valuable documents created for the heritage management in Thailand, offers insights and strategies, as discussed by Pr. Prakitnonthakan (2013) in his article titled '*Rattanakosin Charter: The Thai Cultural Charter for Conservation*'. It emphasizes the importance of integrating cultural heritage with environmental conservation efforts in the country, underscores the role of cultural values, traditions, and practices in promoting sustainable development and conservation, advocates for policies and practices that respect and incorporate traditional knowledge and local communities' involvement in conservation initiatives (see appendix 3).

However, potential challenges can arise in its implementation in practice, regardless the Charter's primal focus on integrating cultural heritage with environmental conservation. To navigate these challenges, there is a need for careful consideration of local contexts, stakeholder

engagement, and adaptive management strategies with the priority given to both cultural heritage and environment.

The participation of local community has a special place in the text of the Charter, however, in practice, the fact of achieving meaningful collaboration with the communities requires addressing real-world challenges and ensuring that communities are genuinely empowered and supported in conservation efforts.

2.3.4. Tourism influence

Tourism development and heritage conservation are very interrelated. They support, maintain and encourage each other's development. Heritage attracts visitors while tourism helps in generating income for heritage conservation funds. However, from another point of view, tourism can have negative and even harmful impacts on heritage. Although, heritage and tourism, both are significant and important for the local communities.

Therefore, it will be always favourable to establish a balance between tourism progression, heritage conservation and development of quality of life for the local communities at the same time with the use of one integrated and shared among all the three aspects. To mention, that in this situation of coexistence of all the three aspects, tourism can also have a damaging effect not only on the heritage, but also on the local community. It should be avoided, yet, expected as a possibility.

What are the positive outcomes of the tourism? It is recognised to be a potential economic base that supplies its participants with improved quality of life in terms of employment opportunities, economic diversity, tax revenues, recreational facilities, cultural and natural attractions indoor and outdoor.

For the negative concerns it is stated that tourism can equally worsen the quality of life, presented in the form of increased cost of living,

crowding of tourists and residents, parking issues and traffic, crime, conflicts, and changes in everyday life or receiving tourists' community.

In this scenario there are three categories of how a community's life can be changed:

First, economically: change or appearance of tax revenue, inflation, tax burdens, increased jobs, additional income and local government's debt.

Second, socio-culturally: following with a resurgence of traditional crafts and ceremonies, increased crime rates, increased intercultural communication and understanding, and changes in traditional cultures.

Third, environmentally: emerging protection of parks and wildlife, but also its destruction, air, water and noise pollution, energy consumption, crowding, food overproduction, waste management, vandalism, and littering (Ongkhluap, 2012).

While travelling, the tourists will inevitably communicate and interact with local community or environment in one or another way. Even a tiny bit of change in behaviour can cause huge impacts on the local population, the environment and also on the tourists themselves. This is why awareness of the environment, country, culture and people is very important and can be achieved through an integrated approach of cultural heritage learning combined with exiting experiences and opportunities both, for visitors and for the residents. The impacts of tourism can be positive or beneficial, but also negative or detrimental. Whether impacts are perceived as positive or negative depends on the value position and judgement of the observer of the impacts (Mason, 2016).

Chapter 3

Research Methodology

3.1 Introduction

This chapter outlines the methodological approach used in the research. It begins by explaining the conceptual foundations of the chosen comparative case study approach. Then, it provides a comprehensive presentation of each research stage, which are laid out sequentially, detailing the steps, the resources, and the reasons behind each decision. The chapter closes with the confirmation of the reliability of collected data and accountability of chosen framework for the study.

3.2 Overall approach

3.2.1. Selected research method

This study mostly adopts an exploratory and descriptive approaches. The aim is to better understand the circumstances and describe the characteristics more accurately. This approach involves close observation, data collection, and analysis to formulate valid conclusions and offer insights. The chosen research method allows the inclusion of recent events, emphasising the fact that researchers have limited control over these occurrences (Yin, 2014).

With descriptive research method, the author expects to get a better understanding of specific characteristics of heritage management in Thailand, preferred methods and approaches, ways to deal with similar situations at the first sight but completely different from each other on the inside of their complexities or in other words, how the process is happening in the field of culture heritage management and conservation.

The main objects of this research are:

- To explore and describe the background of heritage management approaches in their early periods of formation until present time in Thailand.
- To identify positive and negative impacts of these practices on heritage, culture and communities in Thailand by analysing their lifestyle before and after the conservation management systems were introduced.
- To define harmful methods used in heritage management practices and find their origins with the aim of future elimination or possible replacement.
- To produce a detailed analysis and explanation of contemporary heritage conservation approaches used in practice, possible risks and actual policies to classify the information and resources of heritage management practices in Thailand from their beginning of implementation through their adaptation and modifications to become the version that we have at our disposal today.

Qualitative research method is used in this study to collect and further analyse non-numerical data. The object is to understand concepts, applications, relationship previously discussed in the literature review; and get an image of the current situation in the world of cultural heritage management in Thailand. There will be a gathering of in-depth insights into the concept of cultural heritage.

To recall, there are three main questions the study is aiming to answer:

- What are the most popular management approaches in heritage conservation in Thailand?
- How the perspectives of authoritative organisations in charge of heritage management can be changed or influenced?
- Why are the past century policies are still being used without required modifications in regulating heritage management practices in Thailand today?

The work is conducted with the case study approach to focus on gaining an integrated understanding of discussed cases. Given the complexities of each case with a similar situation revolving around the conflict of interests and values. By implementing such an approach for the case studies analysis in Bangkok, there is a better representation of why the selected cases are successful or not, what they lack in terms of management approach and what needs to be changed or updated on various levels: from community's perception to governmental supervision.

Data collection includes: observations from the chosen case studies by recording what has been seen and encountered on place; interviews with the local communities and tourists visiting the areas; secondary research with the collection of existing maps, illustrations and photos related to the chosen case studies.

The case study selection aims to produce a theoretical replication, seeing that the selected case studies forecast “contrasting results but for anticipatable reasons” (Yin, 2014). Therefore, the main objects of the comparative case study method are in clarifying understandings of different institutional dynamics and in emphasising contradictions in adaptive capacity precisely to established beliefs, behaviours, and relationships of social life in each system.

The study seeks to delve into the particularities of each case study to allow a better understanding of different nuances of heritage management issues. Finally, this approach brings a potential to apply the findings and use them as a future reference or guidelines in other cases struggling with similar problems described in the study to avoid their repetition.

3.2.2. Scope of the research

Both primary and secondary documentary sources were used in conducting the scoping to determine the extent of the study. From previous visits in person to the old communities of Bangkok, there were selected two of them situated in the Rattanakoshin area of Bangkok as the geographic scope for the study to enhance the author's knowledge and experience.

The scoping is necessary to: get a better understanding of issues and challenges of cultural heritage management approaches faced by local communities; to compare the approaches used in management of the case studies with national charters and guidelines to illustrate more compound system of analysis and adaptation behind every heritage site.

3.2.3. Case study design

The component of analysis is the management approach used to define the significance of a cultural heritage, objectives of proposed plan, course of action and their effectiveness or contrarily, their ineffectiveness. A special attention is paid to the accurate analysis of heritage significance and values as from cultural, historical or social perspectives.

The materials and references used in the process include organisations, official documents, reports, master plans, which provided

the framework for the conservation and management of selected case studies.

According to the main questions posed in the research, not only the analyses of the heritage management approaches is of a high interest, but also the policies, regulations and laws mentioned by practitioners, governmental bodies or scholars in describing the situation, assessing the causes and suggesting the next actions to take.

- *Have any of the policies been used against to support someone's interests?*
- *Did the policies or regulations content the up-to-date and accurate description of a heritage place's type relevant to the present situation?*
- *Whose interests are being prioritising in the process?*

These questions are listed to demonstrate some of the ideas that are expected to appear during the research and work on the case studies situations. The point here is to highlight the necessity of changes, especially in legal documents, as the concept of cultural heritage is evolving, becomes richer and richer, gains different perspectives and exceptions. Therefore, the policies created to protect these places should be constantly kept updated and modernised according to the place and time of their use.

Moreover, what concerns the governance system, there is a tendency of cultural heritage sites (especially those famous and popular among tourists) being managed in a fairly conventional bureaucratic manner, however, the hierarchy of management, top-down approach of administration and centralised direction have taken hold recently, being especially noticeable in Southeast Asia. In this meaning, this issue is considered as a typical one alongside with the challenges and sometimes troubles coming from the urbanisation.

3.3 Data collection

The major data presented in the study is the type of qualitative empirical data that was collected from: participant-observations, interviews and document analysis.

Site visits were undertaken in April 2024 and 2023 with the total of four visits to Mahakarn Fort community with the break in one year and two visits to Nang Loeng neighbourhood during one week of April and early June. Site visits provided the author with the opportunity to observe the environment and everyday life of the local communities, compare the changes occurred after previous visits (if relevant), consultations and interviews with the residents and visitors.

The interviews were conducted in the Nang Loeng neighbourhood with local shop owners and foreign visitors. The aim of the interview was, firstly, to observe the behavioural pattern of communication between foreigners and residents — were they happy, open to talk, could hold a conversation in English or Thai, distant, aggressive, neutral or unwilling to respond — any both these feelings can give away much more information than only observations. The author didn't encounter any negative or frustrate experiences during the visits.

Secondly, the aim was to ask about the area or people lived in or the reasons why they come to visit it. Thirdly, at Nang Loeng Market there were many unusual and attractive dishes, fruits and drinks available, the author had a curiosity of learning more about the culture of the area and to see whether the proposed food had any intangible significance for the vendors.

In total, there were 9 local residents and 17 visitors interviewed in the Nang Loeng Neighbourhood and 8 visitors of the Mahakarn Fort. The questionnaires used for the interviews can be found in the appendix 1 and 2 at the end of this study.

3.4 Data analysis

The interview data was analysed in order to identify recurring or similar responses, aiming to determine if there were differences between the community's perception of their own culture and heritage and those presented in other information sources.

More detailed presentation of the findings from the interview process is presented in the following chapter.

To ensure the reliability and validity of the collected data, a cross-checking process was employed across all selected resources. This process confirmed that the study was based on accurate and reliable information and that it was framed and conducted carefully and meaningfully.

Another important aspect of the data analyses was focused on comparing the selected case studies with a selected legislation document that would be the most relevant in the context of Thailand current situation, conversation of heritage management approaches and communities' involvement in the decision-making process or their participation in the conservation of their own heritage in general.

At the beginning, the *1972 UNESCO World Heritage Convention* was selected for the comparison with the management approaches used in the selected case studies. The World Heritage Convention stands out as the most coherent and comprehensive international agreement in the field of cultural heritage conservation (UNESCO, 1972). However, the Convention can't be used in its full potential in the context of the research of this study — on local communities, their involvement and participation in heritage management approaches.

Therefore, the next chosen legislative document was the *2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage* as a key convention that provides a basis for the involvement of local communities in cultural heritage conservation. This convention

incorporates the community's involvement (their role in the identification, safeguarding, and transmission of intangible cultural heritage), the respect for the communities' rights (emphasizing of their rights in the context of heritage management by ensuring their consent, participation, and benefits from safeguarding efforts), the focus on intangible heritage (including traditions, oral expressions, performing arts, rituals, festive events, knowledge, and practices), the safeguarding measures (including documentation, research, promotion, education, and transmission activities), and the international cooperation (for the support of the safeguarding measures) (see appendix 5).

While the 2003 UNESCO Convention specifically addresses intangible cultural heritage, its principles of community's involvement, respect for diversity, and sustainable development can also inform discussions and practices related to tangible cultural heritage conservation involving local communities. It underscores the importance of inclusive and participatory approaches that empower communities as stewards of their cultural heritage.

Additionally, to gain the most differentiated perspectives on the local communities' involvement in cultural heritage management, it was decided to pay a closer attention to the Nara Document on Authenticity, 1994, as it provides a set of principles and guidelines for ensuring the authenticity and integrity of cultural heritage (see appendix 6). The main emphasis is on the importance of cultural diversity and local community involvement in heritage conservation — the condition required for the research and the analysis of the selected case studies.

The Nara Document is relevant for the research purposed due to the following criteria incorporated in the text:

- The document defines authenticity as a fundamental principle in heritage conservation, encompassing both tangible and intangible authenticities.

- It recognizes the role of local communities as stakeholders and custodians of cultural heritage.
- It advocates for an integrated approach to heritage conservation that considers social, cultural, economic, and environmental factors.
- Its principles allow to evaluate how well conservation practices align with community values, based on the case study approach to see how local communities have been actively engaged in cultural heritage management in these cases.
- The document acknowledges the diversity of cultural contexts and encourages adaptation to local circumstances, making it applicable to various cultural heritage management scenarios worldwide.

After detailed studies of the presented information, the conclusion has been made that for analyzing case studies of local communities' involvement in cultural heritage management, the Nara Document on Authenticity serves as a highly relevant and appropriate charter.

In Thailand's diverse cultural landscape, where each community holds unique practices and beliefs, the adaptation of the Nara Document can bring a significant contribution to conservation practices and development of existing heritage management approaches in the country.

Chapter 4

Case studies

4.1 Introduction

Chapter 4 addresses two local case studies chosen for the research. First, Mahakarn Fort and its community in Bangkok as an example of gentrification. Second, Nang Long neighbourhood in Bangkok as a model of heritage management approaches that resulted in progressive development for the community. The Chapter analyses the settings and the timeline of the processes, management approaches used in the dealing with the cases and the outcomes for the local communities and tourism industry.

4.2 Mahakarn Fort and community

4.2.1. Site introduction

The site represents the effort to conceptualise cultural heritage management in the tangible form as a museum. The conservation project was proposed with the aim to promote tourism in the area without a close attention to the history and values of Mahakarn community.

Today, four out of 14 defensive forts remain which were built to protect the city during the late Ayutthaya to early Rattanakosin periods. The fortification was built in 1782 and today, Mahakarn Fort is one of the remaining forts (figure 1). The fortification was strengthened by the wall system connecting all the forts together, as a surrounding, including already operating system of canals inside and outside of the city walls. The project named “Rattanakosin Area” conservation started in 1935 and its main focus is on heritage management and conservation with the tourism promotion. Conservation and restoration of Mahakarn Fort is

now officially one of the parts of “*Master Planning for Conservation and Development of Krung Rattanakosin 2032*” prepared by the scholars of Chulalongkorn University in 2020.



Figure 1: Map of fortifications of Bangkok

Source: Adapted from *Fortifications of Bangkok*, by Paul_012, 2017, Wikipedia

According to Peerapun et al. (2020) the importance of integrated planning through a participatory process between the professionals, government and local communities and residents of the area. As the results can be used to strengthen the development and conservation processes in the future. Additionally, they can be used as guidelines for managing other heritage conservation areas in Thailand.

1928 — Mahakarn Fort is nominated to be an archaeological site of the nation under the request of The Royal Academy to the Ministry of Interior.

1935 — The Fine Arts Department (FAD) required assistance of the Municipal Department in maintenance of the area.

1949 — The FAD announced the official registration of the Mahakarn Fort as a national archaeological site in accordance with the Act on Archaeological Arts and the National Museum, 1934.

As an archaeological monument, the Mahakarn Fort was recognised due to its architectural characteristics: large octagonal fort of 38 meters wide and 15 meters height, with a wooden frame roof tiled in a form of lotus leaves. There are 6 cannons in total. The wall continues from the Mahakarn Fort along the Maha Chai Road and is decorated with the pointed leaves on the top (figures 2, 3 and 4).



Figure 2: Mahakarn Fortress in 2012

Source: Adapted from Mahakarn Fort & Community Guide, by Shankar S., 2012, GOHOB



Figure 3: Mahakarn Fortress in 2014
Source: Mariia Lizunova, April 2024



Figure 4: Continuous Wall of the Mahakarn Fort and its decorations
Source: Mariia Lizunova, April 2024

4.2.2. Situation with the renovation of Rattanakosin Area today

Rattanakosin Area has many important and both historical and cultural buildings and area that contain national values, therefore, the planned concept of conservation was emphasised on rebuilding the area for future development purposes. As part of a master plan, (Mulpramook, 2017).

The first mention of the renovation process happened in 1959 and half of the residences agreed to sell their land to government. The following it master plan on the “city’s beautification” created in 1988 was the first mentioning of the community’s leave of the area and its relocation to another place with the emphasis on the strategic placement of Mahakarn Fort for tourism purposes and opportunities. The community opposed the renovation process by suggesting their own idea of modernisation and renovation by establishing an open-museum with an active participation and involvement of the residents.

While the debates and negotiations between the government and community is being operated, in 2002, Michael Herzfeld, a Harvard anthropologist and researcher, argued that the proposed public park would not turn out well as expected and that the community’s suggestion would be better appreciated by the tourists (Fong, 2018).

In April of 2004 there was a big celebration of Bangkok’s anniversary and the Mahakarn Fort was playing an important role in the festival. It was decorated and illuminated to attract people’s attention with the use of open-air presentation of old photographs of the community and the area and the floating market.

From 2005 more and more scholars and researchers as local as international start to work closely against the project of the public park establishment by publish research papers such as Jean du Plessis’s article *“The growing problem of forced evictions and the crucial importance of*

community-based, locally appropriate alternatives” where he argues the real reasons behind evictions created for public good; Graeme Bristol’s project “*Pom Mahakan: Community Design and Human Rights*” discussing the role of universities and architecture students; Governor Apirak Kosayothin together with the consultancy from Silpakorn University launched the “*Research Project of a Model Scheme for the Preservation and Development of Ancient, Wooden Homes of the Mahakan Fortress Community*” and signed a declaration to develop and create treasured old wooden houses in Mahakan Fort community — the proposal has been completed and transferred to the Bangkok Metropolitan Administration (BMA).

The community started new negotiations with BMA: to request 1 rai of the land to build the regulated housing, to volunteer to become security guards of the area and the park with their own power and resources. The proposal was declined with the mention of regulated standards and laws as the BMA has to follow 1992’s royal decree and the situation can’t be alternated.

In 2007, the BMA made a decision to decline the Silpakorn University’s project and to continue the model with the public park proposal.

As mentioned by Mulpramook (2017) in his research paper, government-based projects are most likely to receive special legal treatment. In this case, the public park project at the Mahakarn Fort does not conform modern needs, especially for tourism purposes, as stated by many other research publications and studies.

As for the present, the BMA declares that the nowadays community members do not have any historical connection with the cultural and archaeological area as the fact of the movement of original owners since the beginning of the conflict. The community, in return, stands firm on its origins and emphasises their contribution to a great part of Thailand’s art and craft heritage. The community is recognised as the source of

foundation of traditional Thai dance called Likay or Yike Khmer dance (Mulpramook, 2017).

Regardless of the community's contribution to the Thai's culture and history, now, it was in disorder and had no potential significance in the eyes of authorities. This reasoning initiated the project of removal of the community and replacing it with a new public area, park, by focusing on restoration of the monuments and ruins in the area in accordance with the development and conservation plan of the city for tourism purposes.

4.2.3. Significance of the site



Figure 5: Mahakarn Fort in 1930s

Source: Adapted from WayBack Machine "Mahakarn Fort and the Great Wall", n.d., 2020, Wayback Machine

Pom Mahakan Fort community consists of the 287 residences from 65 houses, 92 families on the land of 7836 sqm and about 52 metres wide by

150 metres long, as for 2009. Majority of the residents lived there for at least six generations (Aruninta, 2009).



Figure 6: Mahakarn Fort and its placement alongside the canal

Source: Mariia Lizunova, April 2024

Mahakarn Fortress was surrounded by neighbourhoods built alongside the canal and right next to the Golden Mountain Temple (figure 6). The location was crucial as the traditional way of life in Thailand was dependent on waterway — the centre of commerce and transportation. In terms of cultural significance, the Mahakarn Fort community was a source of origin of fireworks, Thai traditional musical instruments, bowls for Buddhist monks and theatre troupe known as Likay folk dance. Therefore, this area was acknowledged as “*culturally-rich spot*” with “*a rare complex of vernacular architecture*” — an architectural style that has already vanished from other historical areas of Bangkok (Ratchaneekorn, 2017).

According to Thedsana (2006) after his investigation and research on the values and significances of the Mahakarn Port and its community, he was able to list the following:

- As mentioned before, some of the buildings in the community contain historical and cultural value (vernacular architecture) and, therefore, should be protected;
- The ditch (klong) laid by the canal is one of the important entrances to Rattanakosin Island;
- The area alongside the canal (klong) is in need of a better development for the future use (figure 7);
- The large trees are unique for the area and quite old, so they need to be protected and properly maintained (figure 8);
- The everyday life and activities of the community, especially its handicrafts, are valuable for the area's history and as a result, significant for the tourism development;
- Distinctive view points on ancient monuments — What Saket and Golden Mountain — are strong points of visitors' attraction.



