

## Governance of Heritage Conservation: Overview on Malaysian Practice

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### Abstract

Heritage conservation refers to the process of preserving, repairing, restoring and maintaining sites and buildings that have significant heritage values. In Malaysia, currently, heritage sites and buildings are currently facing great threat from new urban development particularly due to the need to accommodate the growth of population, infrastructure development as well as economic growth. The scarce of land supply in the heart of Kuala Lumpur city for instance has exposed this modern heritage city to severe from commercialisation pressure because of the land price. Whether to preserve and conserve is still in great debate among the policymakers, stakeholders and academicians. The importance of conservation comprised a significant impact on the three pillars of sustainability; social, economy and environmental. This research examines the gap in related documents such as national development plans of Eleventh Malaysia Plan (EMP), National Physical Plan (NPP), National Urbanization Policy (NUP) and specific guiding document / policy on the heritage conservation such as National Heritage Act 2005 (NHA), ICOMOS Charters and relating current by-laws that facilitates the conservation activities in Malaysia. Hence, the focus of this paper is to review and identify the gap of present governance and legislations to protect such heritage values from being demolished and destroyed. Finally, the paper identifies several best practice strategies towards better governance of heritage conservation.

**Keywords:** Built Heritage; Conservation; Governance; Best practice; Heritage buildings.



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### 1. Introduction

Heritage conservation can move from a passive and aesthetic component to a more active and assertive one, proposing visions and strategies for future development that combine conservation and 'modernity.' It provides a continuity lesson from scientific and technology to human survival skills as a sustainable form of development offering cohesive social relationships, human scales and successful adaptation to the physical environment, such as by vernacular buildings that use local materials and technique and the preservation of heritage sites that reflect the appreciation of cultural values. Built heritage conservation also increasingly considered a resource in supporting economic development, social welfare, environmental, and tourism development. It is suggested that urban conservation was the best approach for sustaining and preserving the historic site (Said *et al.*, 2013).

Even though conservation has primarily become a positive option among stakeholders as a new development approach, unfortunately, according to Robiah (2017) there are enormous numbers of historic buildings falling and neglected because of deterioration after conservation. On the other hand, the value of the historical building is not something that can be translated directly into a number or price. This lead to the threat of new development takes place as the land value increased in the prime area particularly in Kuala Lumpur (Bavani, 2017). From these scenarios, there is a lack in enforcement and policy outlined by the government and related bodies regarding this issue. Current legislation; NHA need to be completed by the certain by-laws or guidelines as a manual to the associated parties involved (Harun, 2011). The post-conservation works have become a major issue as maintenance practice among the Malaysian come to second in priority and leave a gap as good maintenance management strategies (Bavani, 2017; Mohd-Isa *et al.*, 2011). The lack of understanding and awareness among Malaysian particularly on the related legislation can be seen recently on the issue of revocation of one heritage site status in Kuala Lumpur. The revocation notification in the New Straits Times on 28 December 2016 was from Department of National Heritage (DNH). The existing law on NHA does not provide any provision regarding the revocation of heritage site which means the current legislation needs to be amended (Cardosa, 2016). The government could play a significant role by encouraging conservation and rehabilitation in two ways, (1) involving the policies and measure to stimulate the private sectors, (2) support from the government in the sense of economically justified to the private sectors to get involved (Said *et al.*, 2013). Generally, stakeholders agreed that built cultural heritage should be

valued accordingly with reference to guidelines, acts and policies. However, conflict arose while appreciating built heritage, especially on political, social, cultural and economic factors. Some decisions on built heritage values might be changed, dictated or swayed by politicians (Bakri *et al.*, 2015). The partnership between the NGO and voluntary sector can contest the Government's decision to revoke it, and develop particular area according to its priority and its historical value (Cheng *et al.*, 2013).

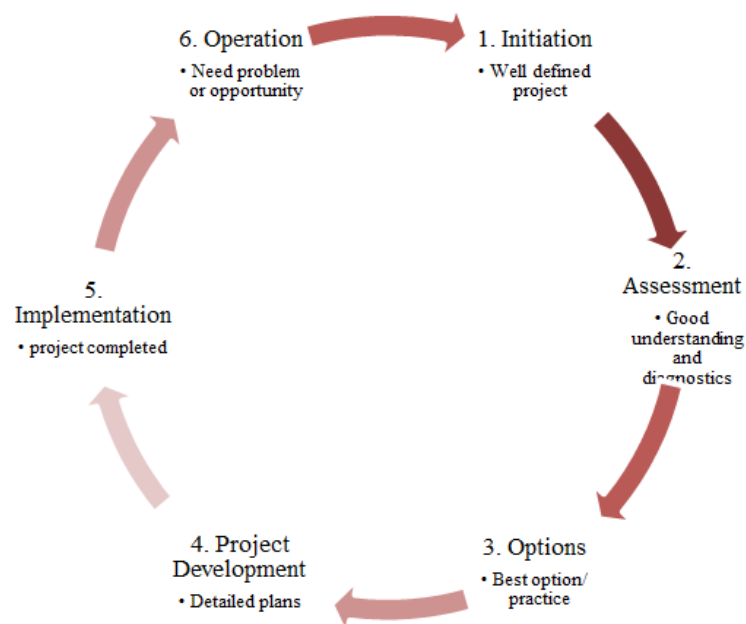
## 2. Methodology

The study involves an exploration approach to capture the current practices of heritage conservation particularly in Malaysia. A desk study was conducted focusing on documents as primary data namely policies, manuals, guidelines and others documents on the heritage conservation as well as the preservation of heritage buildings/site and how it has been implemented and interpreted globally and within the Malaysian context. Documents referred to are such as World Heritage Resource Manual (UNESCO), Eleventh Malaysia Plan (EMP), National Physical Plan (NPP), National Urbanization Policy (NUP), National Heritage Act 2005 (NHA), Department of National Heritage's guidelines for conservation management plan and other related guidelines. This study is expected to gain local context understanding concerning the regulations, implementations and enforcement of heritage conservation.

