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*Abstract:* In Thailand, cultural heritage may not be legally recognised as widely as ancient monuments. In consequence, the terms used in heritage conservation in Thai language reflect the perception in heritage and conservation approaches involving professionals and the general public. To understand cultural heritage conservation in Thailand at present, this paper provides and discusses conservation approaches in relation to the governing and political development in four periods, including the time before modern conservation was introduced to Thailand, the early period of modern conservation, the time after the 1932 Revolution and the recent period which is after the coup in 2006. Then the last part of the paper explores the current challenges in cultural heritage conservation in Thailand, through the case study of Mahakan Fort restoration and its community relocation.

*Keywords:* Conservation, Thailand, Siam Kingdom, heritage perception, ancient monument, people participation, value-based conservation, Buddhism.

# Ancient Monuments or Cultural Heritage: Understanding Cultural Heritage Conservation in Thailand

This paper aims to share how heritage conservation in Thailand has evolved and been developed in different periods so as to understand the challenges the country is confronting, as well as the ways forward. It is structured through chronological order in relation to the governing and political conditions of the country, which affects the changing heritage perception and conservation approach in each period. Besides, the evolution and development of the Fine Arts Department is additionally explored. The reason is that not until the recent time, when the heritage definition was expanded and public awareness of cultural heritage conservation was increased, that the department and its staff were involved in cultural heritage conservation of Thailand (Jiajanphong, 1988). As such, the paper consists of five parts beginning with a brief historical background of the country that is embedded in heritage conservation of Thailand. The second part discusses the emergence of modern conservation in Thailand when Southeast Asia was under European colonization. The next part of the paper explores how the Revolution in 1932 made a dramatic change in Thai culture which led to a new way of perceiving cultural heritage. The period from the Revolution to the 2006 coup was the time when cultural heritage protection and conservation in Thailand was highly advanced. The following part provides an exploration of the evolving conservation approaches through the establishment of various heritage laws and practices as well as a much wider perspective on the concept of heritage. Before a short conclusion, the challenges found in Thailand at present are discussed through a case study on the conservation of Mahakan Fort and its community in the last part of this paper.

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## Historical background

Thailand is located in Southeast Asia and was the setting for the development of the Ayutthaya Kingdom, then Siam Kingdom, whose capital city was initially Ayutthaya, around 70 kilometres northward from Bangkok, the current capital city of the country. The Kingdom flourished from the 14<sup>th</sup> to the 18<sup>th</sup> centuries and occupied the central plain of what is now Thailand. After Ayutthaya was defeated by the Burmese army in 1767, the administrative centre of the Kingdom was moved southward to Thonburi, which is located along the same river as Ayutthaya, namely the Chao Phraya River. Since 1782 Bangkok, situated on the opposite side of the Chao Phraya River, became the capital city of the Siam Kingdom, which was renamed Thailand in 1939, while its population, known as Siamese for hundreds of years, has been called Thai.

For the governing system, the Ayutthaya Kingdom was ruled under an absolute monarchy system since its establishment in 1350. When Bangkok was founded as a capital city in 1782 and called Siam Kingdom, not only the governing system of Ayutthaya but nearly everything was imitated in this new capital city. During the European colonization in Southeast Asia beginning in the 17<sup>th</sup> century, the Siam Kingdom was likely seen as a buffer state between French and British colonies. Thus, it has never been colonised and forced to follow any influences of those European countries. On the other hand, it can be implied that the westernization or Europeanisation in Thailand was brought in by King Rama V, who ruled the country from 1860 to 1910, especially after his two visits to Europe. He also launched the policy on reforming the governing system to unite the colonised kingdoms into Siam.

The first time that democracy was adopted in the country was in 1932, following the Revolution by a group of people, mostly educated commoners. This resulted in a constitutional monarchy system, which has continued until now. During the Cold War from the mid-1940s to 1991, Thailand received vast support and influence from the United States of America,

including a big leap of development in several aspects, which was the result of the implementation of the National Economic and Social Development Plan starting in 1961. Since then, a new plan has been developed and implemented every five years, except in the unexpected coup d'état. It has provided direction and a framework for developing a policy for the country. The 12<sup>th</sup> Plan (2017-2022) is being implemented, while the 13<sup>th</sup> Plan (2023-2027) has been scheduled. Following the political uncertainty created by the 1932 Revolution, Thailand developed dramatically until the financial and economic crisis in mid-1997. Democracy flourished in this period owing to the adoption of the 1997 Constitution concerning mainly the decentralization, rights and equity of the population, which led to the revision of various laws to reflect the Constitution.

