

# Interpretation of Sites of Memory: Inclusiveness Principle in Heritage Sites Conservation in Malaysia

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**Keywords:** Sites of Memory, Inclusiveness, Heritage, Interpretation, Conservation management.

**Abstract:** Interpretation of Sites of Memory; outlined by the ICOMOS Charter promotes the inclusiveness principle by engaging local communities in the identification and designation of heritage sites. In Malaysia, such interpretation has nonetheless failed to reach the intention highlighted by the Charter, although previous studies demonstrated that the principle is essential to improve public understanding of heritage conservation. There is a significant deficiency regarding inclusiveness between public institutions and civil society. Consequently, it is difficult to have decisive heritage management without an agreed approach to interpret heritage values. This study aims to review the existing law in the interpretation of sites of memory and the inclusiveness principle in the heritage designation and management process. This qualitative research applies a doctrinal approach by analysing provisions in the heritage and planning legislation and reasons adduced in the decision-making of heritage site conservation. The findings reveal that the interpretation of sites of memory by the Commissioner and Minister is absent and often fails to respond to the views of the local communities. This paper concludes that Malaysia should consider emulating the inclusiveness principle designed by the ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage in the heritage sites conservation process.

## 1 INTRODUCTION

The importance of values and significance are closely related to the interpretation of Sites of Memory. It exists due to the people or groups of people who share in those values. Nevertheless, previous researches demonstrate a heritage site often has distinct values for those groups (Vieje-Rose, 2015). Memory studies and heritage studies may share some common ground conceptually, however, occasionally overlapping. The values for which a site may be designated can be of its Outstanding Universal Value (OUV) of a World Heritage Site or of a cultural heritage significance for a local heritage (World Heritage Convention, 1972). Concerning the Sites of Memory, they are generally associated with intangible values, also known as associative values, it derives from peoples' feelings about, understanding of, and relationship to a place, its history, and the uses to which it has been customarily applied. Hence, the inclusive principle that endorses the role of the people particularly the local communities, through the concept of public participation forms an integral part of such

interpretation. For the purpose of this research, Sites of Memory refer to places, which are conferred with historical, social or cultural significance because of what has happened there in the past and acknowledged as sites with memory aspects. They play essential roles in shaping the identity of the local communities or the nation. Unfortunately, in Malaysia, the role of local communities in the interpretation aspect was not given due attention. Hence, this research examines the relevant laws that govern the interpretation of Sites of Memory and its implementation aspects, particularly the inclusiveness principle in engaging the public to participate in the designation and management process. The ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites ("ICOMOS Charter") is analysed as a reference and for guidance in the Malaysian context. The findings of this research reveal that the interpretation of Sites of Memories was taken lightly as the engagement of the people seemed insignificant. The discretionary power provided by the law on the Commissioner of Heritage (Commissioner) and the Minister of Tourism and Culture (Minister) to interpret and

decide what constitutes a cultural heritage significance has undermined the importance of interpretation of Sites of Memory and inclusiveness principle in the heritage conservation management. Consequently, some of the heritage sites that worth preservation has been construed as of no significant value and demolished in the name of development.

## 2 METHODOLOGY

This is a qualitative research applying a doctrinal approach by analysing relevant provisions in the National Heritage Act 2006 (“Act 645”) and Town and Country Planning Act (“Act 172”) and reasons adduced in the decision-making of heritage site designation in Malaysia. Several heritage cases reported by the media and information gathered from World Heritage Committee and interviews with officials of the Heritage and Planning Departments and heritage non-government organizations (NGOs) were also analysed.

## 3 SITES OF MEMORIES

What is considered as Sites of Memory range from the values of heritage sites, whether natural or cultural, which the local community’s belief that these values endure and sustain concerning a place (Soul et al., 2010). For a multiracial country like Malaysia different communities, groups or even individuals will attach different values to each heritage site.