Figure 7: View on the canal (klong) from the park

Source: Mariia Lizunova, April 2024





Figure 8: One of the largest and oldest trees remaining in the area

Source: Mariia Lizunova, April 2024

From the historical perspective, the Mahakarn Fortress has an attractive architectural value for tourists, besides that its constructions, buildings, city wall, nature resources, people, and culture — all of these aspects became a part of historical value of the Mahakarn Fort not only for tourists, but also for the city and the country.



Figure 9: Layout Plan of Mahakarn Fort and Part at the Present
Source: Adapted from Bangkok Happy hub, n.d., Bangkok Happy hub

4.2.4. Management Approaches

The first to analyse and one of the most detailed recommendations for the development of Mahakarn Fort area was suggested by a researcher Krit Thedsana (2006) in his research paper analysing the current situation around the Mahakarn Fort project. There is his historical district conservation project.

Conceptual conservation with the emphasis on the community's initiative including the cooperation with NGOs, universities and researchers.

Conservation of:

- Architectural image of the community (its everyday life),
- History and sense of the place,
- Knowledge and practical techniques from the past.

It means that the preservation and modernisation will be mostly focused on:

- Development of public spaces;
- Safeguarding of the community's lifestyle;
- Improvement of tourism potential in the area;
- Preservation of the fortress, wall, waterfront and trees;
- Intangible heritage of the community (activities, ceremonies);
- Vernacular old houses (figure 10).

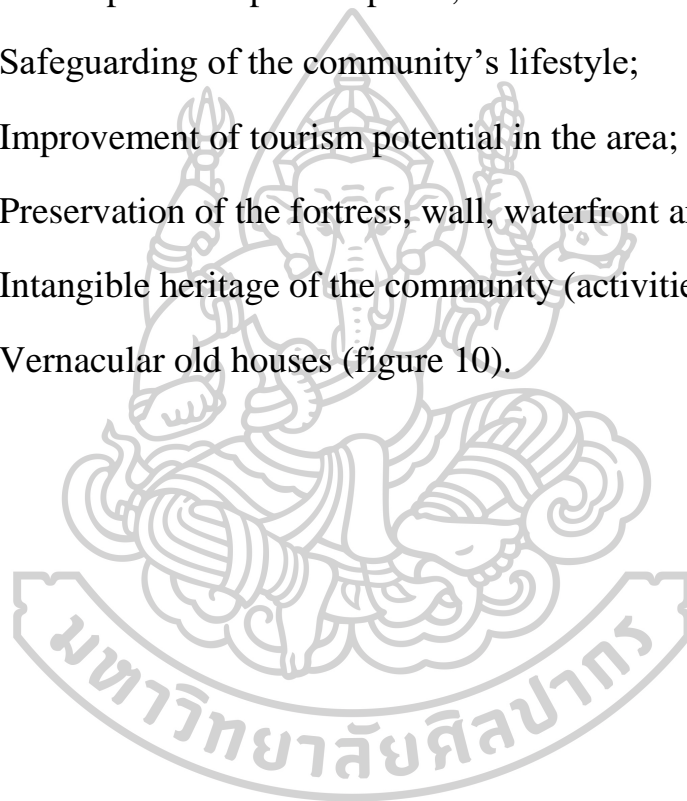




Figure 10: Households originally located in the Mahakarn Fort community

Source: Adapted from S. Mulpramook (2017)

The proposed plan contains not only suggestions on the conservation practices with the focus was on the culture as on the community, their needs and the ideas of development focused on future tourism potential in the area. Moreover, the recommendations contain preservation and improvement suggestions for:

- Physical improvement of the area: conservation and maintenance of the fortress and the walls, design of the public park area alongside the community, creating and integrating a life museum with the main participation of the community.
- Improvement of historical approach in tourism as the area with a big

potential to attract both tourists visiting a historical place and those who need to pass through the area to access the pier.

- Restoration and maintenance of vernacular buildings — focus on their functionality in the past related to the water transportation (changing point from a ground vehicle to a boat) — another point of attraction for tourists.
- Creating more public facilities: tourist centre, public toilets, café zone, port, signages and lighting — to facilitate the orientation on place, attract more attention and create a festive mood.

With the help of his research data, it is possible now to track all the actual changes happened to the Mahakarn Fort area since 2006. There were a various number of maps collected, including a community map of that time.

According to the figure 11, the development plan was accurately prepared with the idea of the direct community's participation in all kind of modifications, redevelopment and conservations in the area, therefore, the public park was incorporated into the community's landscape.





Figure 11: Development guidelines of Mahakarn Fort

Source: Adapted and translated into English from เปิดเอกสาร

“สมาคมสถาปนิกสยาม” ต่ง 7 ข้อเสนอ ถึง “บิ๊กป้อม” ชี้ทางออก “ป้อมมหากาฬ”,
2017, Matichon Online

Regardless, even at that time, there was still a number of issues, mostly between the community and the authorities:

First, conflicting perception of the history — what is the heritage: monuments of culture, artefacts or people? This question can be discussed with the use of the most powerful tool in hands of heritage practitioners, authorities and researchers — heritage guidelines and policies, in this particular case, the Act on Ancient Monuments, Antiques, Objects of Art and National Museums of 1961. As previously discussed in other chapters: “Even today, FAD is operating under the Act (...) established more than 40 years ago, only ancient monuments, objects of art and antiquities can be registered as national heritage and on that account, taken care of” (see chapter 1). The governments point of view

was very specific regarding this question and as it has been discovered, the Act and other related policies are the tools of serious, recognised support in heritage practice and decisions.

Second, the decision-making process was conflicting as it was unclear how decisions were made and by whom.

Third, the question of benefits: whose interests are being prioritised: those of the community, those of business investors or those of tourists? Another relevant to the same issue question was about how exactly people were supposed to know or learn about the park hidden by the big wall. Apparently, looking at the current condition of the park being empty, this question hasn't been resolved even until now and is still a challenge in the management of the current Mahakarn Fort area (figure 12).

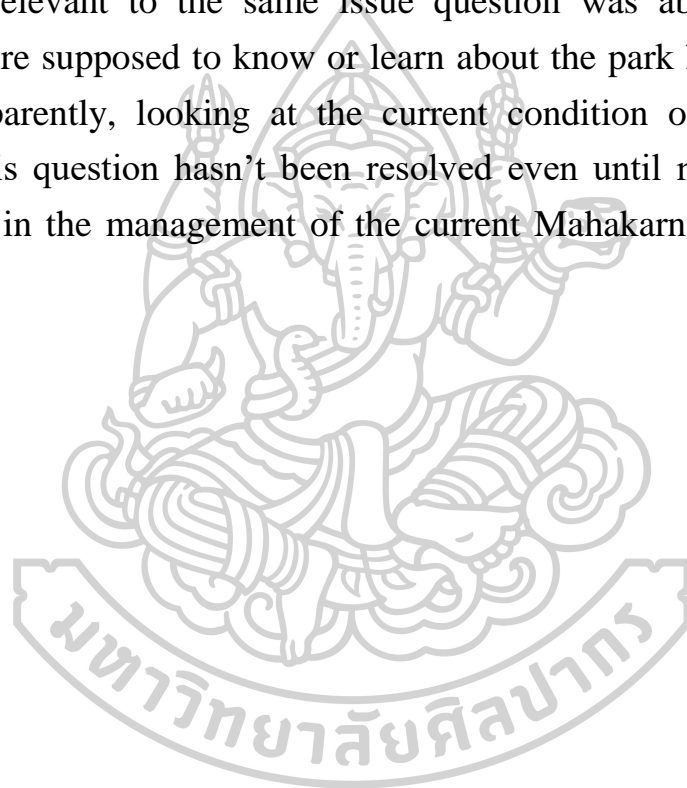




Figure 12: The public Park inside the Mahakarn Fort walls today
Source: Mariia Lizunova, April 2024

Fourth, after analysing the Land Development on Ratchadamnoen Avenue and Surrounding Area Master Plan prepared by Peerapun et al. (2020), the following parts of established goals caught my attention:

⇒ “*To make the avenue and the areas the sustainably comfortable city and communities*”, by mentioning here the coexistence between the sustainability and local communities, the image of the current situation already does not correspond established goal.

⇒ “*To promote business development and social activities in the capital city particularly the academic development and tourism*” — there is no of such activities currently happening in the Mahakarn Fort area that may be organised with the involvement of the local community.

⇒ Finally, a very sensitive topic of human rights can be discussed in regard of the Mahakarn Fort project — being poor or wealthy should not determine your rights for having equal opportunities and rights to access the economic and social benefits.

Today the area is green and clean, but unbelievably empty: there is a very limited number of visitors coming to the public park situated right next to another busy pier, yet unpopular among the tourists. The area is clean and taken care of, although today it looks like it has lost its soul. And indeed, the people who were the heart of the symbol of the area are not present there anymore. So does not the cultural essence of the place, now it has been lost.

The case study of Mahakarn Fort and community exemplifies the contemporary phenomena of gentrification and beautification.

Beautification in conservation and heritage management refers to the practice of enhancing the aesthetic appeal of heritage sites or historical structures. While this can make sites more attractive to visitors, it sometimes involves alterations that may compromise historical authenticity. With the intent to attract tourists, ensure economic benefits and engage public, the process of beautification also lead to the loss of original features, historical integrity and even authenticity (Neef, 2021).

In many instances, the redevelopment of heritage sites and other valued locations is increasingly associated with aesthetic enhancement and landscape beautification. This process often benefits the affluent middle class while simultaneously disadvantaging poorer communities.

Consequently, cultural heritage has become an effective tool for governance and economic gain within the context of redevelopment.

4.3 Nang Loeng neighbourhood

4.3.1. Site introduction

Nang Loeng neighbourhood is another old community of the Thailand's capital — one of the few surviving commercial areas of Bangkok (figures 13 and 14).

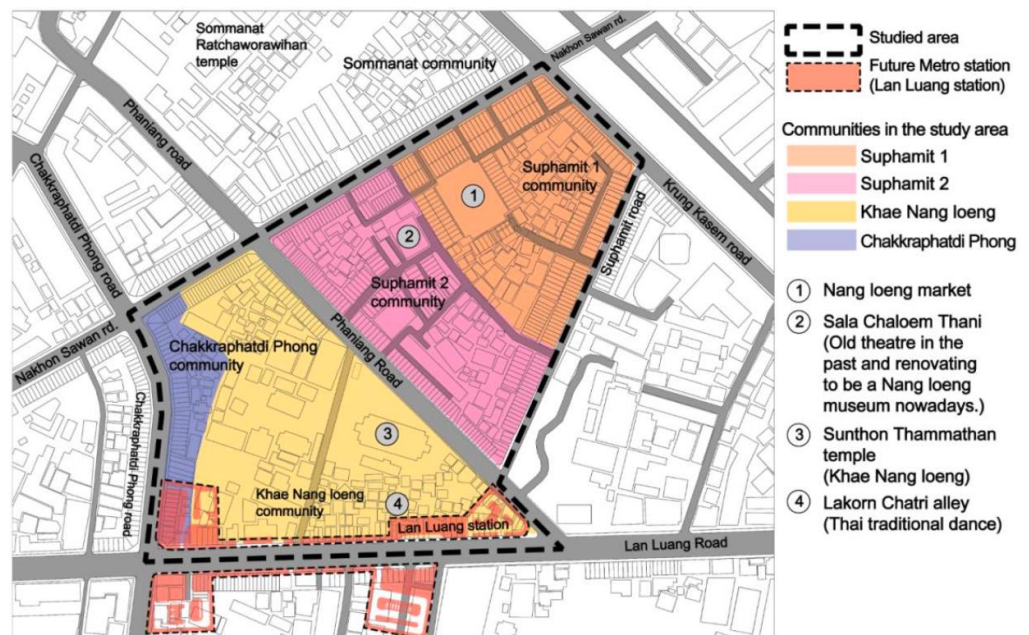


Figure 13: Nang Loeng neighbourhood

Source: Adapted from MRT Orange Line, by REALISTADMIN, n.d.,

Realist



Figure 14: Entrance to the Nang Loeng Neighbourhood

Source: Mariia Lizunova, April 2024

The beginning of its history goes back to the end of 18th century and its first residents, who were Khmer. During the reign of the King Rama II, the residents built their first temple and at the same period of time people from other parts of the country started to arrive. The area gained its importance during the reign of the King Rama IV with the digging of a new canal and the expanding of the capital territory as a result. This was another beginning of people's movements and settlements in the area. With time, the area become more and more modernised: public transport, building of new roads around the area, constructions of shop houses.

Previously, Nang Loeng community had been and a historic trading area and an entertaining area in Bangkok. There are many buildings of a

significant interest in the community, such as Nang Loeng Market, Sala Chaloeam Thani, Nang Loeng Shrine and shop houses.



Figure 15: Nang Loen Market, dining area

Source: Mariia Lizunova, April 2024



Figure 16: Nang Loeng Market

Source: Mariia Lizunova, April 2024

Nang Loeng Market was built in 1899 (figures 15 and 16). It became the first and big trading area on the ground (moved from floating markets), leading market for many years. In 1929 there was a fire and the following it reconstruction of the market. The original wooden construction was replaced with concrete pillars and lost its originality. However, the Crown Property Bureau recognised the market's significance for the history and created a new development plan. The process of recognition took time, but it was finally started in 2005. The project included:

- Development of the physical appearance of the market,
- Setting and establishing a proper water treatment,
- Constructing food booths and public toilets,
- Repainting the buildings around the market.

Regardless of the needed renovations, the architectural style of the building is still being kept in its original form and style.

4.3.2. Site's significance and cultural values

This case illustrates the risk posed by redevelopment and gentrification of the heritage and effective approaches to cultural heritage conservation practise proposed by the community. Moreover, this case study can be classified as an area with a little number of conservation efforts in terms of operating governmental policies and existing laws.

Nang Loeng Market's significance is in its architectural uniqueness that can still be identified even after many modernisations happened to the building since the fire in 1929. The changes were made in the use of materials, restoration of several parts of the building, reinforcement of the construction with iron lids, repairing of the façade, repainting, setting of the electricity system.

As a place of commerce, the Nang Loeng Market has a special role in the social life of people — this is the place of their everyday activities, culture and source of connection with each other. It is an administrative centre of Bangkok — a historical area situated around Rattanakosin Island enriched with high art, intricate temple architecture, and ancient traditions. And right here, there is the Nang Loeng neighbourhood representing an everyday life of ordinary people. This is one of the colourful aspects of Bangkok — a mix of cultures and lifestyles.

This is where the strength of the community comes from: lifestyle of its residents, from different backgrounds and group, but residing in one shared together space (Bangkok Fashion Week, 2024).

Shop Houses and their architectural form have an important significance in the community's identity (figure 17). There are several types of them, but the most known are those close to Nakornsawan road as they were built about a century ago with an attempt to assert

Thailand's (Siam at that time) modernity and independence due to the threat of Western colonial expansion in Asia. The styles used have a mix of Eastern-Western form with the influence of European and colonial styles with the addition of Chinese characteristics and details. Therefore, they represent not only the historical value for the country and also the community's identity.



Figure 17: Shop houses in Nang Loeng neighbourhood

Source: Mariia Lizunova, April 2024

Next is Nang Loeng Cinema or Sala Chaloem Thani — the oldest cinema in Bangkok and a large wooden structure right in the middle of the neighbourhood (figures 18 and 19).



Figure 18: Chaloe Thani in Nang Loeng neighbourhood in 2016

Source: Adapted from A hidden gem, by Patipat Janthong, 2016, Bangkok Post





Figure 19: Chaloem Thani in 2024

Source: Mariia Lizunova, April 2024



Figure 20: views on Chaloem Thani, surrounded by a fence

Source: Mariia Lizunova, April 2024

The building was built around a century ago and is considered to be one of the first cinemas in Thailand. Alongside the entertaining purpose of the building, the local community has a strong association with the work and life of people in the past. Recently, the building has been

registered as a heritage and now is under the status of preservation. For the present moment, the building is closed and separated from the visitors, its area is surrounded and there are no actual signs of any conservation or maintaining processes happening (figure 20).

Inside the Nang Loeng Market, right in the middle of the commerce zone, there is Nangleong Shrine (figures 21 and 22), a community's sacred space, that has been newly renovated, colourful and spiritually significant for the community. It is still preserving all its main functions and operates daily. It is recognised as community's spiritual centre — it creates the feeling of connection and helps to promote cooperation in the community.



Figure 21: Nang Loeng Shrine

Source: Mariia Lizunova, April 2024



Figure 22: Nang Loeng Shrine

Source: Mariia Lizunova, April 2024

After visiting the community, it became clear which buildings hold high significance for the community and which do not. It is highly recommended to keep the building under a regular maintenance while preparing a renovation or modernisation plan for the buildings of lower significance to keep the area harmonised with the historic community and buildings (such as the wooden cinema or the market).

All buildings need to be occupied or have a specific use. The building owners and residents need to understand that they are the first ones to be responsible for a building's visual presentation, therefore, it should be properly maintained, cleaned and taken care of as the identities of the community's area.

To summarise the significance of Nang Loeng community:

First, it is its aesthetical value represented by the buildings. Their role is in demonstrating the community's identity.

Second, social value in its culture as one of the rare old communities of Bangkok with the unique characteristics in training activities — by being an economic and social centre with the Nang Loeng Market at the core activities.

Third, historical value, this includes historical buildings: the first on-land market in Bangkok, the first cinema in Bangkok and registered today as a historic building, old shop houses with the purposeful architectural style.

Another important aspect of my research in the Nang Loeng community was gathering the diverse opinions, arguments, feelings, inspirations, and perceptions of both local residents and visitors regarding their neighbourhood with the help of interviews (questionnaires were prepared in advance and can be found in the appendixes 1 and 2).

The primary objective of this investigation was to determine if there were any differences or similarities between the community's understanding of their own cultural significance, heritage, and identity, and the perceptions introduced or discovered through external sources of information: articles, documents, research, visitors, and tourists.

By engaging directly with the community, the author aimed to better understand local perspectives and narratives, and to capture the essence of how the residents and visitors perceive the unique cultural elements of Nang Loeng neighbourhood. By the selected plan of actions, the research aimed to contribute to a more nuanced and authentic understanding of Nang Loeng's cultural landscape, which is essential for planning its heritage conservation and tourism strategies.

The following is the information obtained from the responses of the community representatives in Nang Loeng Market area. The author

engaged in conversations with shop owners, vendors at the market, visitors of the shrine inside the market and visitors of the area. In the next paragraphs, their responses and opinions were combined and restructured to present the most important ideas and facts collected during the interviews. Due to the respect of other peoples' privacy, there is no mentioning of their names, age, or any other identifying characteristics except their occupancy.

The local community has identified several heritage assets they hold dear, which include the bustling Nang Loeng Market, the historic Sala Chaloem Thani Theatre, traditional shop houses, exquisite local desserts, the revered sacred shrine, and local festivals. These elements not only reflect the rich culture of the area but also serve as vital pillars of the community's identity and social fabric.

The Nang Loeng Market stands out as a central hub of daily life, offering a wide array of goods and traditional foods that draw both locals and tourists. The market is renowned for its authentic atmosphere and historical significance, being one of the first markets built on the ground in Bangkok. Its preservation is crucial for maintaining the area's cultural heritage and supporting local livelihoods.

Equally significant is the Sala Chaloem Thani Theatre, a cherished landmark that represents the golden age of Thai cinema. Although no longer in operation as a movie theatre, it remains a symbol of the community's artistic heritage and a potential site for cultural revival through adaptive reuse.

The traditional shop houses in the area are another key heritage asset. These structures not only embody architectural beauty but also provide a living history of the community's commercial and residential life. Preserving these shop houses is essential for maintaining the neighbourhood's unique character and historical continuity.

Local desserts, a culinary heritage, play a prominent role in Nang Loeng's cultural landscape. These traditional sweets, often prepared using age-old recipes passed down through generations, are a testament to the community's rich gastronomic heritage. They offer a tangible link to the past and a sensory experience that continues to delight residents and visitors alike.

The sacred shrine situated right in the middle of the market serves as a spiritual anchor for the community, offering a space for worship, reflection, and community gatherings. It holds deep religious and cultural significance, embodying the spiritual traditions that have been part of the community's way of life for generations.

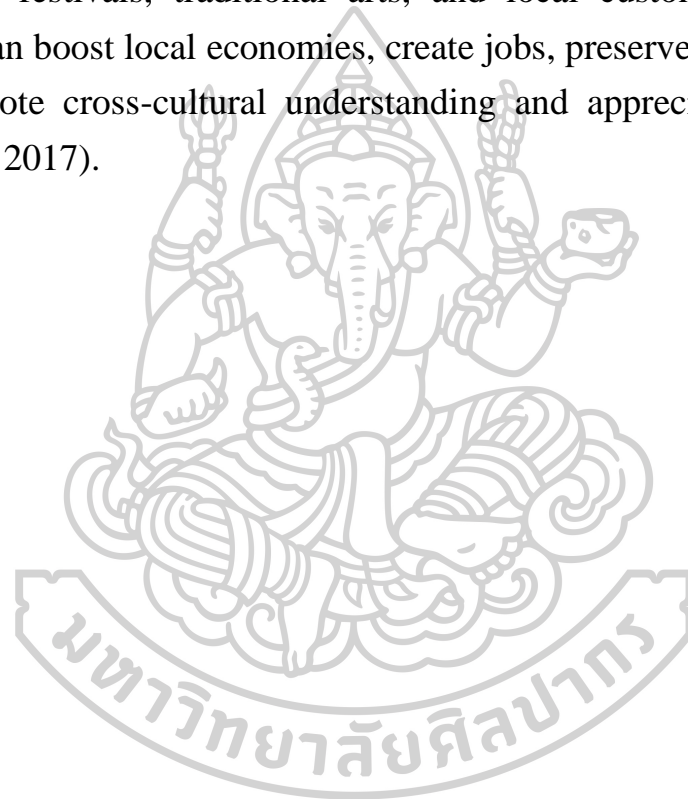
Local festivals are perhaps the most dynamic expression of Nang Loeng's cultural vibrancy. These events bring the community together in collective celebration, showcasing traditional music, dance, food, and rituals. They foster social cohesion and provide an opportunity for both residents and visitors to engage with and appreciate the local culture.