## The early period of modern conservation: transitional perception in heritage and conservation

In the reign of King Rama V, a heritage conservation approach was first introduced to Thailand, defined as “modern conservation” in this paper. Without clear evidence, presumably, the conservation may have been advised by European experts in arts, architecture and engineering who were commissioned to serve the royal court. Archaeological surveys were carried out, perhaps for the first time in Thailand, in the late period of this reign by a noble, Phaya Boran Ratchathanin, appointed governor of Ayutthaya, the old capital city. He did the survey and documentation of Ayutthaya and its surroundings, where the ruins of the royal palaces and major temples could still be seen at that time. He also gathered the movable archaeological remains and antiques found in the area. The documentation and information from his survey pioneered and exemplified the inventory and an archaeological survey in Thailand in the later period. The objects were kept in a palace reconstructed from the ruins to be a shelter, ordained by King Rama IV, whose reign lasted from 1851 to 1868 when he was a prince. This palace is now one of the two national museums in

Ayutthaya City. In 1911, the Fine Arts Department or *Khrom Silpakorn* was established to look after the fine arts and restore temples, and deal with antiquity and museums. Notably, the department served the King directly.

Similarly to the Conservation Movement in Europe, in Thailand, cultural heritage was originally acknowledged by the high-class people, especially the King and the nobility. As the greatest supporter of Buddhism, the King paid more attention to the restoration and construction of temples and their related works of art. The conservation approach, particularly in religious places in this period, still followed the traditional way. At the same time, heritage was known as the ancient place or *Boransathan* in Thai. The concept of heritage did not exist, as all pieces of land belonged to the monarch, but it could be given to anyone and taken back anytime. However, it is important to understand that the foundation of culture and cultural heritage conservation was provided by the kings and continuously supported until today.

### **The impact of the 1932 Revolution: invented culture to cultural heritage protection**

After the Revolution in 1932, the country was modernised in many ways. The governing system was changed to a democracy. However, the government offices continued in the same way, perhaps only with new leaders. As the Siam Kingdom was renamed to Thailand, Thai culture was invented. The Fine Arts Department, which had been dissolved in 1926, was revived. The first Director-General was appointed in 1934. One of its mandates included the conservation and protection of ancient monuments, which continues until today. As such, the *Act on Ancient Monuments, Antiquities, Objects of Art and National Museums*, which is the only Act in Thailand dealing directly on cultural heritage conservation, was first enacted in 1934, then repealed by the Act of 1943. In 1961 the Act was revised and amended in 1992. The Act of 1961 (amended 1992) is still enforced and authorised by the Director-General of the Fine Arts De-

partment. From the mid-1950s, the officials were sent to study abroad in order to develop the cultural tasks of the government, such as cultural heritage conservation, museum, library, archive, archaeology, etc. As such, in the latter half of 20<sup>th</sup> century, cultural works, including cultural heritage conservation, were highly advanced. Additionally, the government of Thailand hosted various international and regional organisations such as UNESCO and the Southeast Asian Ministers of Education Organisation Regional Centre for Archaeology and Fine Arts (SEAMEO SPAFA). The three World Heritage cultural properties were inscribed in the 1990s, while Thailand also chaired the World Heritage Committee and hosted a meeting.

On the theoretical side, heritage was acknowledged as a wider concept, while the values and significance of heritage were scientifically discussed when preparing World Heritage nomination dossiers. The Fine Arts Department also established the historical parks, which are managerial bodies of extensive archaeological sites or complexes. Nevertheless, in practice, the definition of cultural heritage has never been reviewed by the Act of 1961, where the term “ancient monuments” is still maintained. In addition, the conservation approach, which once was developed and wider, turns out to be limited by the interpretation of this Act.

According to the Act, the ancient monument is defined as “immovable property which by its age or architectural characteristic or historical evidence, is useful in the field of art, history or archaeology and shall include places which are archaeological sites, historic sites and historic parks”. This act also covers movable heritage as the definition of antiques and objects of art. In Thai, an ancient monument is called *Boransathan*, meaning ancient place, which is not very different from the English term.