Sites of Memory are also vested with historical, social or cultural significance because of what has happened there in the past. As defined by Pierre Nora in 1998, the Sites of Memory is “any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community” (Nora, 1989). Nora also demonstrated that the development of memory is associated with changes in society, politics, mode of life, etc. that influenced the people to embrace the past.

These changes seem to bring about constant reflections of the people’s memories and how they perceived and justified changes in history. Therefore, the study of history that links to past experienced is not just to study the reality but also includes the study of why people reconstructed the reality. In recognising the importance of the

interpretation of the Sites of Memories, it is crucial to determine who defines a place as a Sites of Memory.

### 3.1 Sites of Memory and Heritage Values

In evaluating values of the world heritage sites conservation, the World Heritage Convention considers cultural heritage to include monuments, groups of buildings or sites of Outstanding Universal Value (OUV). However, it is also noted that there are sites that can also have aspects of Sites of Memory, which are not formally recognized as part of their OUV. In this situation, these sites can only be designated as World Heritage properties if the memorial aspect can be directly attached to physical facets of the heritage site. It would also indicate that the memorial value needs to be of significance to all humanity and not just at a local or national level. Further, it is vital that the nominating party or the Minister calls for a dialogue with relevant stakeholders, perhaps with mediation, to reach a shared interpretation, and to resolve any conflicting interests in the interpretation efforts.

The ICOMOS Charter has also elaborated the significance of the interpretation of sites of memories is to enhance public awareness and intensify understanding of the complexities of conservation management of heritage sites (ICOMOS Charter, 2008). The process includes the designation, planning, implementation, monitoring, evaluation and feedback. One of the relevant and significant principles is the inclusiveness principle that firmly advocates the role of the members of the public by facilitating the involvement of stakeholders and associated communities in the development and implementation of interpretive programmes. Getting effective management without an agreed approach to interpretation is a great challenge.

In some western countries such as the United Kingdom, Portugal, Australia, and Canada reveal that the interpretive plans were introduced to meet the heritage management objectives (Klein, 2000; Stell, 2001). These interpretive programmes were undertaken with the assistance of individuals and organisations such as in public use planning, heritage interpretation training, dispute resolution, interpretive planning, interpretive evaluation, experience planning and shared research to support sustainable heritage sites.

## 3.2 Inclusiveness Principle

The inclusiveness principle in the development of the Sites of Memory is associated with changes in society, politics, and mode of life, that influenced the people to embrace the past. These changes seem to bring about constant reflections of the people's memories and how they perceived and justified changes in history (Johari et.al., 2017). Therefore, the study of history that links to past experienced is not just to study the reality but also includes the study of why people reconstructed the reality. In recognising the importance of the interpretation of the Sites of Memories, it is crucial to determine who defines a place as a Sites of Memory. Centering such concept on the identity of a community, Nora believes that the local community has a greater role compared to other stakeholders as the heritage value of the site is recognised by the local communities, supported by heritage experts such as historians, heritage architects and archaeologists. These experts will assist to formulate the values of the memorial aspects and negotiate on whatever conflicting interpretations of the sites provide an independent advice to the relevant authorities in the heritage designation and conservation decision-making process.

The seven principles designed by the ICOMOS Charter and ideas raised by Nora of interpretation of Sites of Memories undeniably endorsed the fundamental roles of the local communities notably through an inclusive approach. This approach perceived significance and associative values of a heritage place by taking into consideration not only the views of the heritage experts and other stakeholders but most importantly the local communities. This principle could strengthen community cohesion, promote trust, dialogue and enhance mutual understanding across diverse societies and policy cum decision maker.

## 3.3 Inclusiveness Principle: Malaysian Position

Undoubtedly, the interpretation of Sites of Memory sheds some lights on the potential challenges and opportunities in the interpretation of sensitive cultural sites related to memory for heritage owners, tourists and the public, including the necessity of dealing with conflicting interests and views of the values of the site. It will also encourage heritage managers to work equitably and inclusively. In Malaysia, while the National Heritage Act 2005 (Act 645) provides some form of criteria to be applied by

the Commissioner of Heritage and Minister in interpreting cultural heritage significance for heritage site designation, another separate law, the Town and Country Planning Act 1976 (Act 172) is assigned with the tasks to manage the heritage sites conservation aspects after the designation of the sites.