The author had an opportunity of witnessing first-hand the community's engagement during the week of upcoming Songkran festival. This experience underscored the deep-rooted communal spirit and the collective effort to preserve and celebrate their cultural heritage. The festival was a lively display of community pride and participation, highlighting the importance of these social activities in maintaining cultural continuity and strengthening community bonds.

In summary, the heritage assets identified by the Nang Loeng community — including the market, theatre, shop houses, traditional desserts, shrine, and festivals — are invaluable. They are not only historical treasures but also living parts of the community's daily life, ensuring that the rich cultural heritage of Nang Loeng neighbourhood continues to thrive in the modern era.

To summarize, the unique characteristics of the Nang Loeng neighbourhood highlight its value and significance as a source of cultural and historical features. The area's rich heritage, vibrant traditions, and authentic local experiences also demonstrate its high potential for the development of cultural tourism.

Cultural tourism involves traveling to experience the culture, heritage, and lifestyle of a place. It offers opportunities to explore historical sites, museums, festivals, traditional arts, and local customs. This type of tourism can boost local economies, create jobs, preserve cultural heritage, and promote cross-cultural understanding and appreciation (Carson & Pennings, 2017).



Chapter 5

Conclusion

5.1 Introduction

Chapter 5 analyzes the research findings based on data collected from selected case studies. It primarily focuses on the recommendations for the studied communities and discusses the implementation of the Rattanakosin Charter in these case studies, highlighting potential contradictions and opportunities. The chapter concludes with a comprehensive summary of the study and its recommendations.

5.2 Review of the study

The study is focused on the exploration and analysis of heritage management approaches in Thailand. For the profound understanding the study research the origins and beginnings of the cultural heritage as the concept, its tendencies worldwide and more specific directions in Thailand to understand the source of various contemporary issues and find their possible explanations through the history scanning.

The research adopts analytical framework based on the throughout research and work with the selected case studies, namely Mahakarn Fort and Nang Loeng communities in Bangkok. Both case studies had to deal with the community's engagement, understanding of their significance and culture in the face of an identity and value questioning from the authoritative bodies.

Data collection and analysis through interviews in the case study areas revealed the reasons behind the positive impacts on the communities, emphasizing the enduring heritage values in the neighbourhoods.

The findings revealed that both sources were consistent. The community identified their most valuable heritage assets to be the Nang Loeng Market, Chaloeam Thani, shop houses traditional desserts, sacred Shrine, and local festivals. The author personally witnessed the community's engagement during one of the neighborhood holidays, observing their collective social activity (beginning of the celebrations for the Songkran Festival).

The thesis is operating around three key questions:

- What are the most popular management approaches in heritage conservation in Thailand?
- How the perspectives of authoritative organisations in charge of heritage management can be changed or influenced?
- Why are the past century policies are still being used without required modifications in regulating heritage management practices in Thailand today?

This chapter will present the summary of the findings from the two case studies to present an answer to the last question and draw a conclusion.

5.3 Overall Findings

To start with, both cases are showcasing the efforts to conceptualise cultural heritage management in tangible (physical building, museum) and in intangible (community endeavour) forms within different areas and contexts.

While the first case study emphasised, complicated issues growing out of the conflict between the local community and the BMA through unclear definitions and duplicate policies. According to the Act of 1961, cultural heritage is still being viewed as a tangible object or rather monument, without any natural (landscape) addiciting or integration in the

area of protection or preservation. It means that the intangible heritage isn't even recognised as something significant and in danger of a distinction. This can explain the BMA's position towards relocating the community — origin and source of all the intangible heritage, culture, knowledge and practices for the area — to protect the area and keep the tangible material — Fortress — under their protection and care. There is no such a policy in Thailand having enough power and authority to state that the community can't be separated from their residency area, traditions, everyday lifestyle and relocated due to the lucrative reasons, promoting, boosting and developing the economic growth in the country without any benefits and opportunities for the community.

Moving to the finding about Nang Loeng community where the overall situation seems a little more positive as the FAD has had common reasons to collaborate with the community to protect the historical sites. Although, their help is not as evident as it was necessary — it means that the community still needs to put in more efforts. The authoritative organisations in Thailand still need to have valuable and clear reasonings on why they should invest and protect a community settling when there is no definite policy facilitating the process of heritage (tangible and intangible) conservation in the country. The policies being in use are dating back to 1960s, from the very beginning of their creation, the same variation of the document is being applied to the present situation.

Are they relevant? Do they correspond and can reciprocate the deep of even tangible heritage sites, since that the scholars learned to study them through the value-based approach from many other different perspectives. The answer is obvious for us, but for those with the power to do changes in heritage conservation and management practices, there should be a lever that will make the change happen.

In short, for the present, the communities are still being kept from an all-inclusive participation in the decision making of their own heritage or areas. They do not take part in finding and identifying problems, planning

organisation, they do not operate and evaluate the proposed processes and course of actions.

Therefore, just like with the Mahakarn Fort community case, we have unrepairable losses of intangible cultural heritage communities, mostly as a result of the top-down policy.

What are the common characteristics of both case studies? To begin with, the lack of young generation willing and supporting the significance of their own culture and traditions, to preserve the knowledge and pass it to the future generation. Without this transition as of a person who will inherit the wisdom and pass further, the knowledge can be lost.

The second characteristic has a great connection with the local youth and also demonstrates that the communities on their own do not have enough awareness and pride of place. However, this is not the case for older generation. Although, in this case, the question of passing the information to the younger generation remains open and we can only guess what lies behind the lack of this awareness — unwillingness to learn, lack of sensitivity and attachment to the community and the area, not emphasised enough significance and etc.

Thirdly, the rapid change of everyday life and the impacts and influences it brings on peoples' perception of the world, their believes and aims.

With all of these being said, the selected case studies were presented to demonstrate perspectives of how the cultural heritage is managed in Thailand. All the work is done by the authorities, no participation from communities and this is the key issue. The top-down approach overlooks the valuable insights and contributions that community members can offer.

Engaging local communities in heritage management not only enriches the preservation efforts with local knowledge and cultural nuances but also fosters a sense of ownership and responsibility towards

the heritage sites. The absence of community involvement can lead to a disconnect between the preservation initiatives and the people they are meant to benefit, potentially compromising authenticity of heritage conservation and leading to a threat of possible gentrification of the area (Li et al., 2020).

The local communities should be authorised to take part in the decision-making regarding their own future, to manage their cultural heritage based on the demand coming from them (and not any other third parties with their most likely lucrative interests), to spread the awareness and acknowledgment of their community's spirit, wisdom, sense of place and belonging — anything and everything that is considered a tangible or intangible heritage of the community and needs to be preserved.

For better and visible results, the community's inclusion should be reinforced on the legal level with the necessary changes in policies, laws and people's perceptions as well.

5.4 Recommendations for the case studies

The studied case study is one of the examples of contemporary process of gentrification and beautification.

Unfortunately, nowadays redevelopment of heritage places and other places of value is associated with landscape beautification in many cases. This process is advantageous to those of a wealthy middle class while it is most like devastating and disregarding of those of poorer classes and migrants. It means that today cultural heritage has come to be an effective tool for governance and monetary benefits in the context of redevelopment processes. Needless to say, that the original heritage values are disappearing in a “gentrified” environment and being replaced with new spaces that support investors and upper-high class interests of capital accumulation. Therefore, it leaves limited space for the spread of cultural values in the area (Zhu & González Martínez, 2021).

Sadly, the Mahakarn Fort conservation project of BMA is one of these cases of gentrification and beautification. As M. Herzfeld (2017) highlights: “*Beautification is often invoked as a justification for forms of urban reorganisation that threaten existing ways of life and ignore the aesthetic values and social needs of poorer residents.*”

The unique landscape of old local communities is a mix of everyday life and years of developed culture, and it belongs to the contexts of tangible and intangible heritage and its conservation.

For now, the unique community, their settlement and lifestyle has been put to the extermination — even with the relocation of people and their belongings, there is no possible solution to recreate, repeat or even copy the same style of living, habits, gestures and life of people from one area into another. People and their natural environment are unseparated, in case if they are parted, it is already the beginning for a new and different life.

Therefore, given the current situation in Mahakarn Fort, the author would like to present some recommendations focused on various areas for heritage management approaches.

1. **Documentation process.** The thorough documentation of the historical significance of Mahakarn Fort is needed to be conducted, including archival research, oral histories from former residents, and gathering old photographs or documents related to the fort and its community.
2. **Heritage interpretation.** Heritage interpretation has a crucial point in facilitating the achievement of understanding the heritage place, its significance, theme, purpose; it aims to enrich experiences, stimulate activity, and widen knowledge. For that reason, the development of interpretive materials such as signage, brochures, and digital exhibits to educate visitors about the history and cultural significance of the Mahakarn Fort and its

former community.

3. **Community engagement.** It should be considered to invite the community to participate in the organisation of heritage interpretation of the Mahakarn Fort and to involve hosting community events, workshops, or exhibitions that celebrate their cultural heritage. The crucial part in there can be the encouragement of the community members to participation in heritage preservation efforts and decision-making processes regarding the future use and interpretation of the fort and the park (Plessis, 2005).
4. **Conservation actions.** Ensure that the physical structures of Mahakarn Fort are conserved and maintained appropriately to retain their historical integrity. Consider adaptive reuse strategies that respect the fort's heritage while meeting contemporary needs. For example, the fort could host cultural events, art exhibitions, or educational programs that highlight its historical significance.
5. **Public awareness and accessibility.** The improvement of public access to Mahakarn Fort as a park while preserving its heritage value is necessary. This may involve upgrading visitor facilities, pathways, and signage to enhance the visitor experience without compromising the fort's historical fabric. The implementation of appropriate management practices to ensure that the park remains well-maintained and environmentally friendly, its environment is clean and taken care of, there is no harm and danger for nature, animals, visitors and local residents (Herzfeld, 2010).
6. **Tourism.** There is a potential for development of responsible tourism initiatives that promote Mahakarn Fort as a heritage site and park. This could include guided tours, cultural events, and partnerships with tour operators to attract visitors interested in

history and cultural heritage. So far, the park on its own is not well known and acknowledged as a tourist destination. However, the balance between tourism initiatives and heritage conservation priorities should be maintained — to avoid commercialization and any possible damages to the Fort's heritage value.

7. **Partnership.** By raising the awareness among the area visitors, it is also required to foster partnerships with universities, NGOs, and heritage conservation experts to support ongoing research, conservation efforts, and educational initiatives related to Mahakarn Fort.
8. **Management.** To ensure the success of the proposed recommendations, as with any management approach the monitoring and evaluation framework is critical, to make the assessment of the effectiveness of heritage management strategies at Mahakarn Fort. This may include regular inspections of the area's condition, visitor feedback implementation, and tracking impacts and changes on the area.

By adopting these recommendations, Mahakarn Fort can be managed as a park while preserving and interpreting its heritage value, acknowledging the community's historical connection, and ensuring appropriate use for future generations.

The situation with the Nang Loeng neighbourhood and its community is visibly different from the Mahakarn Fort. Although, the community has done already achieved significant results in managing their own heritage and preserving it from the threat of destruction and gentrification, there are still some recommendations that can benefit the community and facilitate their development.

Firstly, fostering community-based tourism with the active involvement of the local community can enhance capabilities for such

communities while providing unique experiences for visitors. Educating the local community about tourism opportunities and services through communal events and activities is essential. *What is the community spirit and how it can be presented?* Understanding and presenting the community spirit is crucial, as it helps in conservation, redevelopment, and engaging residents in activities and projects with long-term goals.

Moreover, recently, the neighbourhood has been actively participating in various social events, including art, design, and architectural projects, to attract more visitors and media attention. These initiatives have brought visible changes, reflecting the community's evolving actions and engagement.

Today, the community is aware of its significance and importance to the city and its culture. The residents are not only proud of their tangible and intangible heritage but are also enthusiastic about sharing their culture and values. However, the Nang Loeng neighbourhood still faces challenges due to a lack of active and influential leaders and authoritative supporters to address internal organisational issues.

Regarding the maintenance and restoration of buildings, it may be relevant to revise certain regulations, such as building height restrictions, to preserve the area's architectural style. Financial support from governmental organisations and private investors should be considered to fund these initiatives. With adequate funding, collaboration among different groups can address economic issues and facilitate the exchange of ideas, knowledge, and experience.

By following these recommendations, the Nang Loeng neighbourhood can be provided with a clearer and more structured approach to their development and necessary support; the emphasis is on the importance of community involvement, education, and collaboration.

However, there is a very important question that needs to be kept in mind. Today, the situation is changing on the international level:

Bangkok grows into a bustling tourist hub, one of the biggest in the world. The pressure of tourism has already started to show in conflicts such as between city's modernisation and preservation of old areas, their livelihood and everyday life. Hence, in regard to tourism versus heritage conservation in Thailand:

'Are the authorities aware of the pressures that tourism exerts on the country?'

5.5 Discussion

The biggest and the most important part from the discussed case studies is focused on the stagnation of community's rights to take a part in the preservation, conservation, operation and even management of their own territory, heritage and culture. They are not allowed to take part in the management process, their knowledge and wisdom aren't being considered even heard, furthermore, the top-down policy establishes a somewhat hierarchy regime on the operated area where the major role is kept by the government (or more globally, by the state) — the ones conducting the assessment of values, establishing desired approach and the following steps. All of these while the residents have to watch from the side and wait without any rights to influence (not mentioning its stopping) the process. This is the categorisation of Orientalism according to the writer Edward Said (1978) who wrote a whole book about this idea and it is worth being cited as this idea is very closely connected with the Western influence on heritage management approaches in Thailand:

"...Orientalism is fundamentally a political doctrine willed over the Orient because the Orient was weaker than the West, which elided the Orient's difference with its weakness. As a cultural apparatus Orientalism is all aggression, activity, judgment, will-to-truth, and knowledge. Orientalism was ultimately a political vision of reality whose

structure promoted the difference between the familiar (Europe, West, “us”) and the strange (the Orient, the East, “them”).”

This idea is harmful and dangerous for the culture as it should be continuously supported and encouraged in everyday life of people to understand its significance of local values, then repeat on everyday basis and finally, cultivate the motivation to continue for a long term.

The contemporary phenomena of gentrification and beautification of heritage areas plays an important part in cultural heritage management approaches. Nowadays, more and more the authentic cultural and historical significance of the area is overshadowed by new developments that prioritize commercial interests over communal and historical integrity.

In essence, while gentrification and beautification can lead to improved infrastructure and economic growth, they also risk marginalizing vulnerable groups and erasing the intrinsic cultural heritage that once defined these spaces. The challenge lies in balancing redevelopment efforts with the preservation of cultural identity, ensuring that heritage conservation does not become a mere tool for economic exploitation but rather a means to foster inclusive community development.

Understanding the phenomenon of gentrification in heritage management is crucial, as it often leads to the displacement of long-standing communities and the commercialization of cultural assets. This issue underscores the need for frameworks that balance development with the preservation of local identities. The ‘Rattanakosin Charter: The Thai Cultural Charter for Conservation’ (see appendix 3) serves as a vital document in this context, providing guidelines for heritage conservation that emphasize the involvement and empowerment of local communities (Prakitnonthakan, 2013). By examining the principles and applications of the Rattanakosin Charter, we can gain valuable insights into how local communities can be more effectively engaged in heritage management,

ensuring that development initiatives respect and enhance the cultural and historical fabric of the area.

The Rattanakosin Charter holds significant value in heritage management and community involvement for several reasons:

- The charter provides comprehensive guidelines for the conservation and preservation of heritage sites, ensuring that historical and cultural assets are maintained with integrity and respect.
- It emphasizes the importance of safeguarding both tangible and intangible cultural heritage.
- The charter underscores the necessity of involving local communities in the decision-making process.
- By promoting rational development practices, the Rattanakosin Charter helps balance the needs for modernization and economic growth with the preservation of historical sites and cultural values.
- Moreover, it provides a legal and policy framework that can be used by authorities to implement and enforce conservation efforts, making heritage management more structured and consistent.
- At the same time, the charter serves as an educational tool for raising awareness about the importance of heritage conservation among policymakers, developers, and the general public.
- Also, the charter helps mitigate the negative impacts of tourism, such as overcrowding and commercialization, ensuring that tourism development is sustainable and beneficial to the local community (see appendix 3).

Overall, the Rattanakosin Charter is invaluable in promoting a holistic approach to heritage management that integrates conservation with community empowerment.

However, while the ‘Rattanakosin Charter: The Thai Cultural Charter for Conservation’ primarily focuses on integrating cultural heritage with environmental conservation, potential contradictions could arise in practical implementation.

First, the process of balancing economic development and conservation activities can create unwanted conflicts. Economic growth may prioritize infrastructure projects or tourism developments that could potentially harm natural habitats or cultural sites. And this is exactly the case study discussed in Chapter 4 about the Mahakarn Fort and its community.

Next, preserving traditional practices may conflict with modernization efforts that aim to improve living standards but could impact cultural landscapes or traditional knowledge.

Finally, local community participation in conservation efforts may clash with top-down governmental policies or regulations that prioritize national interests or economic growth (Shinawatra, 2006).

Navigating these potential contradictions requires careful consideration of local contexts, stakeholder engagement, and adaptive management strategies that prioritize both cultural heritage and environment protection.

For instance, the implementation of Rattanakosin Charter in the context of the Mahakan Fort community is already challenging for several reasons:

- The interests of the local community often clash with those of developers and government authorities.
- The Charter lacks strong legal and institutional backing, its principles can be difficult to implement effectively.
- Effective implementation of the charter requires adequate resources, including funding, expertise, and manpower.
- Political agendas and bureaucratic procedures can obstruct the

application of the charter.

- Ensuring community involvement and preserving the socio-cultural fabric of the Mahakan Fort area is difficult when residents are forced to leave due to rising living costs and redevelopment pressures.
- Without proper education and advocacy, the principles of the charter may not be effectively communicated or adopted.
- Authorities may prioritize short-term economic gains over long-term cultural preservation.

To overcome these challenges, the starting point is from a concerted effort to strengthen the legal framework supporting the Rattanakosin Charter, an increase of funding and resources for conservation, an improvement of stakeholder education and awareness, and a securing of development plans of becoming inclusive and community-centric.

However, implementing the Rattanakosin Charter in the context of the Nang Loeng community in Bangkok presents both opportunities and challenges (see appendix 3).

Among the opportunities, the most noticeable would be first of all, the community involvement — this can empower the Nang Loeng community, giving them a voice in how their neighborhood evolves. Moreover, by following the guidelines presented in the Charter, the community can become more educated about the importance of heritage conservation and the benefits it brings, leading to greater communal pride and cohesion.

Another opportunity is directly connected with their cultural heritage, as the Rattanakosin Charter's guidelines can help preserve its unique built heritage, that Nang Loeng is known for. The charter can also support the preservation of intangible heritage, such as local festivals, culinary traditions, and crafts, fostering a deeper connection to the community's history. Besides, proper implementation of the guidelines can help

manage tourism in a way that benefits the local community, avoiding the pitfalls of over-tourism and gentrification.

Although, the opportunities are great and necessary for the neighborhood development, the challenges need to be carefully assessed and understood. There are some of the obstacles that might arise from the Charter's implementation in the Nang Loeng neighborhood, although they are quite similar with the case study of the Mahakarn Fort.

First, the conflict of interests between the local community and development, governmental and commercial interests; their alignment with the preservation goals of the Rattanakosin Charter can be challenging.

Second, adequate funding is crucial for the successful implementation of the charter. As it has been observed so far, there are and still may be limited financial resources available for conservation projects in Nang Loeng in the future.

Third, implementing the charter requires expertise in heritage conservation and community engagement, so it requires training and education, which might be lacking or underdeveloped for the moment being (Shinawatra, 2006).

Fourth, effective implementation requires strong support from local government and policymakers, who must be committed to the principles of the charter. As it has been seen in the case study with the Mahakarn Fort, even with the clear listing of a community's significance and role in the history and culture of the country, sometimes the lucrative goals and city's modernization can be prioritized on a higher level. Not to mention that the regulatory framework is still weak and is in a need for revisions according to the up-to-date situation in the country and with regulations that can be implemented specifically (idealistically for them to be exceptional) for a particular area or community.