In addition to the definition, it claims that ancient monument is declared by its value in art, history and archaeology. It can be said that the aesthetic aspect of the architectural characteristic, which is its physical appearance, seems to exemplify the concern of governmental organization in charge of material culture. Due to the strong belief and long-standing

existence of Buddhism in Thailand, fine arts and architecture are devoted to religious places. These range from buildings in the temple's section containing the chapel, mural paintings, and Buddha images, as well as pagodas, furniture and objects. Classical artisan and craftsmanship in various techniques can be seen in temples through these movable and immovable elements. Therefore, it is clear to experts, involving government officials and the general public, that temples and their components are important and must be protected. In fact, the explanation of the term *Boransathan* is quite confusing. Legally, any temple declared national heritage by the Act will be called *Boransathan* or ancient monument. But *Wat* is a generic term to call temples, whether they are *Boransathan* or not.

Furthermore, it is undeniable that the historical value in Thailand certainly connects to the monarchy because the history of Thailand is officially based on the royal chronicles, mostly involving kingship, warfare, governing matters and royal ceremony. Certainly, a few historical documents are also referred to in several Thai historiographies. In addition, documents kept in the national archival system, which was just established in the mid-20<sup>th</sup> century, are used as references when debating historical value. It should be noted that most of the archived information also relates to the monarchy and national importance. Obviously, ancient monuments, which are palaces or historical buildings still in use, are not widely called *Boransathan* by the general public.

On the other hand, for archaeological value, architectural characteristics seem to be irrelevant comparing to age and historical evidence. From the value assessment checklist of the Fine Arts Department used for the registration as an ancient monument, age is considered one of the most important concerns. For example, older sites are weighed with a higher score than more recent ones. This assessment has been problematic since most historical areas comprise multi-layer evidence from different periods. In terms of their narrative, the older evidence may not be as significant as evidence from a later period. However, the perception involving people and the general pub-

lic in Thailand to heritage value emerges from the understanding that the older is the most valuable. This way of thought can be seen when comparing the age of archaeological evidence. For example, there has been a comparison that an ancient skeleton found in Java, Indonesia, known as Java man, is the oldest evidence of *Homo erectus* in the world. Skeletons found in other excavation areas have been proved to be older than Java man, so the archaeological site will be more important.

Due to the term used to legally define cultural heritage, it is obvious that antiquity, religion and royal relation of any assets are the qualifications to be an ancient monument or heritage. While the term cultural heritage is *Moradok Watthanatham* in Thai. *Moradok* means heritage. *Watthanatham* means culture. In the context of Thailand, culture is referred to anything made by man. It is more contemporary, intangible and continuing as compared to an ancient monument. The term *Moradok* means anything that is passed on from one person to another or from one generation to the next one. Notably, it can be seen that this term also gives an implication to age or temporal aspect. In general, in Thailand, the term cultural heritage is used in various circumstances besides legal or official occasions.

Regarding conservation, it may be amazing to know that this term is *Anurak* in Thai. It is derived from two words: *Anu* and *Raksa*. *Anu*, which is a prefix in Sanskrit, means small or little while *Raksa* means to maintain or cure. Therefore, ironically *Anurak* literally becomes a little maintenance. Another term meaning conservation in Thai is *Patisangkhorn* which is normally used for the restoration of a temple. *Pati* is put as a prefix in order to change the meaning of the following term to the opposite, like 'non' in English. For *Sangkhorn* there are two meanings. The first one is body or man-made thing, while another one is death. Therefore, in this context *Patisangkhorn* literally should be non-death, which can be implied as 'alive'.

Somehow the conservation which we are discussing nowadays only existed in Thailand in the mid-20<sup>th</sup> century. In the past, the common building

materials were wood, bamboo, terracotta, tile and thatch. They are not durable and they are vulnerable to fire. Houses of commoners were normally bamboo structures with thatch roofing. These need to be repaired or rebuilt quite often. For noblemen and wealthy people, their houses were made of wooden structures with terracotta or wood shingle roofing that could last for many years, and due to the traditional technique, they could be moved and reassembled in another place. Similarly, the monasteries and some buildings in palaces were also made of wood. On the other hand, the important buildings in palaces and buildings containing chapels were constructed with more permanent structures. They were made of brick structures with lime plastering. The roof structures were made of timber and covered by terracotta tiles. As such, cultural heritage conservation in later times was perhaps carried on for these buildings. Wooden or bamboo houses, people in the past might know that they were not durable, so they did not need to be conserved but repaired or rebuilt as needed. Remarkably the opinion of people in those days probably followed the Buddhist philosophy that nothing is certain. On the contrary, for buildings in temples, it is believed that one of the most fruitful merit-makings for Buddhists is to restore and keep buildings in temples, especially ordination halls, always appeared in their original beauty. Moreover, the beautification or enhancement of the condition of temple buildings to be better than their original state is also believed as another merit-making act. This attitude continues until the present day. Unfortunately, this way of thought contradicted the conventional conservation transmitted from Western countries in the early times of this modern conservation in Thailand.