### 3.3.1 Inclusiveness Principle in Heritage Sites Designation

In analysing how the interpretation of Sites of Memory and inclusiveness principle are applied, it is crucial to look at the relevant provisions and cases reported by the media. In the designation process, while Section 24 empowers the Commissioner to designate a site of a cultural heritage significance as a heritage site, Section 67(1) of Act authorizes the Minister to declare any valuable sites as a national heritage if it meets the criteria stipulated under Section 67(2)(a) - (i). These broad provisions seem to generously provide a wide discretion to the Commissioner and Minister whether to designate or not in the interpretation of heritage significance or values. Both the discretionary power accorded to the Commissioner and Minister and the general criteria on cultural heritage significance provided under the law have underestimated the inclusiveness principle to engage the people in interpreting the Sites of Memory. The history and values attached to the life of the local community that evolved and connected to what has happened to the site in the past seem irrelevant. It is also contrary to the inclusiveness principle advocates by the ICOMOS Charter. Even though the law requires inputs not only from the historians, heritage experts, archaeologists but also the local communities, regrettably, there are no such mandatory provisions that uphold such principle (Azni and Nuraisyah, 2013).

For example, the demolition of Bok House in 2006 soon after Act 645 was gazetted has drawn a severe debate by many quarters on the question of interpretation of heritage sites significance (Gill, 2006). A high cost to maintain the site was the reason adduced by the Minister when rejecting for heritage designation. Even though the people argued that the National Heritage Council should play their role to advise the Commissioner or Minister in the decision-making process (Section 9(1)); unfortunately, the recommended views are not binding on the Commissioner or Minister (Section 9(2)).

In Penang, squatters of Kampung Siam which was previously granted to the Burmese and Siamese communities in 1845 by Queen Victoria for the

communal and religious use, appealed to the Chief Minister to preserve their village as a state heritage but was refused as the State has to bear a high cost for payment of compensation to the developer. Unfortunately, there is no form of consultation made between all the heritage experts, NGOs, and the local communities for valuable insights that form a landscape of remembrance (Elizabeth, 2016). Lack of inclusiveness approach to call for a dialogue with the local communities, assisted by independent heritage professional experts for their interpretation of Sites of Memory may cause injustice to the Siamese villagers. The presentation of ‘memory’ that highlights certain historical narratives of the sites, but in this case, it is underrepresented.

### 3.3.2 Inclusiveness Principle in Heritage Sites Management

The role to manage after the designation of the heritage sites is the Town and Country Planning Department (Planning Department). Its management process starts the moment the Commissioner notified the Planning Department of its designation been completed (Section 32 of Act 645) At this stage, any application for planning permission for development affecting the designated sites must get prior approval from the Commissioner, and it is no issue. However, for sites which have not been selected under Act 645 but of a cultural significance value, the law is silent on the roles of the Planning Department to protect the valuable sites in approving the planning permissions for development (Azni et al., 2017). While it is understandable that it is not the jurisdiction of the Planning Department to designate places as a heritage site, but there is a grey area under Act 172 that fails to advocate the spirit endorsed by the Heritage Department in interpreting heritage values before planning permission for development is granted. This argument is evidenced in several cases raised by the media and NGOs. For example, the Stadium Merdeka, which is linked to the nation’s declaration of Malaysian independence was approved for demolition but later was withdrawn due to public outcry; a developer in 2013 demolished the Bujang Valley in Kedah, an ancient Hindu temple believed to be more than 1,000 years old; the Runnymede Hotel, one of the oldest buildings in Penang, was demolished over the Chinese New Year holidays in early 2015; and a proposal to construct a Light Rail Transit (LRT) and monorail projects under the Penang Transport Master Plan (PTMP) which is near the Penang heritage zone border.