Finally, just like with the Mahakarn Fort, gentrification still remains a threat for the Nang Loeng neighborhood, potentially displacing long-time residents and altering the social fabric of the community.

As a conclusion, it's important to say that by addressing these challenges and leveraging the opportunities, the implementation of the Rattanakosin Charter in Nang Loeng can lead to a balanced approach that preserves the community's rich heritage while fostering community well-being.

The only question is left to answer:

How the implementation of the Rattanakosin Charter can be enhanced, supported and necessary modified to address the current challenges and leverage the opportunities in the Nang Loeng neighborhood?

5.6 Summary

To summarise, the challenges of heritage management practices in Thailand can be classified to the following parts:

1. The insufficiency of legal framework.

The 1961 *Act on Ancient Monuments, Objects of Art, Antiques, and National Museum* applies and uses a restrictive and outdated definition of cultural heritage with the results in scarcity of understandings of cultural heritage of the country, failures in their protection including as well its extinction.

2. Unclear values and priorities.

No conceptual framework, guidelines or a specific policy which would be able to explain and determine the classification and prioritisation of conservation actions in a cultural heritage management approach.

3. Vernacular and intangible heritage issues.

Both, intangible heritage and vernacular architecture aren't recognised as a cultural heritage due to the not corresponding definition of the ancient monuments listed in *The 1961 Act on Ancient Monuments, Objects of Art, Antiques, and National Museum*.

4. Lack of recognition for local communities in conservation practices.

Local communities are left out of the consultation and decision-making processes as they aren't recognised as valuable assets for the heritage management practices.

5. Tourism and economic interests' prioritization.

Sometimes tourism and economic concerns are recognised as priorities while deciding what area or monument will receive fundings, attention and resources for the restoration due to their fame or popularity among tourists or due to perspective investment projects. There is another challenge as a danger of gentrification and beautification especially known these days.

Therefore, the answer to the first question of the study '*What are the most popular management approaches in heritage conservation in Thailand?*' can be summarized in the following way: nowadays, all restoration or conservation practices are following strict guidelines and narrow definitions provided by *The 1961 Act*, which significantly eliminates modern approaches with the use of latest technologies and understanding of differences based on cultures, environment and, especially, values. In other words, the conservation process follows severe prescriptions, supported by the government and other responsible authorities, excluding participation of other representatives (such as communities involved in the process) and with a high priority given to economic benefits.

Second question ‘*How the perspectives of authoritative organisations in charge of heritage management can be changed or influenced?*’ requires a strategic approach as it is a quite complex and long-term goal to be achieved in Thailand’s present situation in the field of heritage conservation management. There are several points important to be mentioned: expanding people’s awareness of existing issues and challenges, facilitation and encouragement of research and trainings, demonstration of successful and failed stories to set an example (Mahakarn Fort and Nang Loeng communities). The most important is to take actions towards the set goal, the crucial role in the favourable outcome there can be achieved with a special role of the universities and other educational organisations, as the source of knowledge, awareness and research.

Third question ‘Why are the past century policies are still being used without required modifications in regulating heritage management practices in Thailand today?’ has a direct connection with the other two as it represents the biggest obstacle in achieving successful and promising results in the field of cultural heritage management in the country.

As it has been discovered throughout the research, there is a lack of understanding and awareness among policymakers and authorities about the need for updates or modifications to heritage management policies. Moreover, the current situation is likely being influenced by economic interests, special place is being kept for tourism opportunities.

Another important aspect for changes requires resources — expertise, funding, time. As it has been discussed in the past charters, other priorities set by the government, stakeholders or even tourism industry are competing with those of cultural heritage management, conservation and restoration. As the result, the latter do not receive sufficient attention for policy updates.

Furthermore, there is a clear resistance to change which has not been discussed enough among the public, but can be clearly seen through the development of the history — resistance can come as from stakeholders who benefit from the current policies as from the fear of disruption to established practices and need for massive changes.

Nevertheless, the process of heritage management practices is preventing necessary (and even urgent in some cases) updates to heritage management policies, creates more obstacles and throws off the efforts of heritage experts supporting and insisting on these necessary changes.

In the light of the summary listed above, my recommendations for the future actions such as improvement, stabilisation or even amelioration of the current situations for the management practices of heritage conservation in Thailand, will be the following:

1. **Reevaluation of the heritage management system.**

The heritage management system needs to re-evaluate its priorities and beliefs. The process is of a long-term perspective and requires a lot of work starting from the detaching of the top-down approach necessity from the mind of authoritative organisations. Collaboration and support, especially in knowledge, should be prioritised. The shift from the most popular management approach of today that ignores local's diversity and wisdom to the inclusive and cooperative one.

There are two questions arising from this discourse:

- *How can heritage management systems effectively transition from a top-down approach to a more inclusive, bottom-up strategy that values local knowledge and diversity in the context of Thailand?*
- *What are the particular steps that the authoritative organizations in Thailand can take to foster greater collaboration and support within the community for heritage conservation practices?*

2. Empowerment of non-governmental organizations.

More authority should be given to non-governmental organisations working in the field of cultural heritage management, such as the Siam Society. These organizations can provide professional support to the government in making crucial heritage decisions, creating guidelines, and defining a new conceptual framework with the inclusion of local communities. Furthermore, they can serve as trusted representatives of heritage management practices, offering the public advice and assistance, as well as financial and administrative support, thus enhancing the accessibility and effectiveness of NGOs in this field.

The question that requires an answer in this context is:

- *What are the potential benefits and challenges of increasing the authority and involvement of NGOs in heritage management practices in Thailand?*

3. Modernization of the current policies and establishment of a national charter.

Outdated policies are needed to be addressed, either by modifying them to fit present conditions, by involving a big set of figures to work on its amelioration (institutions, professionals, practitioners and local representatives). Or Thailand should concentrate on publishing its own charter. This charter should reflect the country's culture, beliefs, values, and the needs of its people. For this to become a reality, it is essential for the public to acknowledge and recognise the existence of cultural heritage in all its different forms, along with the responsibilities and values it entails. Public awareness and understanding are critical to making this step successful.

Therefore, the following questions would be:

- *What should be the key elements of a new, uniquely Thai heritage charter, and how can it be developed to ensure broad public support and understanding?*
- *How can we engage the public in recognizing and valuing cultural heritage, and what role can education and especially universities play in this process?*



REFERENCES

- Aruninta, A. (2009, January 1). Rehabilitative Landscape in the Old Communities in Bangkok, Thailand. The 2009 Incheon IFLA APR Congress, Incheon, South Korea.
- Australia ICOMOS. (2013). The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance. Rmit. <http://australia.icomos.org/publications/charters/>.
- Bangkok Fashion Week. (2024). Community Vibes. Bangkok Fashion Week 2024. <https://www.bangkokdesignweek.com/en/bkkdw2024/content/95984>.
- Bangkok Happy hub. (n.d.). Layout plan [Online Image]. In Bangkok Happy hub. Retrieved March 2, 2024, from https://lh3.googleusercontent.com/Egcey6LG1ca4w0v6WSC-c0lZNyHtF7Ip-2b8rIZUuMX-ejfiOwI_0UdIt1SV-fvwqRZKD2M9AbDPp6NRFgxYdSeib9kr5KQVejOGa1ZGWkDBfWmwF6nDeq5h8Q8yhNnb0cZnpGX9.
- Carson, S. J., & Pennings, M. (2017). *Performing Cultural Tourism*. Taylor & Francis.
- Central European University. (n.d.). The Concept and History of Cultural Heritage | Cultural Heritage Studies. [Culturalheritagestudies.ceu.edu](https://culturalheritagestudies.ceu.edu). Retrieved March 7, 2024, from <https://culturalheritagestudies.ceu.edu/concept-and-history-cultural-heritage>.
- Chippindale, C. (1993). Putting the “h” in Stonehenge. *History Today*, 43(4), 5–8. <https://www.historytoday.com/archive/putting-h-stonehenge>.
- DCMS Welsh Assembly Government. (2007). *Heritage Protection for the 21st Century*. In Gov.uk. https://assets.publishing.service.gov.uk/media/5a78fba340f0b6324769bb12/hrp_whitepaper_doc1.pdf.
- Feilden, B. M., & Jokilehto, J. (1998). *Management Guidelines for World Cultural Heritage Sites (Second edition)*. Intl' Ctr For The Study Of The Preservation & The Restoratio.
- Fong, C. (2018, April 28). SIEGE OF THE SPIRITS: Community and Polity in Bangkok | By Michael Herzfeld. *Pacific Affairs (UBC Journal)*. <https://pacificaffairs.ubc.ca/book-reviews/siege-of-the-spirits-community-and-polity-in-bangkok-by-michael-herzfeld/>.
- FutureLearn. (n.d.). Cultural heritage and heritagisation. FutureLearn; Luleå University of Technology. Retrieved March 9, 2024, from

- <https://www.futurelearn.com/info/courses/unlocking-place-potential/0/steps/276016#:~:text=Heritagisation%20is%20the%20process%20through.>
- GOHOB0 Ltd, & Shankar S. (2024). Mahakarn Fort [Online Image]. In GOHOB0. <https://gohobo.net/thailand/rattanakosin/mahakan-fort>.
- Herzfeld, M. (2017). The blight of beautification: Bangkok and the pursuit of class-based urban purity. *Journal of Urban Design*, 22(3), 291–307. <https://doi.org/10.1080/13574809.2017.1294976>.
- ICOMOS. (2011, November 11). The Venice Charter - International Council on Monuments and Sites. [Www.icomos.org](http://www.icomos.org). <https://www.icomos.org/en/participer/179-articles-en-francais/ressources/charters-and-standards/157-thevenice-charter>.
- Janthong, P., & Bangkok Post PCL. (2016). ChaloeM Thani in Nang Loeng neighbourhood, Bangkok's oldest cinema [Online Image]. In Bangkok Post. <https://www.bangkokpost.com/life/travel/1070444/a-hidden-gem>.
- Li, J., Krishnamurthy, S., Pereira Roders, A., & van Wesemael, P. (2020). Community participation in cultural heritage management: A systematic literature review comparing Chinese and international practices. *Cities*, 96, 102476. <https://doi.org/10.1016/j.cities.2019.102476>.
- Lowenthal, D. (1979). Age and Artefact. Dilemmas of Appreciation. In *The Interpretation of Ordinary Landscapes* (pp. 103–128). Oxford University Press.
- Mason, P. (2016). *Tourism impacts, planning and management*. Routledge, Is An Imprint Of The Taylor & Francis Group, An Informa Business.
- Matichon PLC. (2017). Development guidelines based on the co-creation process Living Museum, Mahakan Fort community [Online Image]. In Matichon Public Company Limited. <https://www.matichon.co.th/wp-content/uploads/2017/03/asa04..jpg>.
- Mulpramook, S. (2017). A Case Study of the Convention between Government and Community in "Mahakarn Fort" Conservation Project for Tourism. *International Journal of Advances in Mechanical and Civil Engineering*, 4(3), 36–39. Iraj.in.
- The NARA document on authenticity (1994) - International Council on Monuments and Sites. (1994). [Www.icomos.org](http://www.icomos.org). <https://www.icomos.org/en/179-articles-en-francais/ressources/charters-and-standards/386-the-nara->

- [document-on-authenticity-1994](#).
- Neef, A. (2021). Cultural heritage tourism. In *Tourism, Land Grabs and Displacement* (pp. 143–164). Routledge.
- Ongkhluap, S. (2012). TOURISM IMPACTS ON THE AYUTTHAYA WORLD HERITAGE SITE: MEASURING THE PERCEPTIONS OF THE HOST COMMUNITY. *International Thai Tourism Journal (JITT)* , 8(1), 31–55. NAJUA: Architecture, Design and Built Environment. <https://so02.tci-thaijo.org/index.php/jitt/article/view/25372>.
- Pearson, M., & Sullivan, S. (1995). *Looking after heritage places : the basics of heritage planning for managers, landowners and administrators*. Melbourne University Press.
- Peerapun, W., Sereerat, S., Sanit, P., & Vichienpradit, P. (2020). Master Planning for Conservation and Development of Krung Rattanakosin 2032. *Nakhara : Journal of Environmental Design and Planning*, 19, 39–58. <https://doi.org/10.54028/nj2020193958>.
- Penna, K. (2018, June). Cultural heritage as an educational base for the traditional pillars of sustainable development. 6th International Conference in Heritage and Sustainable Development, Granada, Spain. https://www.researchgate.net/publication/330881714_Cultural_heritage_as_an_educational_base_for_the_traditional_pillars_of_sustainable_development.
- Prakitnonthakan, C. (2013). Rattanakosin Charter: the Thai Cultural Charter for Conservation. *Journal of the Siam Society*, 100, 123–148. Thai-Journal Citation Index Centre. https://so06.tci-thaijo.org/index.php/pub_jss/article/view/158296/114678.
- Ratchaneekorn, S.-W. (2017). Cultural Heritage Management in Thailand: Common Barrier and the Possible Way to Survive. *Silpakorn University Journal of Social Sciences, Humanities, and Arts*, 17(2), 133–160. <https://www.thaiscience.info/journals/Article/SUIJ/10986844.pdf>.
- Rodjanathum, T. (2008). *The Study for the Conservation of Nang Loeng Community* [Thesis]. http://www.thapra.lib.su.ac.th/objects/thesis/fulltext/thapra/Tham_onrasmi_Rodjanathum/Fulltext.pdf.
- Said, E. (1978). *Orientalism*. Pantheon Books.
- Siriphatthanakun, H. (2022). *Ancient Monuments or Cultural Heritage: Understanding Cultural Heritage Conservation in Thailand*. *ANTROPOLOGÍA*, 6(12), 259–269.
- Stent, J. (2012). Introduction: Siam’s Threatened Cultural Heritage. *Journal*

- of the Siam Society, 100, 1–12.
- Taylor, K. (2015). Cities as Cultural Landscapes. In *The Historic Urban Landscape Approach* (pp. 179–202). Wiley Blackwell.
- Taylor, K., & Verdini, G. (2021). *Management Planning for Cultural Heritage*. Routledge.
- Thedsana, K. (2006). Mahakarn Fort Project : Historical District Conservation. Departments of Public works and Town & Country Planning of Thailand.
<https://www.hdm.lth.se/fileadmin/hdm/alumni/papers/cmhb2005/cmhb2005-20.pdf>.
- Unakul, M. H. (2020). Heritage Management: Global Aspirations and Local Realities in Thailand. *Traditional Dwellings and Settlements Review*, 32(1), 7–23. JSTOR.
<https://www.jstor.org/stable/27074913>.
- UNESCO. (1972). *The World Heritage Convention*. UNESCO World Heritage Centre.
<https://whc.unesco.org/en/convention/#:~:text=The%20most%20significant%20feature%20of>.
- UNESCO. (2003). *Text of the Convention for the Safeguarding of the Intangible Cultural Heritage*. Unesco.org.
<https://ich.unesco.org/en/convention>.
- Wikipedia, & Paul_012. (2017). Map showing the locations of Bangkok's forts and walls [Online Image]. In Wikipedia.
https://en.wikipedia.org/wiki/Fortifications_of_Bangkok#/media/File:Bangkok_fortifications_map.svg.
- Yin, R. K. (2014). *Case study research : design and methods*. SAGE.
- Zhu, Y., & González Martínez, P. (2021). Heritage, values and gentrification: the redevelopment of historic areas in China. *International Journal of Heritage Studies*, 28(4), 1–19.
<https://doi.org/10.1080/13527258.2021.2010791>.

APPENDIX 1

Questionnaire for Local Communities

1. Understanding of Values, Culture, and Heritage:

- How important do you consider the preservation of local values, culture, and heritage in the community?
- What aspects of culture and heritage do you believe are most important to preserve for future generations?
- How connected do you feel to the traditional values and practices of the community?

2. Opinions on Tourism Development:

- What are your thoughts on the current level of tourism development in the area?
- How do you think tourism has impacted the community positively or negatively?

3. Government Support:

- In what ways do you think the government could improve its support for local cultural initiatives and tourism development?
- How satisfied are you with the current government policies regarding tourism in the area?

APPENDIX 2

Questionnaire for Visitors and Tourists

1. Expectations and Impression:

- What were your expectations before visiting the community?
- Did your visit meet, exceed, or fall short of your expectations?
Please elaborate.
- What aspects of the community left the strongest impression on you during your visit?

2. Reasons for Visiting:

- What motivated you to choose the community as a travel destination?
- Did you come specifically for cultural experiences, heritage sites, outdoor activities, or other reasons? Please specify.

3. Information Source:

- How did you first learn about the community and what it has to offer?

APPENDIX 3

Rattanakosin Charter by Chatri Prakitnonthakan (Prakitnonthakan, 2013)

Rattanakosin Charter: The Thai Cultural Charter for Conservation¹

Chatri Prakitnonthakan

“The BMA should not seek popularity by allowing oddities in the Rattanakosin Island Conservation Area... This matter is wrong for the conservation of Rattanakosin Island. The Vishnu shrine is not something old which we need to preserve, not something built before the Fifth Reign, but an oddity built later, and considered inappropriate, because it mars the cultural heritage.”²

(Adul Wichiancharoen on the demolition of a Vishnu shrine beside Wat Suthat, 25 February 2011)

“However, it doesn’t mean that new things that have no history have no value... so if the new Supreme Court is beautiful it will be both attractive and valuable, communicating the historical meaning of the area where it is sited near the Grand Palace... who would not support the building of a Supreme Court that the whole Thai nation can be proud of as a place of outstandingly beauty at the heart of Rattanakosin Island.”³

(Adul Wichiancharoen on building a new Supreme Court complex beside Sanam Luang, 22 May 2009)

A Vishnu shrine under 10 meters high built on a plot of less than 30 square meters beside Wat Suthat was criticized by the former chairman of the Subcommittee for the Conservation and Development of Rattanakosin Island as an “oddity”, something new and without value that marred the cultural heritage of Rattanakosin

¹ An earlier version of this paper appeared in Thai in *An* (Read), 3, 1 (October-December 2010), 76–89. Translation by Chris Baker and Pasuk Phongpaichit.

² “Ko tho mo moen roe san khang wat suthat” (BMA not interested in dismantling shrine beside Wat Suthat) *Thai Post*, 25 February 2011.

³ Office of the Courts of Justice, “Bot sampat sastrachan Dr. Adun Wichiancharoen khrongkan kosang akan san dika mai” (Interview with Professor Adul Wichiancharoen on the project to build a new Supreme Court building), *Rop rua san yuthitham* [Around the courts], 2, 16 (June 2009), 5, 10.

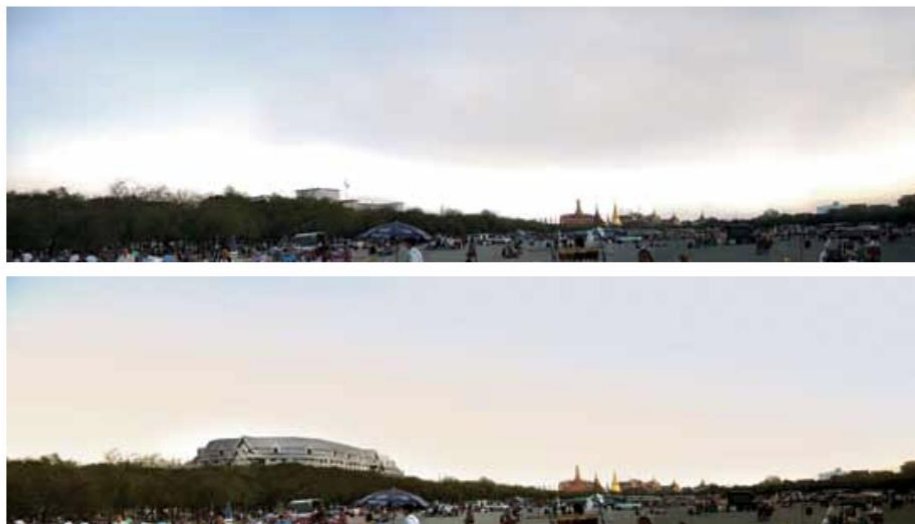


Figure 1. Comparison of Sanam Luang at present (above) and as projected after construction of the new Supreme Court rising up to 32 meters high (below), illustrating the immense impact on the landscape.

Island. He appealed through the press to force the Bangkok Metropolitan Authority, the agency responsible for the area, to have it urgently demolished.

Around three years earlier, when the government proposed as part of its celebration of the King's 80th birthday to build a new 32-meter tall Supreme Court complex on an area of 10,000 square meters close to the Grand Palace, this building would have been twice the legal height limit of 16 meters on Rattanakosin Island, and over 150 meters long.⁴ This same former chairman of the Committee for the Conservation and Development of Rattanakosin Island supported its construction, arguing that being new did not mean being without value, and paid no attention to its height which would certainly impact the neighboring landscape of old buildings (see Figure 1).