Before the economic crisis in Asia in the late 1990s, cultural heritage was considered one of the cultural capitals which can provide economic benefits. The change of various circumstances by economic growth in Thailand made visible impacts on cultural heritage conservation in Thailand. The cultural heritage properties, including archaeological sites, historic towns, buildings and landscapes, were

affected by infrastructure and real estate developments, urban expansion, changing land uses, and increasing gentrification or abandonment of old towns. These physical changes brought in several cultural heritage conservation attempts. For example, the historical parks were established to make a clear boundary between large archaeological sites, normally the remains of ancient towns, and the communities living around them. At that time, the term “historical parks” was added to the definition of ancient monuments. The founding of the historical parks aimed to establish a managerial body for an archaeological site, which helped indirectly support tourism promotion. In addition, it also reflected the development of the conservation approach, which changed from focusing on individual sites to a broader spatial consideration. On the contrary, the historical parks demonstrated a centralization in heritage conservation and a separation of dead and living monuments. In some cases, land expropriation and relocation were used to move people out of the boundaries of the historical parks. Notably, it is absurd that, after the economic crisis in Asia, most of the budget, mainly coming from the International Monetary Fund (IMF), was provided for the restoration project of ancient monuments, archaeological parks and many museums in order to revive the country’s economy by distributing income to wider workers and increasing tourist attractions.

For 87 years, from 1934 to 2021, the terminologies regarding conservation in the Act have never been changed, except for the definitions. Once, the definition of antique was expanded to cover fossils or geological evidence. As a result, the geological sites could be protected by this Act. Remarkably the act is now under an ongoing process of major revision. Referring to the draft amendment of the Act, the definition of antique is proposed to remove this addition concerning geological heritage in order to distinguish the responsibilities of governmental organisations on the protection of cultural sites and geological sites, the latter of which are now under the Department of Geology. There is an attempt to narrow down the definition of ancient monuments

and to make it more specific in order to limit the responsibilities of the regulators. For example, in terms of age, the existing one provides the value perhaps relating to the age by the interpretation of the regulators. According to the drafted version, it was proposed to specify the minimum age for something to be registered as an ancient monument, such as 50 years old. However, there has been a large debate about whether heritage nearly reaching the proposed specified age would be demolished by its owners before it is protected by the Act.

At this point, it should be noted that the implementation of the Act of 1961 (amended in 1992) has been strongly influenced by the ICOMOS *International Charter for the Conservation and Restoration of Monuments and Sites* (the *Venice Charter*, 1964). Since the early period of modern conservation in Thailand, the ancient monuments were mainly archaeological sites, especially the remains of the old capital city, Ayutthaya, which were known as dead monuments at the beginning of modern conservation in Thailand. In fact, the Fine Arts Department has been granted the authorization for law enforcement and the management of archaeological sites, including the remains of temples, by the Government of Thailand since the Act was established. Therefore, the Fine Arts Department declared the *Regulation of the Conservation of Ancient Monuments 1985* under the Act of 1961 known as the *Bangkok Charter*. The regulation obviously reflected the *Venice Charter*. Unfortunately, it was not widely implemented. The reason is that it was too rigid to the changing contexts of the country due to the economic growth, which occurred around the mid-1980s before it collapsed in the late 1990s.

### **Conservation and Democracy: evolving cultural heritage typology and conservation approach**

Since the 1980s, value-based conservation has become an issue discussed at the global level in cultural heritage conservation, as seen from the development of the *Australia ICOMOS Charter for Places*

*of Cultural Significance* or the *Burra Charter*. As mentioned above, the issue was also raised among a small number of conservation professionals, especially those working at the Fine Arts Department at that time, but it was not strongly implemented in practice. After the coup in 2006, the perception of heritage was expanded due to advanced communication technology.