The above cases demonstrate how interpretations of sites of memory in the heritage management by the Planning Department led to complexity in preserving the heritage value identified by the Commissioner or Minister. The inclusiveness principle is absent in the planning permission application affecting heritage sites. The views of the people appear immaterial. While it is always possible to carry interpretation beyond the bounds of the values determined by heritage official recognition, a description of these associative values could be proposed in the management plan.

## 4 CONCLUSIONS

The interpretation of Sites of Memory requires the principle of inclusiveness and all the insights associated with a particular place about its designation and overall management of such areas be addressed. The memorial aspects that acquire from the appreciation of their associative values could justify their recognition as a Site of Memory. However, interpretation of these associative values demands a prudent approach through dialogue in developing descriptions for a place with memorial aspects. The law should facilitate all relevant stakeholders especially the local communities with interest in it, or those with distinctive or conflicting views, to be engaged in identifying values and verifying these findings.

For effective management of the sites, an interpretation plan needs to be formulated to include all primary and strategic aspects; an updated inventory of the assets and resources of the heritage place, identify the relevant stakeholders, key interpretive themes and stories, defining appropriate methods and techniques of interpretation, and most importantly is the implementation plan. The management plan must also respect the distinctive connections between people and a place and consider that some areas have multiple and possibly conflicting values.

Although the law in Malaysia does acknowledge the importance of interpretation of heritage significance for the designation of heritage site purposes, sole discretion of the Commissioner of Heritage and the Minister in the heritage conservation has been a serious concern of the heritage conservationists. Failure to outline the necessary and holistic criteria in the interpretation of Sites of Memories in the designation and conservation process inevitably has caused

significant adverse impacts on the heritage sustainability.

## ACKNOWLEDGEMENTS

We would like to express our gratitude to the Faculty of Law, Universiti Teknologi MARA (UiTM) for its generosity to fund the participation fee for this conference. Our appreciation also goes to those who, directly or indirectly, involved during the course of this research.

## REFERENCES

- Azni, M.D., & Nuraisyah, C.A., 2013. Public participation in heritage sites conservation in Malaysia: Issues and challenges. *Procedia – Social and Behavioural Sciences*. 101, 248 – 255.
- Azni, M.D., Nuraisyah, C.A., & Nurulhuda, A.M., 2017. Heritage site conservation in the sustainable development context: Experience in Malaysia. In *1st International Conference for Environmental Researchers and Teachers*, 28 – 29 September. Shah Alam: Faculty of Law, Universiti Teknologi MARA.
- Gill, P., 2006. 'Move to keep Bok House', *The Star*, 16 June. Available at <https://www.thestar.com.my/news/nation/2006/06/16/move-to-keep-bok-house/> (Accessed: 2 December 2018)
- ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage, ratified by the 16th General Assembly of ICOMOS, Québec (Canada), on 4 October 2008.
- Johari, H.N.A., Armitage, L., & O'Hare, D., 2017. Australian cultural built heritage: Stakeholders' perceived conservation barriers and motivations. *Pacific Rim Property Research Journal*. 23(2), 161 – 173.
- Klein, K.L., 2000. On the emergence of memory in historical discourse. *Representations*. 69, 127 – 150.
- Nora, P., 1989. Between memory and history: Les lieux de mémoire. *Representations*. 26, 7 – 24.
- Soul, S., Zande, B., & O'Brien, J., 2010. *Living memory: Support and maintenance manual version 1.0*. Soul Solutions. Brisbane.
- Stell, M., 2001. *Eternity: Stories from the emotional heart of Australia*, National Museum of Australia. Canberra.
- Viejo-Rose, D., 2015. Cultural heritage and memory: Untangling the ties that bind. *Culture & History Digital Journal*. 4 (2), e018-e018.
- World Heritage Convention, ratified by the 17<sup>th</sup> session of The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972.