These two examples display the inconsistency in principle, thinking, and standards that the Rattanakosin Island Committee has applied in many other situations over many decades past.

In truth, the Cabinet approved the 32-meter height of the new Supreme Court complex as a special case by a resolution on 19 July 1987,⁵ yet as head of an agency that provided government with technical advice on matters pertaining to the conservation of this area, the chairman of the Committee for the Conservation and Development of Rattanakosin Island did not merely fail to challenge the project, in

⁴ See details in Chatri, "Bang hetphon thi sangkhom mai khuan yom hai 'roe-sang' san dika mai" (Some reasons why society should not accept the new Supreme Court building)," *Sinlapa watthanatham*, 29, 5 (March 2008), pp. 132–46

⁵ Office of the Courts of Justice, "Khwam pen ma kan kosang akhan san dika lang mai" (Background to the new Supreme Court building), *Rop rua san yutthitham*, p. 12.

contrast to his public protest over the Vishnu shrine, he even came out to voice his approval and support through the press.

From a superficial angle, these interviews might seem to display the lack of standards and principles on the part of an individual. But a serious look at the issue of conservation on Rattanakosin Island shows that this kind of double standard is so common that it goes far beyond the behavior of any one individual

I think these interview statements are clear examples reflecting the basics of rationality, belief, and principle on the issue of conservation in Thailand. If measured by any international yardstick, these basics of rationality, belief, and principle appear abnormal and inconsistent. But if we view these matters in the context of Thai history, society, and politics, we shall find that the approach to conservation in Thailand has a distinctive character that differs from international principles and standards. In other words, there is a Thai cultural charter of conservation which has a distinctive character. In this article, this is called the Rattanakosin Charter

The Rattanakosin Charter cannot be understood within the framework of international standards of conservation but can be understood within the context of the distinctive thinking, belief, and ideology on the subject of conservation in Thailand. That is the key proposition of this article.

What is the Rattanakosin Charter?

The concept of conservation as it is understood today appeared in the world only some 200 years ago as part of the emerging ideology of the modern nation-state. In Europe, thinking about conservation can be traced back to the Renaissance,⁶ yet the discourse about conservation, about the value of things to be conserved, about the utility that can be had from conservation, and about the methods of conservation known at present are all new cultural constructions created around the eighteenth century in the process of establishing modern nation-states.⁷

In the past 200 years, buildings and monuments that had fallen into ruin and been left derelict whether for reasons of age, natural disaster, or human warfare, and that societies (prior to the era of the modern nation-state) saw as of no value or

⁶ Maurizio Peleggi, *The Politics of Ruins and the Business of Nostalgia* (Bangkok: White Lotus, 2002), p. 4.

⁷ See further detail is Worrasi Tantinipankul “Kan plian plaeng naeo khit nai kan sang lae buranapathisangkhon wat luang nai ratchasami phrabatsomdet phrajulajomklaoyaoyuhua jon thueng patjupan: kho khatyaeng nai kan anurak boransathan lae watthanathm baep chatniyom” (Change of thinking on building and renovation of royal temples (*wat*) from the Fifth Reign to the present: nationalist disputes over conservation of monuments and culture” in Suwanna Kriangkraipetch *Prawatisat nai miti wattanatham sueksa* (History from the perspective of cultural studies), Bangkok: Sirindhorn Anthropology Centre, 2009), pp. 213–221

interest,⁸ have become priceless objects, representations of national greatness, and the ultimate symbols of a nation's culture.

In modern nation-states everywhere, conservation sits alongside the production of knowledge through history and archaeology as one of the tools of nationalist ideology.⁹ This modern concept of conservation has developed in stages and been disseminated far and wide as one major international concept of the present-day world, and of course the Thai state has not escaped its influence.

The discourse on conservation entered Thailand in the late nineteenth century¹⁰ through the elite of the court as part of the process of developing a modern nation state, in much the same way as in the rest of the world.¹¹ Since then, thinking on conservation has gradually developed in Thailand in parallel with the discourse on conservation at the international level. Today, Thailand has established many agencies and organizations, both public and private, to take specific responsibility for conservation. Thailand has also established networks of cooperation with organizations at the international level, instituted education on associated disciplines following international principles, and adopted international techniques and frameworks of thinking about conservation.

However, I would like to propose that there is no truly ready-made international concept of conservation. The meaning of conservation, the definition of heritage, the selection of what should be conserved and what may even be demolished, all these matters are shaped afresh in each society.

Of course, there are many international organizations such as UNESCO,

⁸ This does not mean there was absolutely no thinking of this sort at all. Some major sites considered sacred according to religious belief, or some worshipped images with special meaning for a society, have been well looked after. However, the vision and methods of traditional conservation are of the same as their modern equivalents. For example, in traditional Thai society Buddha images could not be left to appear old or headless, and conservation made them appear always new, but in modern society, old things, even headless Buddha images, have value that is worth preserving, and renovating things to look new is considered a destruction of their historical traces and hence improper conservation. This is a matter to be considered in detail elsewhere.

⁹ See for example the use of history and archaeology in the service of nationalist ideology in Bruce G. Trigger, "Alternative Archaeologies: Nationalist, Colonialist, Imperialist," *Man*, 19, 3 (September, 1984), pp. 355–360.

¹⁰ Many studies argue that Thailand practiced conservation long before adopting the modern international approach, as seen for example from the old Pali text, *Winai mahawak*, which talks about the renovation of stupas, or from passages in the chronicles about renovating various religious monuments. These studies attempt to give local roots to conservation. See for example Pinrat Kanchanatthithi *Kan anurak moradok sathapatayakam lae chumchon* (Conservation of architectural heritage and community) (Bangkok: Chulalongkorn University Press, 2009), pp. 18–22. But in truth such matters should not be called conservation according to the definition and discourse as understood today, because these are a product of modern society, not at all related to or similar to what is called renovation in traditional framework.

¹¹ See details in Maurizio Peleggi, *The Politics of Ruins and the Business of Nostalgia*, pp. 13–17.

ICCROM,¹² and ICOMOS,¹³ that set out the framework for conservation and collectively try to propose basic international principles that various countries should uphold and implement under several charters on conservation such as the Venice Charter of 1964, the Florence Charter of 1981, and the Washington Charter of 1987.

But in truth, all these various international principles must always confront the specific context of each society and always in a different way. Out of this confrontation, through a social process which is part conscious and part unconscious, part deliberate and part unwitting, some principles are accepted, others are rejected, and many new ones are added. The final result is a charter displaying the distinct character of each society.

If we ask what enters into this confrontation with the international principles of conservation, the answer is the *culture* of each society. For this reason I shall call the result a “cultural charter of conservation.”¹⁴

Conservation in Thailand cannot escape this reality. Thus Thai society has its own “cultural charter of conservation,” which I call the Rattanakosin Charter. This charter operates in parallel with the approaches and methods of conservation at the international level.

The Rattanakosin Charter is not inscribed as an official written document, yet has power to determine the whole field of conservation. It is a frame of mind that controls the approach to conservation in Thailand without anyone being aware of the charter’s existence because, like the air that we all breathe, the charter is something that we cannot see yet exists for certain.

All the various international principles of conservation, no matter how well accepted at the world level, no matter whether preached by experts from wherever, and no matter whether drafted into written laws in Thailand, if they conflict with the Rattanakosin Charter then they will always be violated or bypassed.

However, although the Rattanakosin Charter is paramount, its content and principles are not fixed and constant. Any “cultural charter of conservation” has its own internal dynamism, with the content always changing as the social context changes, by adding, subtracting, modifying and supplementing its constituent principles.

¹² ICCROM is the International Centre for the Study of the Preservation and Restoration of Cultural Property, an international organization founded in 1956 with responsibility to give advice on conservation of world heritage.

¹³ ICOMOS is the International Council on Monuments and Sites, an international organization which aims to promote consciousness about conservation and its methods, as inscribed in the Venice Charter.

¹⁴ One inspiration for this idea of a “cultural charter of constitution” came from Nidhi Eoseewong’s article on “Ratthamanun chabap watthanatham thai”, originally published in *Sinlapa Watthanatham* 13, 1 (November 1991), pp. 266–84, and translated by Chris Baker as “The Thai Cultural Constitution,” *Kyoto Review of Southeast Asian Studies*, 2 (March 2003).

More specifically, the two related factors that shape the Rattanakosin Charter as a frame of mind that determines the approach to conservation are the *power relations in the society* and the *bundle of historical memory*.

Conservation: Historical memory and power relations in society

If we ask who created the Rattanakosin Charter or the “Thai cultural constitution of conservation”, how it was created, and for what benefit, the short answer is that there was no single person. The charter is a collective creation by many different individuals and institutions. The compiling of this charter is a function of the power relations in society and the process of establishing historical memory.

The conservation of cultural heritage in any society is not simply a matter of managing the cultural materials inherited from the past by setting up the appropriate machinery and applying international-standard techniques. Rather conservation is a process of establishing memory about the past. This memory is compiled by a constant process of selection, rejection, addition, and subtraction. Conservation is a process of constructing and reconstructing new memories about the past, rather than a process of storing existing memories or reviving old ones.

The definition of heritage – of what a society should remember and preserve, or what a society should forget and erase – is a matter of contestation. The ability to define what a society should remember and what it should forget is a form of power. Anyone who wants to capture the power of the state or capture the power to lead society must be able to capture the ability to define the memory of the past.

Memory is not merely a process of recording any events that took place in the past, but rather a process of recording those past events that have power to influence actions in the present and the future.

The historical memory of any society is the result of a process of selection, of deciding to record some events from the past and to forget others. The choice of what to remember or not remember is a function of the power relations in that society. Memory that is antagonistic towards the power structure of the present is likely to be suppressed or erased, while memory that supports the power structure of the present is likely to be recorded, reproduced, and disseminated so that it becomes the society’s collective memory. However, the memory that is rejected in one era may be rehabilitated in another era, while memory that was once widely accepted and disseminated may later be suppressed and forgotten if the power relations of the society change.

The choice of which buildings and other materials should be conserved and which should be neglected or demolished is determined by the structure of power relations in each era. This structure is not fixed and permanent. The society’s collective frame of mind concerning the past is related to the power relations of the time. Whenever those power relations change, memory that was once buried or

forgotten can reappear and be constructed as the collective memory of the society. Power belongs to those who construct memory, and conversely memory has the ability to consolidate power.

When memory and power are two sides of the same coin, then memory is a battlefield which must be constantly fought over. Those who can capture the collective memory of a society are those who have power; and those who have power can establish the memory from which they benefit as the collective memory of the society. The contestation over historical memory appears in all areas of society and in everything that is built by human endeavor, because all cultural materials are stores of memory and battlefields for the contest over memory.¹⁵

Conservation is one area of this battlefield over historical memory because conservation is a process of selecting what to keep and what to erase as part of historical memory in response to certain objectives in the present day.¹⁶ The “space of conservation” is an arena where protagonists contest over historical memory with the objective of recasting the power relations of society in a new form. Out of such struggles comes the definition of a “cultural charter of conservation” of each society.

In this article I try to describe the Rattanakosin Charter as a way to understand the approach to conservation in Thailand, and particularly to understand how the historical memory is constructed and the power relations in society are defined within the “space of conservation.”

At the outset I should note that these are only my preliminary propositions about the contents of the Rattanakosin Charter and that a fuller account must await deeper study in the future.

Rattanakosin Charter: Principles and key propositions

The Rattanakosin Charter has at least four main clauses, which are interrelated and which collectively define what kinds of historical memory, including cultural heritage of any kind, should be considered valuable and worthy of preservation, and what kinds have no value and can be erased.

These principles are not written into any international charter of conservation. Each principle is an indicator of the power relations in Thai society at the present day. Understanding this charter not only helps us to understand the practice of conservation in Thailand, but also helps to clarify the structure of relations between various groups in Thai society.

¹⁵ I have used the same approach to study the contestation of historical memory in the planning and building on Ratchadamnoen Avenue, see Chatri, “Khwaam songjam lae amnat bon thanon ratchadamnoen” (Memory and power on Ratchadamnoen Avenue), *Mueang Boran*, 33, 4 (October-December 2007), pp. 67–86.

¹⁶ J. E. Tunbridge and G. J. Ashworth, *Dissonant Heritage: The Management of the Past as a Resource in Conflict* (Chichester: John Wiley and Sons, 1996), pp. 5–6.

Clause 1: Conserve only the heritage of high culture under the ideology of royal-nationalism

A key mandate of the Rattanakosin Charter is that only the heritage of high culture – such as palaces, monasteries, forts, walls, cities and government offices created by royalty and aristocracy – should be selected for conservation on grounds that this heritage alone has the highest historical value.

If we study the list of buildings on Rattanakosin Island that have been registered as historical monuments, we will find that this mandate is clearly being followed. If we scrutinize the Masterplan for the Conservation and Development of Krung Rattanakosin we will find this mandate stated even more clearly.

The mandate to conserve only the heritage of high culture is the most outstanding feature of the Rattanakosin Charter and of the Thai cultural charter of conservation in general. If evaluated by international principles of conservation, the bias in this mandate is clearly incorrect. The Venice Charter of 1964 states:

The concept of a 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 civilization, a significant development or a 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 time¹⁷

This bias did not arise casually, but within the context of the Thai political economy over the last half century or so, within a political atmosphere characterized by “conservatism” and by a reversion to making the monarchical institution the central focus of everything in Thai society – the focus of politics, focus of national sentiment, focus of being Thai, and focus of the cultural heritage of the whole nation.¹⁸

This atmosphere was constructed anew from 1957 onwards along with the construction of historical memory in a form that Thongchai Winichakul has called “royal-national history.”¹⁹ In this construction of memory, the Thai nation in the past was always surrounded by enemies that threatened the country’s territory, and only one elite group, namely the kings, took up the heroic duty of standing up against these enemies.

¹⁷ The Venice Charter, Definitions, Article 1, accessed 9 September 2012, at http://www.international.icomos.org/charters/venice_e.pdf

¹⁸ Thak Chaloeontiarana, *The Politics of Despotism Paternalism*, revised edition, Chiang Mai: Silkworm Books, 2007 [1979].

¹⁹ Thongchai Winichakul, “Prawatisat thai baep rachachatniyom: jak yuk ananikom amphrang su rachachatniyom mai rue lathi sadet pho khong kradumphithai nai patjuban” (Thai history in royal-nationalist style: from the era of covert colonialism to new nationalism or the cult of King Rama V of the present-day Thai bourgeoisie” *Sinlapa Watthanatham*, 23, 1 (2011), pp. 56–65.



Figure 2. Views of Rattanakosin Island in the 1994 Masterplan (from the Masterplan)

Once this royal-national historical memory, full of heroic tales about kings, has put down deep roots in Thai society, it is natural and unavoidable that conservation on Rattanakosin Island should reflect this construction of historical memory in the selection of what to retain, and what not to retain. Hence the cultural heritage created by royalty has priority while the cultural heritage of other groups of people is overlooked.

This approach appeared initially in the plans to conserve and renovate monuments on Rattanakosin Island at the time of celebrating the 200th anniversary of Bangkok in 1982.²⁰ In these plans, there were nine monuments selected for

²⁰ See details in National Archives, Fine Arts Department, *Chotmai het kan anurak krung*



Figure 3. Views of Rattanakosin Island in the 2003 masterplan to develop Ratchadamnoen Avenue and the adjacent area (from the plan)

conservation and renovation, another two projects for “rebuilding” monuments, and many subsidiary projects, almost all of which were about palaces, monasteries, and other important monuments that are the heritage of “high culture.” This approach was consolidated in twenty projects in the Masterplan for the Conservation and Development of Krung Rattanakosin launched in 1994.

These plans to conserve and develop the area are completely determined by the frame of mind which draws on the royal-nationalist bundle of historical memory. Most of the projects are designed to open up vacant space in order to improve the views of prominent monuments associated with the monarchy. They include: a project to open up the view of Wat Bowornsathansuthawat; a project to landscape the Chao Phraya riverbank to open up a view of Wat Pho; a project to create vacant space and a public park in the vicinity of the Navy Club in order to open up a view of the Grand Palace; a project to demolish commercial buildings to open up a view of the Golden Mount; and a project to create a public park at Mahakan Fort to open up a view of the fort and city wall (see Figure 2).²¹

From the outset, both academics and non-academics criticized this Masterplan for paying no serious attention to the history of Rattanakosin Island which was not solely about royalty and the elite, resulting in a plan which, if implemented, would create a lifeless area full of nothing but public parks, monasteries, palaces, forts, and walls. Yet this kind of bias in the selection of cultural heritage for conservation still survives to the present day.

Another large-scale project, which is quietly going ahead, aims to conserve and develop Ratchadamnoen Avenue and the adjacent area (which is owned by the Crown Property Bureau) to be like the Champs Elysées in Paris. A leading architectural company was commissioned to draw up a masterplan for this purpose around 2003. The plan has been nicknamed the *chong elise thai* or “Thai Champs Elysées” plan (see Figure 3).

In this plan, the first two of the five statements defining the vision are: 1. “Maintain as a road for royal ceremony, official ceremony, and public ceremony;” and 2. Make Ratchadamnoen Avenue into “a road that communicates the continuity of the history of the Chakri dynasty.”²² These two points display the approach of conservation under the influence of royal-national history very clearly.

Although the first point refers to official ceremony and civic ceremony, there is nothing on these topics in the whole volume of this masterplan. The history of this

rattanakosin (Records of conservation of Rattanakosin Island).

²¹ See details of the whole plan in Synchron Group *Phaen maebot phuea kan anurak lae phatthana krung ratanakosin* (Masterplan for the Conservation and Development of Krung Rattanakosin) (Bangkok: Synchron Group, 1997).

²² NESDB, *Khrongkan jat tham phaen phung mae bot kan phatthana phuen thi thanon ratchadamnoen lae phuen thi boriwen to nueng* (Project to make a masterplan for the development of Ratchadamnoen Avenue and the adjacent area) (Bangkok, 2003), p. 2/1.



Figure 4. View of the Chao Phraya River in “Bright Chao Phraya River Project in Honor of His Majesty the King”, 2008 (*Rattanakosin rim chao phraya*)

road’s associations with democracy scarcely merits a mention, and is not emphasized in any of the plans. The insertion of “official ceremony” and “public ceremony” in this point seems designed to make the statement look beautiful rather than to lead towards any real result.

In this way of thinking, the space of Bangkok (not only Ratchadamnoen Avenue) appears in history from nowhere in 1782 through the actions of King Rama I alone, yet in truth this space has a long history over many centuries before then and a social complexity that cannot be captured by relating the history of Bangkok through the actions of kings alone. Bangkok was the successor to Thonburi, which was founded by King Thaksin as a consequence of the area’s long history as a fort and harbor. And so on.²³

In the case of Ratchadamnoen Avenue itself, King Rama V’s decision to create the road is only part of its history. The road has figured in many other episodes including the era of the People’s Party, 14 October 1973, and Black May 1992. Besides, the area has a history before the road was built. The landscape, neighborhoods, residents (Lao, Mon, Cham, Chinese, Indian), and how they made a living are all part of the historical memory on the space of Ratchadamnoen Avenue yet they do not appear in the “Thai Champs Elysées” plan at all.²⁴

The latest grand project which reproduces royal-nationalist historical memory, the distinguishing feature of the Rattanakosin Charter, is the “Bright Chao Phraya River Project in Honor of His Majesty the King” launched by the Tourist Authority

²³ See details in Sujit Wongthet, *Krungthep ma jak nai* (Where did Bangkok come from) (Bangkok: Matichon, 2005).

²⁴ Though the project was heavily criticized and seems to be on hold, in fact it is at the stage of working out the details of implementation, and will appear in a new form under a new name and not as a single large-scale project but several localized projects to evade criticism.

of Thailand in 2008 (see Figure 4). It includes a masterplan for the conservation and development of the area along the Chao Phraya River on the Bangkok side from Tha Phrachan to Pak Khlong Talat. The various constituent projects are designed to preserve buildings which are associated with the monarchy and open up vacant space to create outstanding views of the Grand Palace and monasteries built by kings – much the same approach as that adopted over the past 30 years.²⁵

Clause 2: Reject the modernist cultural heritage of the People's Party era

The first clause of the Rattanakosin Charter, which mandates conservation of only the heritage of high culture under the ideology of royal-nationalism, implies that the cultural heritage of one particular era in Thai history must be erased from Rattanakosin Island. That is the cultural heritage of the People's Party era.

The People's Party was a group of people who launched the revolution in 1932 to change the system of government from absolute monarchy to democracy and who had only a short period of prominence from 1932 to 1947.

From that period, the People's Party has left behind a large heritage of art and architecture on Rattanakosin Island (see Figure 5). This cultural heritage is in the style known as Modern Architecture or Modernism, a major movement in art and architecture in the world in the 1920s. The People's Party adopted this architectural style as it enshrines a political ideology of equality under democracy, rejecting the power and role of monarchy. Importantly, this style emphasizes modernity and has no attachment to traditionalism.²⁶ The cultural heritage of the People's Party era inevitably clashes with the heritage of high culture surrounding the institution of monarchy.