In consequence, because of the increasing awareness of heritage diversity, the new heritage typologies resulting from the changing perception of heritage among involving sectors and stakeholders, architectural heritage, historic town, historic landscape, cultural landscape, intangible cultural heritage, documentary heritage, agricultural landscape, etc., were explored and taken into discussion. In fact, these heritage types were known some years ago only among the limited number of conservation practitioners who were mostly governmental officials. In this period, the number of heritage practitioners has obviously increased. These heritage types have become more acknowledged and concerned. Then new heritage laws and legal instruments have been proposed, developed and enacted because the implementation of the Act of 1961 does not cover new types of heritage.

These new heritage laws include the *Promotion and Conservation of Intangible Cultural Heritage Act B.E.2559* (2016 A.D.), which took more than a decade since the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage* was adopted in 2003. Under the Department of Cultural Promotion, this act aims to protect and promote the Thai intangible cultural heritage defined by UNESCO and to allow Thailand to ratify this convention. Even though the notion of intangible heritage has been explored for several years, it is seldom known among the general public. It is also noted that the conservation of intangible heritage regarding this new Act is obviously separate from cultural heritage conservation, which involves place-based heritage.

For urban heritage, which is a larger scale of heritage place than ancient monuments defined by the Act of 1961, only the historic city of Ayutthaya

is registered as ancient monuments, but in the urban scale in 1997. Regrettably since then, the Fine Arts Department has never registered any other historic town. On the other hand, the protection and conservation of the historic core of Bangkok, known as Rattanakosin Island because the area is encircled by a river and canals, adopted the Cabinet Resolution on the Rattanakosin Protected Areas proposed by the Office of Natural Resource and Environmental Policy and Planning. Then the Regulation of the Office of the Prime Minister on the Development and Conservation of Old Towns and Rattanakosin Island was declared and enacted. Actually, the first protected old town which is the historic area of Bangkok was announced in the 1980s. Around thirty years later, from 2014 to 2021, 31 old towns or districts around the country have been declared as protected areas. Accordingly, the Master Plan for the Development and Conservation of each town has been done while implementing these master plans is still under the process of getting approval from the Thai Cabinet.

From my experience in developing one of the master plans, it can be seen that the awareness of people in the protected area is higher than it was expected. As such, during the developing process, people's participatory activities in consultation in decision-making were done many times so as to make the plan acceptable among the local stakeholders. Then the implementation of the plan will possibly be beneficial to the people and successful in the protection of this urban heritage. On the contrary, it is absurd that a publication produced by an organization in charge of the conservation of the old town with an academic institute defining the components of the old town, including moat, city moat and wall, rampart, route, historic bridge, religious site, landmark, monument, historic garden, government heritage building, public heritage building, vernacular heritage and heritage commercial building (Kirdsiri *et al.*, 2020). The publication states that, in summary, these components can be divided into dead and living elements. The opposite should be argued, that where people who live there, with the occupations they have been doing, the traditional knowledge em-

bedded in the old town and the places they perform their rituals, ceremonies, traditional festive events are living!

On the other hand, ICOMOS Thailand, a non-government organization working on cultural heritage conservation in Thailand, was set up in 1985 by a group of officials responsible for cultural heritage conservation. Its membership has expanded to include conservation practitioners who are from different involving sectors as well as those who are interested in cultural heritage. According to the rigidity and inflexibility of the *Act of Ancient Monument, Antiquity, Objects of Art and National Museum* and in response to changing national policy and political reformation, since 1997 ICOMOS Thailand has attempted to develop the *Thailand Charter or Bangkok Charter* aiming to fill the gaps of the existing law from the professional perspective and to rediscuss among the practitioners in heritage perception and conservation approach. The Charter addresses the increase of public participation and decentralization in heritage management and conservation, which should be conducted at all stages and all levels. The public hearings of the draft charter were supported by the Fine Arts Department and by the Parliamentary Committee on Religions and Culture after the coup in 2006. Regrettably, it has never functioned as it should because of the situation in Thailand when the Charter was completed. However, at least it managed to raise awareness and attention from the general public beyond its members, while ICOMOS Thailand has been more visible for personnel at a high level.

In response to the global trend in heritage conservation, for Thailand, heritage conservation is still clearly separated between cultural and natural heritage in all aspects, including perception, understanding, management and protection system, legislation framework and governmental organisations in charge of it. It is regretted that the cultural landscape approach, which leads to the more integrated nature-culture conservation, is understood as one of the heritage types. Therefore, the concept of integration is still under-recognised and needs to be further supported and promoted.