Hence it is quite natural that the Rattanakosin Charter, which is founded on an ideology of royal-nationalism, must be antagonistic towards the cultural heritage created in the People's Party era, and it is not surprising that the Rattanakosin Charter aims to attack and demolish the value of the cultural heritage created in the People's Party era.

Erasing the historical memory that includes the cultural heritage of the People's Party era is one main mission of the Rattanakosin Charter. We will not find such an approach in any international charter at all.

Significantly, in the present circle of conservation at the international level, the heritage of the modernist era in the 1920s, which is the style of the cultural

²⁵ See details of the project in SJA, *Raingam khrongkan chaophraya sotsai thoethai ongrachan phaen ngan kan jat tham phaen maebot kan prap prung boriwen rim mae nam chaophraya (wisaithat)* (Report of the project Bright Chao Phraya in honor of the king, to make a masterplan for improving the area along the Chao Phraya river (vision)) (Bangkok, 2008).

²⁶ See details in Chatri, *Sinlapa sathapatyakam khana ratsadon: sanyalak thang kan mueang nai choeng udomkan* (Art and architecture of the People's Party: Symbol of the politics of ideology) (Bangkok: Matichon, 2009).



Figure 5. Examples of architecture of the People's Party, from top: Bangrak Post Office, Justice Ministry, stupa of Wat Mahathat, Bang Khen (National Archives)

heritage of the People's Party, is attracting growing interest because this style reflects an important era in world history – the advent of industrial society. A specific organization has been founded to campaign for conservation of this era's cultural heritage under the title, The International Committee for the Conservation of the Industrial Heritage (TICCIH), and a specific charter has been composed about the heritage of this industrial era, called The Nizhny Tagil Charter for the Industrial Heritage.²⁷

In Thai society under the Rattanakosin Charter, the contents of this international charter are unacceptable, because the cultural heritage of the industrial era of the 1920s was adopted by the People's Party as a political symbol in opposition to the heritage of high culture under the ideology of royal-nationalism. So this international charter has no place in Thailand and will certainly never be used.

A case that confirms this proposition concerns the Sala Chalermthai theatre. Though this building was freighted with historical memory and stories about the culture of showing plays and movies in modern Thailand yet it was demolished to open up a view of the Loha Prasat or Wat Ratchanadda built on the command of King Rama III.

Other examples of the architecture of this era, which have value for the study of modern Thai political history and as the products of the industrial era, are under ever-increasing threat. The Khurusapha Printing House on Phra

²⁷ The charter is at www.international.icomos.org/18thapril/2006/nizhny-tagil-charter-e.pdf.

Sumen Road was forcibly delisted as a registered monument for conservation so that the building could be demolished to make way for a public park and replica of the city wall. The Supreme Court, built as a symbol of regaining complete judicial autonomy in 1937, is to be demolished to build a new Supreme Court complex in the architectural style of royal-nationalism. Shophouses in Soi Wanglee were demolished not many years ago even though these houses and warehouses on a river jetty were one of the most important places in Bangkok seventy years ago.

Even the complex of commercial buildings on both sides of Ratchadamnoen Avenue may be among those demolished in future because they have not been registered as monuments and the Crown Property Bureau, owner of the land, has begun gradually not renewing the rental contracts with old tenants so that the



Figure 6. Sala Chalermtai (top) and Sala Chalerkrung (bottom), same architectural style but different heritage value (http://statics.atcloud.com/files/comments/56/561630/images/1_original.jpg; National Archives of Thailand)



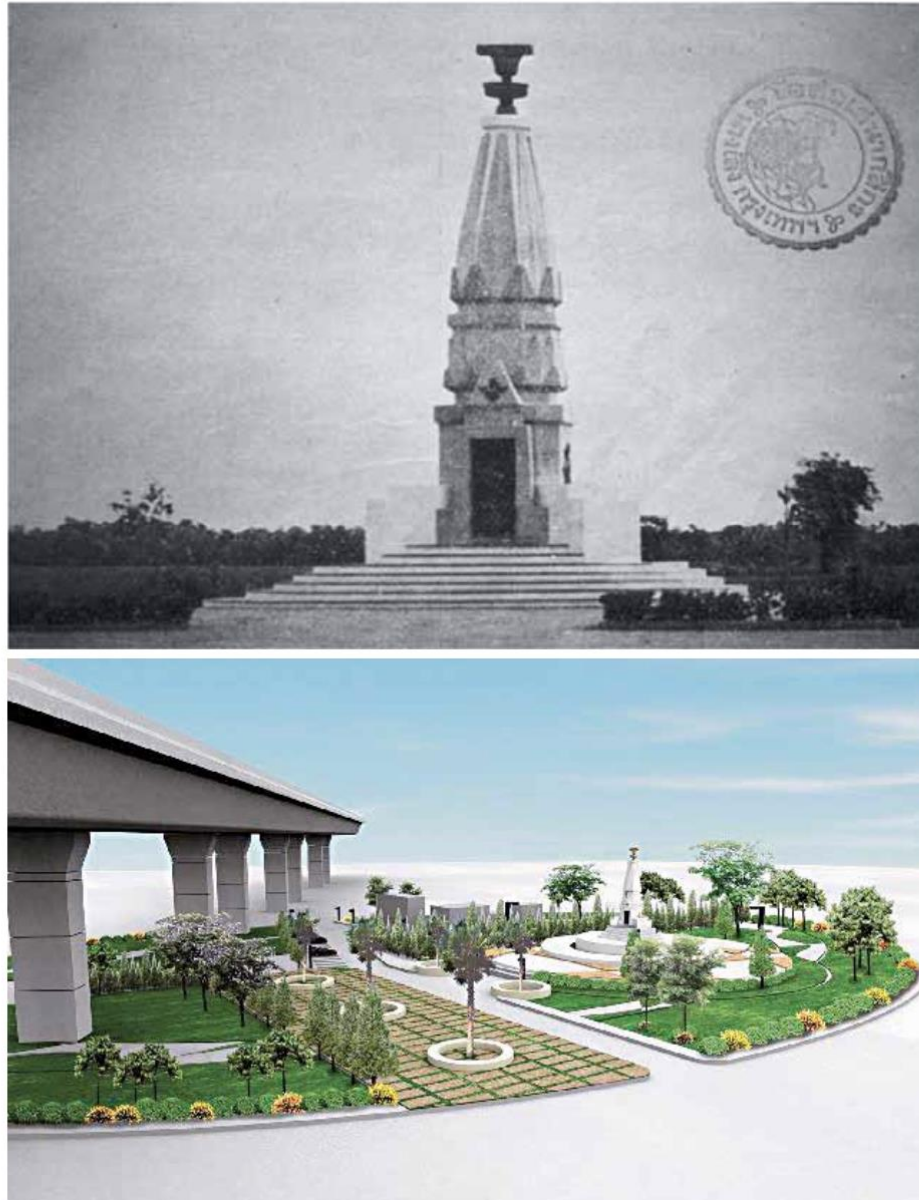


Figure 7. Monument to Suppressing the Rebellion, built 1935 (top); model of the overpass at Laksi intersection and the new position of the monument (bottom) (www.prachachat.net/news_detail.1.php?newsid=1247742636)

buildings can be developed in line with the “Thai Champs Elysées” concept. Their future is very uncertain. Yet the buildings are a perfect example of their era both in terms of their distinctive architectural style and their historical value, as they have formed the backdrop to many scenes in Thailand’s modern political history.

It is noteworthy that a building from the same era and in the same distinctive architectural style of this industrial era, yet which was built not by the People's Party but by the king, is accorded greater historical value and judged worthy of conservation. The case in point is the Sala Chalermkrung theater.

The style of the Sala Chalermkrung is indistinguishable from other buildings built in the era of the People's Party. The time difference between the Sala Chalermthai and the Sala Chalermkrung is less than ten years. Their conservation value should be equal but that has not been the case. The Sala Chalermkrung was judged to have enough historical value to be worthy of being conserved. This strange double standard is incomprehensible if we do not appreciate the essence of the Rattanakosin Charter, but quite obvious if we do. This is because Sala Chalermkrung was built on the command of King Rama VII.

If we compare the demolition of the Sala Chalermthai with the conservation of the Sala Chalermkrung from the perspective of international conservation we must be surprised by the contrasting fate of the two buildings despite their similarity in style and timing. But within the framework of the Rattanakosin Charter, the Thai cultural charter of conservation, which suffuses the subconscious of most conservationists in Thailand, the contrast is not surprising at all.

The latest incident which confirms this principle concerns the Memorial to Suppressing the Rebellion, popularly known as the Laksi Monument. This memorial is another product of the modernist art of the People's Party era. Built in 1935 to commemorate the defeat of the Boworadej Rebellion in 1933, it was moved to make way for a new overpass at the Laksi intersection. The leader of the revolt was Prince Boworadej Kridtakorn a high-ranking member of the royal family, who once held a ministerial post in the time of King Rama VII.

This memorial of the People's Party era has national significance and used to be the site of an annual ceremony to remember the event. After the end of the People's Party era, the memorial was renamed as the Laksi Monument and the ceremonies were discontinued. Much later a large roundabout was built surrounding the monument and making the monument virtually inaccessible. The Monument to Suppressing the Rebellion thus lost any historical meaning, and became the most isolated and lonely monument in Thailand.²⁸

Around 2010 there was a project to build an overpass across the Laksi intersection. As a result the monument was moved from its original site and placed in a small garden constructed anew alongside the bridge. Even though the monument still exists, it is located in a meaningless position and lacks any symbolic force as a monument (see Figure 7).

²⁸ See details in Chatri, *Meru khrao prap kabot boworadet: meru samanchon khrung raek klang thong sanam luang* (Cremation at the time of the suppression of the Boworadej Rebellion: First commoner's cremation in the center of Sanam Luang," *Fa Dieo Kan* 5, 2 (April-June 2007), 212–29.

Under international principles of conservation, an overpass across an intersection where there is a monument built over 80 years ago would have to be designed to avoid the monument rather than cutting straight through it. But in this case, the monument belongs to the cultural heritage of the People's Party era. Moreover the monument casts a high-ranking member of royalty as a historical villain. This is certainly not in line with the royal-nationalism of present-day Thai society; hence the project to build an overpass across Laksi intersection could go ahead following the principles of conservation in the Rattanakosin Charter.

Clause 3. Reject the cultural heritage of ordinary people

Another implication of Clauses 1 and 2 is that the "cultural heritage of ordinary people" should be ignored or overlooked.

The cultural heritage of ordinary people has no place in the Rattanakosin Charter. Even though Thailand advanced to become a modern democratic state nearly 80 years ago, power relations are still clearly class-based. Only a handful of elites have access to resources, political power, and economic opportunities whereas the majority of people are still seen as subjects with no power or social role.

These power relations result in the bundle of historical memory about ordinary people being suppressed and denied space in history. The wheel of Thai history still seems to be turned by an elite minority including the king, royal family, and nobles.

Since the bundle of historical memory in Thailand still revolves around elites, the history of ordinary people has value only as personal memory or group memory with no place in the pages of national history. As a result, cultural heritage produced by ordinary people is valueless and can be thrown away.

The area of Tha Thian Market is a good example. In the Masterplan for the Conservation and Development of Krung Rattanakosin, the area of Tha Thian Market is merely a slum with no historical value. Hence the shophouses and market are slated to be demolished, including Ban Metta, a detention center for juvenile offenders. The only building to be spared is the Chakrabongse Palace. These changes will open up the view of Wat Pho.²⁹

Tha Thian Market is a very old market dating back to the beginning of the Bangkok era. For a long period, it was a center for exporting goods to provincial towns and a distribution center of goods to feed the city. Yet this history is not judged worthy of being remembered and conserved. It can be sacrificed so that Wat Pho may be seen more clearly

Tha Thian Market area is full of buildings from many successive eras. Though the area is crowded and the buildings may not be judged as beautiful by the criteria of high-class art and architecture, from the perspective of international conservation

²⁹ Synchron Group, *Phaen maebot phuea kan anurak lae phatthana krung rattanakosin* (Masterplan for the Conservation and Development of Krung Rattanakosin), p. 246.

they fall within the category of the heritage of local buildings according to the Charter on the Built Vernacular Heritage of 1999, which stipulates that

The built vernacular heritage is important; it is the fundamental expression of the culture of a community, of its relationship with its territory and, at the same time, the expression of the world's cultural diversity... Examples of the vernacular may be recognised by: a) A manner of building shared by the community...³⁰

However, such a definition of values does not appear in the Rattanakosin Charter.

The Mahakan Fort community is another example where the cultural heritage of ordinary people can be erased according to the criteria of the Rattanakosin Charter.

The Mahakan Fort community area is situated on a historical site called “Below the city walls,” meaning the space between the city wall and the moat. This area has been densely settled since the early Rattanakosin era, and similar areas can



Figure 8. View of Pak Khlong Talat after renovation (<http://www.yodpimanmarket.com/development.html>)

still be found in other towns and cities. The Mahakan Fort community has several distinctive features that have not survived in any other location. There are old-style stilt-house residences dating back to the early Rattanakosin period; “gingerbread” style wooden houses reflecting the taste for foreign styles during the Fifth to Seventh reigns; and wooden houses belonging to the past half-century or so.³¹ The layout of the community is old and quite unique, not found in any other neighborhood on Rattanakosin Island or elsewhere. This layout enables each house to make great use of the common area. The houses themselves are built next to one another and

³⁰ Charter on the Built Vernacular Heritage, accessed 27 March 2010, at http://www.icomosthai.org/charters/vernacular_e.pdf.

³¹ See details in Chatri, “Phuen thi pom mahakan: jak panha rueang kan anurak su wikrit panha thang kan mueang” (Mahakan Fort area: from conservation problem to political crisis), *Asa* 2-3 (2007), pp. 81–92

arranged in such a way that all have good access to a community courtyard, a common space for drying clothes, and other common facilities. There are no walls and fences isolating each family as found in modern housing developments.

From the standpoint of international conservation, the Mahakan Fort community is an historical area of the city that warrants conservation under the Washington Charter of 1987.³² But this is yet another international principle that does not appear in the Rattanakosin Charter. The existence of the Mahakan Fort means that major historical monuments built on royal command are not prominent enough. Hence the Masterplan for the Conservation and Development of Krung Rattanakosin evaluates this community as a derelict slum appropriate only for complete demolition so that a public park can be built and thereby open up the view of nearby monuments.

The latest example in this same category is a project to renovate the Pak Khlong Talat area by demolishing some buildings and renovating others to restore the architectural appearance of the area in the Fifth Reign (see Figure 8). The area at present is typical of a market – crowded, busy, full of vendors. The project will create an environment appealing to middle-class taste, with a boxing ring to provide shows to attract tourists, and air-conditioned buildings for comfort.³³ There is no thought of conserving the old setting of the area's residents as that has no significance in the Rattanakosin Charter.

Clause 4: "Building anew" to enhance the high cultural heritage is acceptable

A prominent feature of the Rattanakosin Charter is to allow new buildings and additions to historical buildings, even though in many cases these are against principles of international conservation. The key point is that such new construction is acceptable if it confirms and reproduces historical memory in the ideology of royal nationalism.

For many decades, there have been plans to build many small public parks scattered around the monuments in Rattanakosin Island, ostensibly to reduce the density and increase the amount of green in the city. However there has been no serious study whether these planned public parks are consistent with the lifestyle of people living on Rattanakosin Island, and no serious study whether the shortage of green space is real or illusory. Significantly, such plans to increase green space on the grounds that the current supply is inadequate always fail to count green areas in monasteries. There are many such areas and these are consistent with the lifestyle of Thai society over a long period.

From my long observation, I have a hypothesis that the true objective of creating green areas has nothing to do with how they might be used by city people,

³² Washington Charter at http://www.icomosthai.org/charters/Washington_e.pdf, accessed 27 March 2010.

³³ See details of plan to renovate Pak Khlong Talat at <http://www.yodpimanmarket.com/development.html>

but reflects a wish to create vacant space to give added prominence to monuments built by kings. This again reflects the bundle of historical memory in the style of royal-nationalism.

One example is the “Maha Chedsadabodin Royal Pavilion” the space where the Sala Chalermthai theatre once stood. This open plaza is hardly used at all by city people because, with no big trees to give shade, the plaza is far too hot during the day and only usable in the late evening. In addition, the large royal pavilion on the area has been designed with the high-class architecture associated with royalty, so ordinary people cannot enter.

Thus this plaza is not seriously intended for use by ordinary people but is another space designed to reproduce historical memory in the style of royal-nationalism. All the architectural components point in that direction – the Rama III memorial, the vacant space (without many tall trees) to provide views of the Loha Prasat, and the palace-style architecture that prohibits use. These same components can also be seen at Santichaiprakan Park in the vicinity of Sumen Fort.

The demolition of the Mahakan Fort community in order to create a public park is another clear example. As already noted, this demolition runs against the principles of conservation in the Washington Charter, but that has no impact on the Rattanakosin Charter at all. In addition, a park on this site would not attract much use by the general public. The Mahakan Fort area is rather closed-off because the only access is by four remaining tunnel gates through the city wall. In the daytime the park would be too hot for anyone to use, and in the evening the area would be too dangerous to enter. Hence the true objective of building a public park at Mahakan Fort is simply to create vacant space that offers a grand vista of nearby monuments, including Mahakan Fort, the city wall, Loha Prasat, and Wat Sakae.

One large-scale project presented in public recently, the “Bright Chao Phraya Project in Honor of the King”, is the latest example that confirms this aspect of the Rattanakosin Charter. This project aims to develop the area along the Chao Phraya River from Tha Phrachan to Tha Thian Market by building many historical reproductions rather than conserving existing buildings. These reproductions include: a clocktower which used to be in the palace of King Rama IV; palace buildings at Rachaworadit Pier; a foreign ambassador’s residence and a model junk; a royal landing stage at Wat Pho jetty; a Peacock Gate; a gate to Tha Phra at Tha Chang; and many large barges strung all along the riverbank to be used as a tourist shopping mall (see Figure 9).³⁴

All these projects, apart from faking history which risks turning the riverbank into a funfair rather than a historical site, destroy the old Thai setting of a riverbank, especially the string of barge reproductions along a large stretch of the river. But

³⁴ See details in Wiraphan Shinawatra, ed., *Rattanakosin rim chaophraya* (Rattanakosin beside the Chao Phraya) (Bangkok: Plusplace, 2009)



Figure 9. Examples of renovation under the “Bright Chao Phraya Project in Honor of the King”: From top, barges for tourists along the riverbank; reconstructed clock tower; the former ambassador’s residence, and model junk (*Rattanakosin rim chaophraya*)

those involved in this project do not share these concerns because the project will greatly expand the space devoted to the royal-nationalist bundle of historical memory on Rattanakosin Island, which is the main objective of the Rattanakosin Charter.

Another example is the permission given to create a plaza to celebrate the anniversary of King Rama IX in 2009 at the head of Ratchadamnoen Avenue on land once occupied by the old Public Relations Department building burnt down during the events of May 1992, whereas the project to build a memorial to those who died in the May 1992 incident, which is sited in the same vicinity, has been delayed for more than ten years, and there is no indication when it will be realized.³⁵

The four clauses presented above frame the thinking, belief, and ideology on conservation in Thailand.

Let us now reconsider the words of the chairman of the Committee for the Conservation and Development of Rattanakosin Island, cited at the start of this article, in light of the Rattanakosin Charter. The two interviews seem to contradict each other so starkly that there can be no principle or standard in conservation. But in truth, the two statements both reflect the principles and standards of the Rattanakosin

Charter. Even though the Vishnu Shrine beside Wat Suthat and the new Supreme Court complex are both new buildings, the former was built by ordinary people in connection with their religious belief and thus has little value under Clause 3 of the Rattanakosin Charter, whereas the latter, even though so huge that it affronts

³⁵ See details in Chatri, “Anuson sathan pruitsapha prachatham: kan mueang rueang thi tang lae khwam songjam bon thanon ratchadamnoen” (The May 1992 memorial: Politics of position and memory on Ratchadamnoen Avenue) *An* (Read), 3,4 (Oct 2011 to March 2012), pp. 76–91

international standards of conservation, will replace a modernist building of the People's Party era, which has no value under Clause 2 of the Rattanakosin Charter, and is associated with a government project to honor the king, and hence is in line with Clause 4 of the Rattanakosin Charter. The fact that it breaches the law on the height of buildings is immaterial.

The criteria of selection, method of thinking, and ideology in this example exemplify the "frame of mind" which dictates the evaluation of all cultural heritage on Rattanakosin Island, and indeed all over Thailand.

Besides the Rattanakosin Charter, we should also discuss the agencies and departments involved with conservation in Thailand. Even though there are large numbers of them, for structural reasons they all accept the conservation thinking contained in the Rattanakosin Charter in its entirety.

Rattanakosin Charter and conservation agencies in Thailand

In the circle of conservation in Thailand there are many agencies, organizations, and individuals, including sub-agencies of international conservation organizations. The multiplicity of agencies should operate as checks and balances on one another, resulting in conservation in Thailand having the same openness of mind and widespread participation by people from different walks of life that are characteristic of the international agencies.

But if we look closely at the structure and personnel of these agencies, we find that they are so intertwined that they cannot act as check and balance on one another, nor have conflicting views. Most personnel in these conservation agencies are drawn from a small circle. A few people serve on the boards of many different agencies, with the result that these agencies all have the same views, and accept the conservation principles contained in the Rattanakosin Charter.

The major agencies dealing with Rattanakosin Island are the Fine Arts Department (FAD), Committee on Rattanakosin Island and the Old City, ICOMOS Thai, the Society for the Conservation of National Treasure and Environment (SCONTE), and the Subcommittee on Conservation of Art and Architecture within the Association of Siamese Architects.

Although there is a multiplicity of organizations they do not counterbalance one another. Take the example of the FAD and ICOMOS Thai. In principle they should be independent of each other, as the FAD is a government department and ICOMOS Thai is a sub-agency of an international NGO, not reporting to government. But in reality, ICOMOS Thai is a sub-agency under FAD since the director of FAD serves as its chairperson.³⁶ The FAD and ICOMOS Thai cannot have any conflict of view on conservation because the same person heads both agencies. There are

³⁶ See details on history and structure in <http://www.icomosthai.org/>

controversial cases where ICOMOS Thai should play a role but cannot do much, such as over the demolition of shophouses in Soi Wanglee (heritage of modernist architecture from the People's Party era). In this case, the FAD sent a letter stating that the buildings had some value but not enough to warrant being registered as a monument. ICOMOS Thai, under the chairmanship of the FAD director, could not offer a different opinion. In the end the shophouses were demolished.

Another problem is the mesh of cross-memberships among the boards of these agencies. If we look at the lists of the board members of the FAD, the Committee on Rattanakosin Island and the Old City, ICOMOS Thai, and SCONTE, the same names appear repeatedly. Some individuals sit on three or more of the boards. As a result all these agencies reflect the thinking of a small group of 15 to 20 people. Moreover, most of these people come from government departments such as the FAD and the Committee on Rattanakosin Island and the Old City,

Even though some of the boards are quite large – the Committee on Rattanakosin Island and the Old City has thirty persons and is chaired by a deputy prime minister – but most of these people are appointed *ex officio* from various organizations and departments located on Rattanakosin Island such as the under-secretary of the Ministry of Defense, director of the Highways Department, head of the Budget Bureau, secretary-general of the Royal Household, director of the Crown Property Bureau, minister of education, governor of Bangkok, and so on.³⁷ The people sent to sit *ex officio* on these boards may have little or no interest or knowledge about conservation. As a result seven or eight specialists largely determine the direction of policy and implementation by these agencies. These experts are the same small group of people mentioned above.

For these reasons it is not surprising that Thailand has many conservation agencies but only one approach to conservation, namely that mandated by the Rattanakosin Charter. There is no counterbalancing power, no new ideas, and no space for ordinary people to participate in the work of these agencies. The planning, policy-making, administration, and implementation are confined within a small circle of bureaucrats and experts who virtually all have the “frame of mind” of the Rattanakosin Charter

At present there many new faces from a new generation of academicians in the circle of Thai conservation. They have new ideas, new concerns, new principles, and new approaches to evaluating cultural heritage. But because of the structure of the conservation agencies, with cross-memberships and domination by a small circle of people, new ideas cannot flourish and replace the principles of the Rattanakosin Charter.

³⁷ See details in *Mati khana rathamontri thi kiao khong kap amnat nathi khong khan kammakan anurak lae phatthana krung rattanakosin lae mueang kao* (Cabinet resolution on the powers and duties of the committee on the conservation and development of Rattanakosin and the old city) (Khana kammakan krung rattanakosin doem, xerox n.p., n.d), pp. 2–3

The struggle to change the Rattanakosin Charter

Yet, as stated at the start of this article, a cultural charter can change.

When power relations in society change, resulting in changes of historical memory, eventually the criteria for evaluating cultural heritage will change too. As is evident from the social and political events of the past decade, Thai society is undergoing a major structural change in power relations. As a result, a new struggle for the space of historical memory is emerging. The Thai cultural charter of conservation will inevitably face challenges, including demands for changes in its principles, ideology, and mandates. This process at the moment is very much at the beginning, yet we can sense changes to come.

In the last ten years, communities on Rattanakosin Island have begun to get together in order to consolidate their strength in negotiating with government over projects of conservation and development. They have begun to construct a new bundle of historical memory, different from the old bundle; begun to place the historical memory of their communities more in the public sphere where it can attract the interest of society; begun to overturn old forms of historical explanation in favor of new ideas which will change the criteria used to evaluate cultural heritage.

The Banglamphu civic action group came out to oppose the demolition of Khurusapha Printing house which the government deemed as lacking any historical value, by offering an opposite view. As a result of pressure from this civic action group, the printing house was eventually registered as a monument.

Many people on the Rattanakosin Committee were highly resentful of this outcome. This struggle should not be viewed as merely a conflict between individuals but rather as a challenge to the Rattanakosin Charter, the major cultural charter of conservation. This challenge has begun to change the old bundle of historical memory, begun to undermine the power of experts who claim to know about evaluating the historical value of heritage. This resentment stems from a shift in the structure of power relations rather than from the conflict between individuals.

Another signal of change is the struggle against the demolition of the Mahakan Fort community. The plan for a public park has not been realized. The community created a diverse and widespread network of support with bargaining strength that the government could neither ignore nor overcome. By defining itself as a “community below the city wall” and a “community of ancient wooden houses”, the Mahakan Fort community began to reconstruct a version of history that could fight against the version of history wielded by the government. At present, we cannot predict which of these versions of history will win, but the struggles spread over the past ten years signal that the Rattanakosin Charter is beginning to lose its traction.

Apart from the case of the Mahakan Fort community, there have been conflicts in the past few years over the conservation and development of the Woeng Nakhon Kasem area around Wat Mangkorn Kamalawat and the area of Pak Khlong Talat.

Residents challenged government agencies over the definition of what was worth and not worth conserving, again signaling that the Rattanakosin Charter is being increasingly questioned.

In defiance of Clause 2 of the Rattanakosin Charter, during the political conflicts over the past three to four years there have been efforts to revitalize the history as well as the cultural heritage of the People's Party era. People have participated in ceremonies to commemorate the 1932 event at the plaque recording the event set



Figure 10. Commemorating the 1932 revolution at the People's Party plaque and a UDD ceremony at the Memorial to Suppressing the Rebellion (www.prachatai3.info)

into the road on Ratchadamnoen Avenue. Many networks campaigned against the demolition of the old Supreme Court buildings, and while the project has not been cancelled it has been postponed indefinitely. There is a growing tendency to see the value of the cultural heritage of the People's Party era.

On 12 March 2010, a group from the United Front of Democracy against Dictatorship (UDD, the red shirts) held a rally and ceremony at the Memorial to Suppressing the Rebellion at the Laksi intersection (see Figure 10). For several decades this monument could be said to be historically dead. Had it been demolished, nobody would have noticed. But this ceremony has revived the monument, and offered a challenge to historical memory in the style of royal-nationalism to some extent.

These are the small beginnings of a struggle for space to redefine the Rattanakosin Charter. It remains to be seen how this struggle will end. Yet, I am quite confident that this struggle will not merely change the thinking and principles on the conservation of cultural heritage, but will also shake up the bundle of historical memory and shift the structure of power relations in the long term.

APPENDIX 4

Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504 (1961)

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**ACT ON ANCIENT MONUMENTS, ANTIQUES,
OBJECTS OF ART AND NATIONAL MUSEUMS,
B.E. 2504 = 1961**

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**ACT ON ANCIENT MONUMENTS, ANTIQUES,
OBJECTS OF ART AND NATIONAL MUSEUMS,
B.E. 2504**

BHUMIBOL ADULYADEJ, REX.

Given on the 2nd day of August, B.E. 2504; = 1961
Being the 16th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to revise the law on ancient monuments, antiques, objects of art and national museums;

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly acting as National Assembly, as follows:

Section 1 This Act shall be called the "Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504."

Section 2 This Act shall come into force after the expiration of thirty days from the date of its publication in the Government Gazette.*

Section 3 The following shall be repealed:

(1) The Act on Ancient Monuments, Objects of Art, Antiques and National Museums, B.E. 2477; and

(2) The Act on Ancient Monuments, Objects of Art, Antiques and National Museums (No. 2), B.E. 2486.

All other laws, rules and regulations in so far as they are already provided by this Act, or are contrary to or inconsistent with the provisions of this Act shall be replaced by this Act.

Section 4 In this Act:

"Ancient Monument" means an immovable property which, by its age or architectural characteristics or historical evidence, is useful in the field of art, history or archaeology;

* Published in the Government Gazette, Vol. 78, No. 66. Dated August 29, B.E. 2504 (1961).

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“*Antique*” means an archaic movable property, whether produced by man or by nature, or being any part of ancient monument or of human skeleton or animal carcass which, by its age or characteristics of production or historical evidence, is useful in the field of art, history or archaeology;

“*Object of Art*” means a thing produced by craftsmanship which is appreciated as being valuable in the field of art;

“*Competent official*” means the person appointed by the Minister for the execution of this Act;

“*Director-General*” means the Director-General of the Department of Fine Arts;

“*Minister*” means the Minister taking charge and control of the execution of this Act.

Section 5 The Director-General may, in regard to the issuance of permit or licence by him under this Act, entrust the Provincial Governor of any locality to act on his behalf in such locality. Such entrustment shall be published in the Government Gazette.

After the publication of entrustment of authority to the Provincial Governor of any locality according to the foregoing paragraph, the application for permit or licence shall be filed with the Provincial Governor of such locality. The order granting or refusing the permit or licence made by the Provincial Governor under this Section shall be deemed the order of the Director-General.

Section 6 The Minister of Education shall take charge and control of the execution of this Act, and shall have the power to appoint competent officials and to issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

Chapter 1

Ancient Monuments

Section 7 The Director-General shall, for the purpose of keeping, maintaining and controlling ancient monuments under this Act, have the power to cause any ancient monument as he thinks fit to be registered by means of publication in the Government Gazette, and to determine such area of land as he thinks fit to be its compound, which area shall also be considered as ancient monument. Cancellation and modification of the same may likewise be made in the Government Gazette.

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If the ancient monument to be registered under the foregoing paragraph is owned or lawfully possessed by any person, the Director-General shall notify in writing the owner or possessor thereof. The owner or possessor if not satisfied therewith, shall be entitled within thirty days from the date of his being aware of the Director-General's notification to apply for an order of the Court requiring the Director-General to stop registration and/or determination of such area of land as ancient monument, as the case may be. If the owner or possessor fails to apply for the order of the Court or the Court gives, when the case is final, the order rejecting the application, the Director-General shall proceed with the registration.

Section 8 All ancient monuments listed and published in the Government Gazette by the Director-General under the law on ancient monuments, objects of art, antiques and national museums before the day of the coming into force of this Act shall also be taken as registered ancient monuments under this Act.

Section 9 In case the registered ancient monument owned and lawfully possessed by any person is deteriorating, dilapidating or being damaged by any means whatsoever, the owner or possessor thereof shall inform the Director-General of the deterioration, dilapidation or damage within thirty days from the date of his being aware of its occurrence.

Section 10 No person shall repair, modify, alter any ancient monument or excavate for anything within the compound of ancient monument, except by order of the Director-General, or permit has been obtained from the Director-General. If the permit contains any conditions, they have to be complied with.

Section 11 The Director-General shall have the power in regard to any registered ancient monument, even owned or lawfully possessed by any individual, to order the competent official or any person to make a repair or to do whatsoever for its restoration or for the preservation of its original condition; provided that its owner or possessor has first to be notified thereof.

Section 12 In case of transfer of registered ancient monument, the transferor has to give the Director-General within thirty days from the date of transfer a written information specifying the transferee's name and residence as well as the date of transfer.

The person who acquires ownership of a registered ancient monument by inheritance or by will has to inform the Director-General of such acquisition within sixty days from the date of the acquisition. In case there are many persons acquiring ownership of the same ancient monument and one of the co-owners, who is entrusted to give information of the acquisition of ownership, has given the information within the said period, it shall be taken that all co-owners have given such information.

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Section 13 The Minister shall, when it is deemed appropriate for preserving the condition or tidiness of the registered ancient monument, have the power to issue a Ministerial Regulation on conduct of visitors during their visit; and, particularly with regard to ancient monument not owned or lawfully possessed by any individual, to fix admission fee not exceeding thirty *bait* a time.

The determination under the foregoing paragraph may similarly or differently be made for every or for certain ancient monuments.

Chapter 2

Antiques and Objects of Art

Section 14 The Director-General is empowered, if he deems that any antique or object of art not being in the possession of the Department of Fine Arts is of special value in the field of art, history or archaeology, to cause such antique or object of art to be registered by means of publication in the Government Gazette.

Section 15 No person shall repair, modify or alter any registered antique or object of art, unless permit has been obtained from the Director-General. If the permit contains any conditions, they have to be complied with.

Section 16 In case any registered antique or object of art is deteriorating, dilapidating, damaged or lost, the possessor of such antique or object of art shall inform the Director-General of the deterioration, dilapidation, damage or loss within thirty days from the date of his being aware of such occurrence.

Section 17 In case of transfer of any registered antique or object of art, the transferor has to give the Director-General within thirty days from the date of transfer a written information specifying the transferee's name and residence as well as the date of transfer.

The person who acquires ownership of a registered antique or object of art by inheritance or by will has to inform the Director-General of such acquisition within sixty days from the date of the acquisition. In case there are many persons acquiring ownership of the same antique or object of art and one of the co-owners, who is entrusted to give information of the acquisition of ownership, has given the information within the said period, it shall be taken that all co-owners have given such information.

Section 18 Antiques or objects of art which are State's property and under custody and care of the Department of Fine Arts are inalienable, except by virtue of law. However, if the number of certain similar antiques or objects of art

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is in excess of need, the Director-General may, subject to the approval of the Minister, transfer them by means of sale or exchange for the benefit of national museums or give them to the excavators as rewards or as consideration for their service.

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Section 19 No person shall trade in antiques or objects of art nor shall he, as his regular business, display the same to the public for collecting admission fee, unless a licence has been obtained from the Director-General.

The application for and the granting of licence under the foregoing paragraph shall be made in the form prescribed by the Director-General.

In case the Director-General gives the order refusing to grant the application under paragraph one, the applicant is entitled to lodge an appeal against the Director-General's order to the Minister within thirty days from the date of his being aware of such refusal. The decision of the Minister shall be final.

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Section 20 The licensee for trading in antiques or objects of art or for displaying the same to the public under Section 19 has to show such licence conspicuously in his place of business or place for display, and has to make a list in reality of the antiques and objects of art in his possession in the form prescribed by the Director-General, and keep such list respectively within such places.

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Section 21 The competent official is empowered to enter any place of business or place for display of antiques or objects of art of any licensee under Section 19 for the purpose of inspection as to whether the licensee has complied with this Act or whether there is any antique or object of art, unlawfully acquired by any person, in possession of the licensee. The competent official shall have the power, for this purpose, to seize or attach any antique or object of art reasonably suspected of having been unlawfully acquired.

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Section 22 No person shall export or take out of the Kingdom any antique or object of art irrespective of whether they are registered or not, unless a licence has been obtained from the Director-General. The application for a licence and the licence itself shall be in the form prescribed by the Director-General.

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The foregoing paragraph shall not apply to the sending of antique or object of art in transit.

The licensee for exporting or taking any antique or object of art out of the Kingdom has to pay fees as fixed by the Ministerial Regulations, such fees shall not exceed those in the Schedule annexed to this Act.

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Section 23 Any person being desirous of temporarily dispatching antique or object of art out of the Kingdom shall apply to the Director-General for a licence. In case the Director-General gives the order refusing to grant the application,

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the applicant is entitled to lodge an appeal against such order of refusal to the Minister within thirty days from the date of his being aware of such order. The decision of the Minister shall be final.

In case the Director-General deems appropriate or the Minister decides that a licence be issued to the applicant for temporarily dispatching antique or object of art out of the Kingdom, and the applicant has agreed to comply with the conditions, methods and requirements on deposit of security money and/or payment of penalties as prescribed in the Ministerial Regulation relating thereto, the Director-General shall accordingly issue a temporary licence to the applicant.

Section 24 Antique or object of art, buried in or concealed or abandoned at any place under such circumstances that no one could claim to be the owner, and whether the place of burial or concealment or abandonment be owned or possessed by any person, shall become State's property. The finder of such antique or object of art has to deliver the same to the competent official, or administrative or police official under the Criminal Procedure Code. Such finder is entitled to a reward of one-third of the value of such property.

Chapter 3

National Museums

Section 25 There shall be national museums for keeping antiques or objects of art which are State's property.

Any site on which a national museum is to be established or any place required to be a national museum as well as the cancellation of the status of national museum shall be published by the Minister in the Government Gazette.

National Museums existing on the day of the coming into force of this Act shall be national museums under this Act.

Section 26 Antiques and objects of art which are State's property under the custody and care of the Department of Fine Arts shall not be kept in other place than in the national museums. But in case it is impossible or unsuitable to keep them in the national museums they may, subject to the approval of the Minister, be kept in other place.

The provision of the foregoing paragraph shall not apply to the case of temporarily displaying antique or object of art at any place by permission of the Minister, or to the case of taking antique or object of art out of the national museums for repair by order of the Director-General.

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In case of plurality of similar pieces of antiques and objects of art, the Director-General may allow any Ministry, Dabuang or Department to keep some pieces of them temporarily.

Section 27 The Minister is empowered to determine, as he thinks fit, that visitors to the national museums be subject to certain rules of conduct for the sake of good order or care of national museums during their visit. He may also fix the admission fee to be paid by visitors not exceeding thirty *baht* a time.

The determination under the foregoing paragraph shall be made by Ministerial Regulations.

Chapter 4

Archaeological Fund

Section 28 There shall be set up a fund called "*Archaeological Fund*" for the expenses of operation beneficial to ancient monuments or museum activity.

Section 29 The archaeological fund consists of:

- (1) money acquired under this Act;
- (2) monetary benefits accruing from ancient monuments;
- (3) donation in cash or property;
- (4) central fund or capital money which, under the law on ancient

monuments, objects of art, antiques and national museums, is at the disposal of the Department of Fine Arts on the day of the coming into force of this Act.

Section 30 The keeping and the payment of archaeological fund shall be made in compliance with rules prescribed by the Minister.

Chapter 5

Penalty

Section 31 Whoever finds any antique or object of art, which is buried in or concealed or abandoned at any place under such circumstances that no person could claim to be its owner, and converts the same to himself or to other person, shall be punished with imprisonment not exceeding two years or with fine not exceeding four thousand *baht*, or both.

Section 32 Whoever damages, destroys or causes depreciation in value to or makes useless any ancient monument, shall be punished with imprisonment not exceeding one year or with fine not exceeding two thousand *baht*, or both.

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If the ancient monument so damaged, destroyed, depreciated in value or made useless is a registered one, the offender shall be punished with imprisonment of three months to five years and with fine not exceeding ten thousand *baht*.

Section 33 Whoever damages, destroys, or causes depreciation in value to or makes lost or useless any antique or object of art, shall be punished with imprisonment not exceeding two years or with fine not exceeding four thousand *baht*, or both.

Section 34 Whoever violates Section 9, 12, 16, 17 or 20, or violates Ministerial Regulations issued under Section 13 or 27, shall be punished with imprisonment not exceeding one month or with fine not exceeding one thousand *baht*, or both.

Section 35 Whoever violates Section 10, or violates the conditions imposed by the Director-General in the licence under Section 10, shall be punished with imprisonment not exceeding one year or with fine not exceeding two thousand *baht*, or both.

Section 36 Whoever violates Section 15, or violates the conditions imposed by the Director-General in the licence under Section 15, shall be punished with imprisonment not exceeding one year or with fine not exceeding two thousand *baht*, or both.

Section 37 Whoever violates Section 19 paragraph one, shall be punished with imprisonment not exceeding six months or with fine not exceeding one thousand *baht*, or both.

Section 38 Whoever exports, or takes out of the Kingdom any non-registered antique or object of art in violation of Section 22, shall be punished with imprisonment not exceeding one year or with fine not exceeding two thousand *baht*, or both.

Section 39 Whoever exports, or takes out of the Kingdom any registered antique or object of art in violation of Section 22, shall be punished with imprisonment of three months to five years and with fine not exceeding ten thousand *baht*.

Transitory Provisions

Section 40 Any person who, on the day of the coming into force of this Act, trades in antiques or objects of art or, as his regular business, displays the same to the public for collecting admission fee, shall apply to the Director-General for a licence to that effect within thirty days from the day of the coming into force of this Act.

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The provisions of Sections 19 and 20 shall not apply to the person who trades in antiques or objects of art or, as his regular business, displays the same to the public for collecting admission fee, and has applied for a licence in conformity with the foregoing paragraph, thus as from the day of the coming into force of this Act up to the day of receiving the licence.

Countersigned by:

Field Marshal S. Dhanarajata

Prime Minister.