### Challenges in the recent period: emerging issues in heritage conservation in Thailand

From the chronological explanation and issues discussed above, it can be said that the perception of cultural heritage in Thailand has been changing among diverse parties. On the one hand, the changes sometimes were escalated by factors outside the country, mainly through the ratification of international conventions and charters as seen from the heritage definitions and typology. However, it becomes difficult to revise the existing laws, such as the *Act on Ancient Monuments, Antiquity, Objects of Art and National Museum*, to fit to the present situation. Instead, the laws for new types of heritage have been proposed to provide clear definitions and legal mechanisms for their protection system. However, these laws are implemented separately, while they should function in more integrated ways. As explained above, the *Ancient Monument Act* concerns mainly material fabric, based on the values relating to age, religions, and heroic stories. In contrast, the intangible heritage law also pays attention to heritage which is related to the ways of living of both high-ranking people and ordinary people too, because it was developed when the concerns of locality and traditional knowledge were taken into people's attention. Furthermore, there still seems to be a refusal to include urban conservation in the protection of the *Ancient Monument Act*. It is still arguable and discussed whether this is because the protected old towns or urban heritage are living. As such, it is questionable and sometimes disputed among different sectors when various types of heritages are located or found in the same place.

One of the well-known case studies is the long-time disputed Mahakan Fort restoration and community relocation. The Fort is part of fortified Bangkok, which included 14 forts since this capital city was established. It is located at the east of the city wall at the confluence of the city moat and the Mahanak canal, which was then lengthened to the East region of Thailand. The extension part of Mahanak canal is

known as Sansab canal. It is worth knowing that Mahakan fort is one of the two forts of this fortification system that still exist and are registered as the ancient monuments. Considering that waterways was one of main transportation networks of the country until the industrial revolution and the steam engine and later on fossil fuel vehicle were invented, the junction of the city moat and Sansab canal was a strategically important location for Bangkok in the old days. Furthermore, due to its location, it became an exchange and gathering area, then developed to be a large settlement at the periphery of the administrative centre at that time. From old pictures taken around the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, boat houses and rafting houses which were floating in the canals and elevated wooden houses along the canals outside the city walls and Mahakan fort could still be seen. Even though the city wall was dismantled and built upon by a road, the settlement continued and evolved over time. Presumably, it was a prime area in the early to mid-20<sup>th</sup> century, where nobles and traders lived. As such it also comprised teak buildings influenced by European architectural style.

In 2004, the Bangkok Metropolitan Administration (BMA) initiated a restoration project of the fort and relocation of this settlement; the latter was composed of a low-income community in the historic core of Bangkok, also known as the settlement behind the city wall. As part of the relocation, there were compensations. Some houses in European-influenced style and in classical elevated Thai style still existed among the low-income housing. The plan also aimed to demolished these houses. This case brought in wide public interest, not only nationally but internationally. After nearly 15 years of negotiation between BMA, the community, groups of conservation practitioners including architects, urban planners, historians, archaeologists, etc. and relevant governmental and non-governmental organizations, with two coups and a number of Bangkok governors and prime ministers, the settlement was finally removed in 2018. The following challenges relating to cultural heritage conservation emerged at that time.





Mahakan Fort in a recent period. Source: Photograph courtesy of Rungkit Charoenwat, Vernadoc Thailand.



Mahakan Fort around 1911-1932. Source: <[https://lek-prapai.org/home/view.php?id=5130&source=post\\_page](https://lek-prapai.org/home/view.php?id=5130&source=post_page)>, public domain.

### ***National ancient monument or our heritage***

**I**t can be seen that the case, unfortunately, started from different perceptions of what heritage is. From the legal aspect, the fort was completely recognised as heritage, given that it was registered as an ancient

monument. It was therefore protected and restored, while the settlement or the community *per se* was not. However, people who lived there, as well as academic sectors, were aware of the importance of the timber buildings as their heritage, considering the history, architectural style, and perhaps the rarity. Some scholars even pointed out that the community was the last settlement in the peripheral area of the old Bangkok, the origin of Thailand. As such, it could be claimed as a national heritage that should be conserved. Unfortunately, with the different attitudes among stakeholders, a mutual understanding was not possible. These issues still occur in various heritage places around the country, especially where large construction projects are carried out.

### ***Conventional and value-based conservation***

**A**ccording to the Act of 1961, it seems that, in principle, ancient monument registration is decided by the value assessment, which needs critical analysis of the place to declare its statement of significance. However, none of the registered ancient monuments were declared with the statement. The value assessment process adopts a checklist of criteria for scoring, which is done by a few governmental officials for each site. Then the background information and value assessment of the cultural

property will be finalized by a committee of experts of the Fine Arts Department before giving a recommendation to the Director-General, who is the only person legally responsible for authorizing the Act. Mahakan Fort showcased this issue as the community was not considered by the governmental experts, nor its values, but only the physical appearance. The

conventional approach for conservation was adopted legally.

In contrast, the community, supported by experts from academic and non-governmental sectors, tried to raise the value-based conservation for the negotiation with BMA. Somehow, the value assessment was done for individual houses. In consequence, a prioritization of the houses was established. It seems that the result made some house owners whose houses were considered to have less value feel upset, then they gave up and moved out of the community. The number of community members who insisted on living there was less and less before the rest were forced to leave in 2018. It is still questionable and needs to be discussed if, instead of assessing the value of each house, whether the value of this community should be assessed as one entity, so the solidarity of the community could be retained. On the other hand, the value assessment methodology developed by the Fine Arts Department has been used to make a rank for the assessed cultural properties and still needs to be further reviewed and perhaps revised.

### ***People participation***

The case of Mahakan Fort Community also demonstrates the lack of people dimension in cultural heritage conservation, including people participation and rights-based issues. With the governing system and political context when the case happened in 2004, there was widespread awareness of people participation, and it was included in the process of governmental projects to get approval from the cabinet. In fact, this procedure has been carried out until the present day. However, the implementation is still limited and depends on how much attention is raised by the project owners. Moreover, often, it is just public informing or hearing at the very last stage, before the project is going to be implemented.

For the Act of 1961, people participation is not mentioned as most ancient monuments are cultural properties under the management of the Fine Arts Department or temples, which are legal entities, and where the abbots are the decision-makers. On the

contrary, urban heritage always confronts people's participation issues due to the character of the heritage, which involves a wide range of stakeholders. Furthermore, in most historic areas or towns, the ownership of buildings which are mainly shophouses, belongs to a few landlords or is public land under the management of the Treasury Department. Therefore, as the tenants, they have no voice.

On one hand, ownership should be considered separately from the rights issue. In the case of urban heritage, it seems that the involvement of people and organizations does not acknowledge this type of heritage enough to keep it. Additionally, for urban conservation projects, in most cases, only the owners are included in the public information and consultation processes. It can be seen from the case of Mahakan Fort Community, which rented the public land but built its own houses. Accordingly, they could only be given compensation for their houses and moving expenses.

In addition, the land price in historic towns or areas in Thailand is very high. Comparing keeping and maintaining old buildings, which get less return and selling the land at a much high price, especially for commercial purposes, the latter is obviously more attractive for the owners of the heritage. Notably, the rights of the tenants depend on the duration of the contract, which nowadays lasts no more than three years due to complications if the contract lasts over three years. As such, the right of the tenants is not secure. Every three years, the contract can be terminated so they can be asked to move out. Certainly, this situation can happen anywhere around the world but much more often in the case of developing countries.

### **Conclusion**

On one hand, cultural heritage conservation in Thailand, as discussed nowadays, can be dated back to around a hundred years ago and was stimulated by the Eurocentric conservation movement in its early period. Heritage professionals in Thailand are still hardly known by the general public, while the conservation approach in recent times seems to be in a period of exploration in order to find out the approach that fits the

context of the country. Nowadays, the factors affecting heritage perception and conservation approaches are varied and more complicated. In the very first years of the millennium, the debate on whether the Western or European approach was appropriate to the Eastern or Asian context was discussed, while recently, it turns that traditional knowledge, living heritage and people-centred approaches, culture-nature integration and disaster risk management in cultural heritage conservation and management are among several concerns at the international level. Moreover, the United Nation's Sustainable Development Goals and the creative economy in relation to cultural heritage are also crucial in conserving cultural heritage while retaining its value for future generations. Expectedly, it will take a short while for Thailand to think out of its frame and continue developing the conservation approach to fit present circumstances.

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