**Rates of fees
for exporting or taking antiques or objects of art
out of the Kingdom**

1. Antiques or objects of art which the Department of the Fine Arts deems as dated from Ayudhya and earlier periods, not exceeding two hundred *baht* per piece.
2. Antiques or objects of art which the Department of Fine Arts deems as dated in the period later than Ayudhya period, not exceeding one hundred *baht* per piece.

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Ministerial Regulation

No. 1 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques,
Objects of Art and National Museums, B.E. 2504*

By virtue of Sections 6 and 13 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

Visitors to any registered ancient monument must refrain from:

- (1) displacing or removing things within the compound of ancient monument;
- (2) scratching, writing or by any manner causing to appear any inscription, picture or trace on any part of ancient monument;
- (3) doing any act causing deterioration or damage to any ancient monument;
- (4) throwing or discharging refuses or filth in any place within the compound of ancient monument other than places provided for such purpose.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul

Minister of Education.

* Published in the Government Gazette, Vol. 78 No. 77. Dated September 30, B.E. 2504 (1961).

* Published in

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Ministerial Regulation

No. 2 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques, Objects of Art
and National Museums, B.E. 2504*

By virtue of Sections 6 and 13 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

Visitors to the following ancient monuments shall pay admission fee of two *baht* per head on each visit:

- (1) Mural paintings in the cell of the pagoda of Wat Rachaburana, Amphur Phra Nakhorn Sri Ayudhya, Changwad Phra Nakhorn Sri Ayudhya;
- (2) Phimai Stone Sanctuary, Amphur Phimai, Changwad Nakhorn Rajsima.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul
Minister of Education.

* Published in the Government Gazette, Vol. 78 No. 77. Dated September 30, B.E. 2504 (1961).

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Ministerial Regulation

No. 3 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504*

By virtue of Sections 6 and 22 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

The licensee for exporting or taking antiques or objects of art out of the Kingdom shall pay fees at the following rates:

- (1) antiques or objects of art which the Department of Fine Arts deems as dated from Sri Vichai and Thawarawadi (*Dvāravatī*) as well as earlier periods, two hundred *baht* per piece;
- (2) antiques or objects of art which the Department of Fine Arts deems as dated in Lopburi, Chieng Saen, U-thong or Sukhothai period, one hundred and fifty *baht* per piece;
- (3) antiques or objects of art which the Department of Fine Arts deems as dated in Ayudhya period, one hundred *baht* per piece;
- (4) antiques or objects of art which the Department of Fine Arts deems as dated in the period later than Ayudhya period:
 - (a) those produced in Ratanakosin (*Bangkok*) period from the reign of King Rama I to King Rama V, fifty *baht* per piece;
 - (b) those produced in Ratanakosin (*Bangkok*) period from the reign of King Rama VI downwards, five *baht* per piece;
- (5) antiques or objects of art of the size of not exceeding three centimetres wide and of not exceeding five centimetres long, which the Department of Fine Arts deems as dated in the period later than Ayudhya period and to be of lesser value in the field of art, history or archaeology, one *baht* per piece;
- (6) fractions of antiques or objects of art of whatever period which the Department of Fine Arts deems to be of lesser value in the field of art, history or archaeology, one *baht* per piece.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul

Minister of Education.

* Published in the Government Gazette, Vol. 78 No. 77. Dated September 30, B.E. 2504 (1961).

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Ministerial Regulation

No. 4 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504*

By virtue of Sections 6 and 23 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

Article 1 Any person being desirous of temporarily dispatching or taking antiques or objects of art out of the Kingdom shall file an application in writing with the Director-General for a licence, indicating the object and date of dispatching or taking out such antiques or objects of art and the date of their return together with two copies of their photograph of the size of nine centimetres wide and sixteen centimetres long.

Article 2 If the Director-General deems appropriate to grant a licence, he shall assess the value of such antiques or objects of art applied for being temporarily dispatched or taken out of the Kingdom, and demand for the deposit of a security money amounting to the assessed value.

Article 3 If the antiques or objects of art applied for being temporarily dispatched or taken out of the Kingdom are not returned to the Kingdom within the fixed date, the security money shall be forfeited as penalty.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul

Minister of Education.

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Ministerial Regulation

No. 5 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504*

By virtue of Sections 6 and 27 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

Visitors to national museums shall dress properly and refrain from:

- (1) bringing into the display-room of antiques and objects of art any package or thing capable of containing, covering, concealing or hiding objects out of the display-room;
- (2) causing nuisance by any means whatever to the official or other visitors to the national museum;
- (3) touching or picking up of objects on display in the national museum;
- (4) smoking in the display-room of antiques or objects of art;
- (5) scratching, writing, inscribing or causing dirtiness to the objects and buildings in the national museum;
- (6) taking photograph or drawing picture of the objects on display in the national museum without permission of the Director-General.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul

Minister of Education.

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Ministerial Regulation

No. 6 (B.E. 2504)

issued under the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504*

By virtue of Sections 6 and 27 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums, B.E. 2504, the Minister of Education, hereby, issues a Ministerial Regulation, as follows:

Article 1 Visitors to the National Museum in Bangkok shall pay admission fee of five *baht* per head for each visit, except visit made on Sunday, festival days or such special occasion as the Director-General deems appropriate not to collect the admission fee.

Article 2 Visitors to the National Museums in Changwad Phra Nakorn Sri Ayudhya, Changwad Lopburi and Changwad Sukhothai shall pay admission fee of two *baht* per head for each visit made on Saturday and Sunday, except any Saturday or Sunday falling on festival day or any such special occasion as the Director-General deems appropriate not to collect the admission fee.

Article 3 The following visitors to national museums shall be exempted from admission fee:

- (1) priests and novices;
- (2) students in group under supervision of teacher, including the supervising teacher;
- (3) under-graduates for whom educational institute or university has made contact for admission;
- (4) official guest to whom the Department of Fine Arts gives attendance.

Given on the 28th day of September, B.E. 2504.

M.L. Pin Malakul
Minister of Education.

* 4 (1961).

* Published in the Government Gazette, Vol. 78 No. 77. Dated September 30, B.E. 2504 (1961).

APPENDIX 5

2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (adopted from UNESCO Intangible Cultural Heritage)

The General Conference of the United Nations Educational, Scientific and Cultural Organization hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session,

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

Considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture,

Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

Being aware of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively

enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

Considering that the international community should contribute, together with the States Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

Recalling UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

Adopts this Convention on this seventeenth day of October 2003.

1. I. General provisions

Article 1 – Purposes of the Convention

The purposes of this Convention are:

- (a) to safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention,

1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested inter alia in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.

3. “Safeguarding” means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

4. “States Parties” means States which are bound by this Convention and among which this Convention is in force.

5. This Convention applies mutatis mutandis to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression “States Parties” also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

- (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or
- (b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

2. II. Organs of the Convention

Article 4 – General Assembly of States Parties

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as “the General Assembly”. The General Assembly is the sovereign body of this Convention.

2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.

3. The General Assembly shall adopt its own Rules of Procedure.

Article 5 – Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

1. An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as “the Committee”, is hereby established within UNESCO. It shall be composed of representatives of 18 States Parties, elected by the States Parties meeting in General Assembly, once this Convention enters into force in accordance with Article 34.

2. The number of States Members of the Committee shall be increased to 24 once the number of the States Parties to the Convention reaches 50.

Article 6 – Election and terms of office of States Members of the Committee

1. The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.

2. States Members of the Committee shall be elected for a term of four years by States Parties to the Convention meeting in General Assembly.

3. However, the term of office of half of the States Members of the Committee elected at the first election is limited to two years. These States shall be chosen by lot at the first election.

4. Every two years, the General Assembly shall renew half of the States Members of the Committee.

5. It shall also elect as many States Members of the Committee as required to fill vacancies.

6. A State Member of the Committee may not be elected for two consecutive terms.

7. States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage.

Article 7 – Functions of the Committee

Without prejudice to other prerogatives granted to it by this Convention, the functions of the Committee shall be to:

- (a) promote the objectives of the Convention, and to encourage and monitor the implementation thereof;
- (b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;
- (c) prepare and submit to the General Assembly for approval a draft plan for the use of the resources of the Fund, in accordance with Article 25;
- (d) seek means of increasing its resources, and to take the necessary measures to this end, in accordance with Article 25;
- (e) prepare and submit to the General Assembly for approval operational directives for the implementation of this Convention;

- (f) examine, in accordance with Article 29, the reports submitted by States Parties, and to summarize them for the General Assembly;
- (g) examine requests submitted by States Parties, and to decide thereon, in accordance with objective selection criteria to be established by the Committee and approved by the General Assembly for:
 - (i) inscription on the lists and proposals mentioned under Articles 16, 17 and 18;
 - (ii) the granting of international assistance in accordance with Article 22.

Article 8 – Working methods of the Committee

1. The Committee shall be answerable to the General Assembly. It shall report to it on all its activities and decisions.

2. The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members.

3. The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task.

4. The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognized competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters.

Article 9 – Accreditation of advisory organizations

1. The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee.

2. The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.

Article 10 – The Secretariat

1. The Committee shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the General Assembly and of the Committee, as well as the draft agenda of their meetings, and shall ensure the implementation of their decisions.

3. III. Safeguarding of the intangible cultural heritage at the national level

Article 11 – Role of States Parties

Each State Party shall:

- (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;
- (b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

Article 12 – Inventories

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

Article 13 – Other measures for safeguarding

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

- (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;
- (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;
- (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;
- (d) adopt appropriate legal, technical, administrative and financial measures aimed at:
 - (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;
 - (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;
 - (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

Article 14 – Education, awareness-raising and capacity-building

Each State Party shall endeavour, by all appropriate means, to:

- (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:
 - (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;
 - (ii) specific educational and training programmes within the communities and groups concerned;
 - (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and
 - (iv) non-formal means of transmitting knowledge;
- (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;
- (c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Article 15 – Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

4. IV. Safeguarding of the intangible cultural heritage at the international level

Article 16 – Representative List of the Intangible Cultural Heritage of Humanity

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this Representative List.

Article 17 – List of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this List.

3. In cases of extreme urgency – the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee – the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

Article 18 – Programmes, projects and activities for the safeguarding of the intangible cultural heritage

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by the Committee and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and activities for the safeguarding of the heritage which it considers best reflect the principles and objectives of this Convention, taking into account the special needs of developing countries.

2. To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.

3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

5. V. International cooperation and assistance

Article 19 – Cooperation

1. For the purposes of this Convention, international cooperation includes, *inter alia*, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.

2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

Article 20 – Purposes of international assistance

International assistance may be granted for the following purposes:

- (a) the safeguarding of the heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;
- (b) the preparation of inventories in the sense of Articles 11 and 12;
- (c) support for programmes, projects and activities carried out at the national, subregional and regional levels aimed at the safeguarding of the intangible cultural heritage;
- (d) any other purpose the Committee may deem necessary.

Article 21 – Forms of international assistance

The assistance granted by the Committee to a State Party shall be governed by the operational directives foreseen in Article 7 and by the agreement referred to in Article 24, and may take the following forms:

- (a) studies concerning various aspects of safeguarding;
- (b) the provision of experts and practitioners;
- (c) the training of all necessary staff;
- (d) the elaboration of standard-setting and other measures;
- (e) the creation and operation of infrastructures;
- (f) the supply of equipment and know-how;
- (g) other forms of financial and technical assistance, including, where appropriate, the granting of low-interest loans and donations.

Article 22 – Conditions governing international assistance

1. The Committee shall establish the procedure for examining requests for international assistance, and shall specify what information shall be included in the requests, such as the measures envisaged and the interventions required, together with an assessment of their cost.

2. In emergencies, requests for assistance shall be examined by the Committee as a matter of priority.

3. In order to reach a decision, the Committee shall undertake such studies and consultations as it deems necessary.

Article 23 – Requests for international assistance

1. Each State Party may submit to the Committee a request for international assistance for the safeguarding of the intangible cultural heritage present in its territory.

2. Such a request may also be jointly submitted by two or more States Parties.

3. The request shall include the information stipulated in Article 22, paragraph 1, together with the necessary documentation.

Article 24 – Role of beneficiary States Parties

1. In conformity with the provisions of this Convention, the international assistance granted shall be regulated by means of an agreement between the beneficiary State Party and the Committee.

2. As a general rule, the beneficiary State Party shall, within the limits of its resources, share the cost of the safeguarding measures for which international assistance is provided.

3. The beneficiary State Party shall submit to the Committee a report on the use made of the assistance provided for the safeguarding of the intangible cultural heritage.

6. VI. Intangible Cultural Heritage Fund

Article 25 – Nature and resources of the Fund

1. A “Fund for the Safeguarding of the Intangible Cultural Heritage”, hereinafter referred to as “the Fund”, is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:

- (a) contributions made by States Parties;
- (b) funds appropriated for this purpose by the General Conference of UNESCO;
- (c) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
 - (iii) public or private bodies or individuals;
- (d) any interest due on the resources of the Fund;
- (e) funds raised through collections, and receipts from events organized for the benefit of the Fund;

(f) any other resources authorized by the Fund's regulations, to be drawn up by the Committee.

4. The use of resources by the Committee shall be decided on the basis of guidelines laid down by the General Assembly.

5. The Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by the Committee.

6. No political, economic or other conditions which are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

Article 26 – Contributions of States Parties to the Fund

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly. This decision of the General Assembly shall be taken by a majority of the States Parties present and voting which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the contribution of the State Party exceed 1% of its contribution to the regular budget of UNESCO.

2. However, each State referred to in Article 32 or in Article 33 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance, approval or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to this Convention which has made the declaration referred to in paragraph 2 of this Article shall endeavour to withdraw the said declaration by notifying the Director-General of UNESCO. However, the withdrawal of the declaration shall not take effect in regard to the contribution due by the State until the date on which the subsequent session of the General Assembly opens.

4. In order to enable the Committee to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least every two years, and should be as close as possible to the contributions they would have owed if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to this Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the Committee; this provision shall not apply to the first election. The term of office of any such State which is already a Member of the Committee shall come to an end at the time of the elections provided for in Article 6 of this Convention.

Article 27 – Voluntary supplementary contributions to the Fund

States Parties wishing to provide voluntary contributions in addition to those foreseen under Article 26 shall inform the Committee, as soon as possible, so as to enable it to plan its operations accordingly.

Article 28 – International fund-raising campaigns

The States Parties shall, insofar as is possible, lend their support to international fund-raising campaigns organized for the benefit of the Fund under the auspices of UNESCO.

7. VII. Reports

Article 29 – Reports by the States Parties

The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the Committee, reports on the legislative, regulatory and other measures taken for the implementation of this Convention.

Article 30 – Reports by the Committee

1. On the basis of its activities and the reports by States Parties referred to in Article 29, the Committee shall submit a report to the General Assembly at each of its sessions.

2. The report shall be brought to the attention of the General Conference of UNESCO.

8. VIII. Transitional clause

Article 31 – Relationship to the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity

1. The Committee shall incorporate in the Representative List of the Intangible Cultural Heritage of Humanity the items proclaimed “Masterpieces of the Oral and Intangible Heritage of Humanity” before the entry into force of this Convention.

2. The incorporation of these items in the Representative List of the Intangible Cultural Heritage of Humanity shall in no way prejudice the criteria for future inscriptions decided upon in accordance with Article 16, paragraph 2.

3. No further Proclamation will be made after the entry into force of this Convention.

9. IX. Final clauses

Article 32 – Ratification, acceptance or approval

1. This Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of UNESCO.

Article 33 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 34 – Entry into force

This Convention shall enter into force three months after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other State Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;
- (b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, countries, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36 – Denunciation

1. Each State Party may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect.

Article 37 – Depositary functions

The Director-General of UNESCO, as the Depositary of this Convention, shall inform the States Members of the Organization, the States not Members of the Organization referred to in Article 33, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 32 and 33, and of the denunciations provided for in Article 36.

Article 38 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the General Assembly for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to the States Parties.

4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 5 concerning the number of States Members of the Committee. These amendments shall enter into force at the time they are adopted.

6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

- (a) as a Party to this Convention as so amended; and
- (b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

DONE at Paris, this third day of November 2003, in two authentic copies bearing the signature of the President of the 32nd session of the General Conference and of the Director-General of UNESCO. These two copies shall be deposited in the archives of UNESCO. Certified true copies shall be delivered to all the States referred to in Articles 32 and 33, as well as to the United Nations.



APPENDIX 6

The Nara Document of the Authenticity, 1994

Preamble

1. We, the experts assembled in Nara (Japan), wish to acknowledge the generous spirit and intellectual courage of the Japanese authorities in providing a timely forum in which we could challenge conventional thinking in the conservation field, and debate ways and means of broadening our horizons to bring greater respect for cultural and heritage diversity to conservation practice.

2. We also wish to acknowledge the value of the framework for discussion provided by the World Heritage Committee's desire to apply the test of authenticity in ways which accord full respect to the social and cultural values of all societies, in examining the outstanding universal value of cultural properties proposed for the World Heritage List.

3. The Nara Document on Authenticity is conceived in the spirit of the Charter of Venice, 1964, and builds on it and extends it in response to the expanding scope of cultural heritage concerns and interests in our contemporary world.

4. In a world that is increasingly subject to the forces of globalization and homogenization, and in a world in which the search for cultural identity is sometimes pursued through aggressive nationalism and the suppression of the cultures of minorities, the essential contribution made by the consideration of authenticity in conservation practice is to clarify and illuminate the collective memory of humanity.

Cultural Diversity and Heritage Diversity

5. The diversity of cultures and heritage in our world is an irreplaceable source of spiritual and intellectual richness for all humankind. The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development.

6. Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems. In cases where cultural values appear to be in conflict, respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties.

7. All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected.

8. It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all. Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural

community that has generated it, and subsequently to that which cares for it. However, in addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their fundamental cultural values.

Values and authenticity

9. Conservation of cultural heritage in all its forms and historical periods is rooted in the values attributed to the heritage. Our ability to understand these values depends, in part, on the degree to which information sources about these values may be understood as credible or truthful. Knowledge and understanding of these sources of information, in relation to original and subsequent characteristics of the cultural heritage, and their meaning, is a requisite basis for assessing all aspects of authenticity.

10. Authenticity, considered in this way and affirmed in the Charter of Venice, appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.

11. All judgements about values attributed to cultural properties as well as the credibility of related information sources may differ from culture to culture, and even within the same culture. It is thus not possible to base judgements of values and authenticity within fixed criteria. On the contrary, the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.

12. Therefore, it is of the highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources.

13. Depending on the nature of the cultural heritage, its cultural context, and its evolution through time, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other internal and external factors. The use of these sources permits elaboration of the specific artistic, historic, social, and scientific dimensions of the cultural heritage being examined.

Appendix 1

Suggestions for follow-up (proposed by H. Stovel)

1. Respect for cultural and heritage diversity requires conscious efforts to avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites.

2. Efforts to determine authenticity in a manner respectful of cultures and heritage diversity requires approaches which encourage cultures to develop analytical processes and tools specific to their nature and needs. Such approaches may have several aspects in common:

- efforts to ensure assessment of authenticity involve multidisciplinary collaboration and the appropriate utilisation of all available expertise and knowledge;
- efforts to ensure attributed values are truly representative of a culture and the diversity of its interests, in particular monuments and sites;
- efforts to document clearly the particular nature of authenticity for monuments and sites as a practical guide to future treatment and monitoring;
- efforts to update authenticity assessments in light of changing values and circumstances.

3. Particularly important are efforts to ensure that attributed values are respected, and that their determination included efforts to build, ad far as possible, a multidisciplinary and community consensus concerning these values.

4. Approaches should also build on and facilitate international co-operation among all those with an interest in conservation of cultural heritage, in order to improve global respect and understanding for the diverse expressions and values of each culture.

5. Continuation and extension of this dialogue to the various regions and cultures of the world is a prerequisite to increasing the practical value of consideration of authenticity in the conservation of the common heritage of humankind.

6. Increasing awareness within the public of this fundamental dimension of heritage is an absolute necessity in order to arrive at concrete measures for safeguarding the vestiges of the past. This means developing greater understanding of the values represented by the cultural properties themselves, as well as respecting the role such monuments and sites play in contemporary society.

Appendix II

Definitions

Conservation: all efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement. (Cultural heritage is understood to include monuments, groups of buildings and sites of cultural value as defined in article one of the World Heritage Convention).

Information sources: all material, written, oral and figurative sources which make it possible to know the nature, specifications, meaning and history of the cultural heritage.

The Nara Document on Authenticity was drafted by the 45 participants at the Nara Conference on Authenticity in Relation to the World Heritage Convention, held at Nara, Japan, from 1-6 November 1994, at the invitation of the Agency for Cultural Affairs (Government of Japan) and the Nara Prefecture. The Agency organized the Nara Conference in cooperation with UNESCO, ICCROM and ICOMOS. This final version of the Nara Document has been edited by the general rapporteurs of the Nara Conference, Mr. Raymond Lemaire and Mr. Herb Stovel.



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