## 3. Current Practice of Heritage Conservation

The approach to the process of heritage conservation varied according to place, culture, stakeholders, and level of authority. However, the current approach to the policy and practice revolves around interest, value for protection, planning and management and type of intervention. This often leads to each aspect of conservation activity deemed to be isolated without the engagements with local communities that may have a direct impact on the preservation and conservation of such heritage site. Figure 1 illustrates the current process of built heritage conservation as outlined by Leblanc (2006). It starts with an interest to protect a heritage site that may have interest to a community, state, and country, followed by an assessment of the tangible and intangible values. Throughout the process, it is crucial to engage stakeholders; the public (local community), institutions and government agencies to understand the significance of a building or site and understand the management system in place if any before the decision to select the best option of conservation technique (Leblanc, 2006).

Figure-1. The Process of Built Heritage Conservation



Source: Leblanc, F. (2006). "The Built Heritage Conservation Process ". Retrieved 19th October 2018, from [http://ip51.icomos.org/~fleblanc/publications/pub\\_2007\\_conservation\\_process.html](http://ip51.icomos.org/~fleblanc/publications/pub_2007_conservation_process.html)

## 4. Role of Stakeholders

United Nations Educational Scientific and Cultural Organisation (UNESCO) plays a significant role in the preservation and conservation of existing tangible and intangible heritage values. The 1972 World Heritage Convention is the basic framework that spells out the principles that manage these heritage buildings and sites (Wijesuriya *et al.*, 2013). Alongside, UNESCO is professionally supported by three other bodies, which are International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM), International Council of Monuments and Sites (ICOMOS) and International Union for Conservation of Nature (IUCN) (Wijesuriya *et al.*, 2013). In Malaysia, the preservation of heritage comes under the joint jurisdiction of the federal, state and local government. At the national level, Ministry of Tourism, Arts and Culture and the

Ministry of Urban Wellbeing, Housing and Local Government are the two main agency responsible for monitoring the heritage preservation and conservation activities. Under the Ministry of Tourism and Culture, Department of National Heritage (DNH) is established to manage and monitor all site, buildings, cultural practices that have significant heritage values through the provision of National Heritage Act 2005. DNH plays a vital role in exploring and preserving heritage treasures in Malaysia as identity and economic regenerations. The NGOs such as The Heritage of Malaysia Trust (Badan Warisan Malaysia), ICOMOS and other heritage activists play a significant role as watchdogs to monitor Table 1 provides an overview of the stakeholders and their roles in supporting heritage conservation activities in Malaysia.

**Table-1.** Stakeholders of Heritage Conservation in Malaysia

LEVEL	AGENCY	FUNCTION/ROLE
<b>Federal</b>	Ministry of Tourism, Arts and Culture : Department of National Heritage, Tourism Malaysia	Manage and monitor the provisions of National Heritage Act 2005
	Ministry of Urban Wellbeing, Housing and Local Government: Federal Town and Country Planning Malaysia (PLANMALAYSIA)	Manage, monitor and protect heritage sites/buildings through the national policies (National Physical Plan)
	Ministry of Education (Higher Learning Institutions)	Research and training (including research fundings)
<b>State</b>	Federal Territory: Federal Town and Country Planning Malaysia (PLANMALAYSIA)	Preparation of development guidelines and plans at state level through its state structure plan.
	Malacca Museum Corporation (Perbadanan Muzium Negeri Melaka – PERZIM)	Protect, promote and preserve Malacca City as a sustainable heritage city
<b>Local</b>	All local authorities (Planning and Building Control Department)	Development control and development planning through its district local plan and special area plan.
	George Town World Heritage Incorporated	Protect, promote and preserve Georgetown City as a sustainable heritage city through Conservation Management Plan and Guidelines.
<b>NON-GOVERNMENT AGENCIES (ngo) and others</b>	The Heritage of Malaysia Trust (Badan Warisan Negara)	Leading the national heritage NGO addressing heritage issues and promote conservation-friendly environment in Malaysia
	International Committee on Monuments and Sites Malaysia (ICOMOS Malaysia)	An International network of professionals involved in conservation of heritage and intangible heritage.

Source: Modified from (Said et al., 2013)

## 5. Policies and Guidelines

Malaysian Government through its agency has spurred its vision through development and translates it into several guiding documents as effective strategy outlined in the 5-year Malaysia Plan, National Physical Plan and National Urbanisation Plan (NUP) and other documents. The central government's physical planning document; NPP was a continuity doctrine to spur national physical planning and strengthen the physical, social and economic development system. At revised version 3, NPP is a higher planning document for national physical development that acts as a reference to guide the development of social, economic, conservation & preservation, national resiliency to climate changes as well as resources management at the spatial level. In addition, NPP-3 also provide a spatial framework for all region, state and local planning. The improved action also being introduced and should be taken by the local authorities, government agencies, and NGO's. According to NPP-3, the sustainability of land management and development control are crucial for economic, social, culture and environment including heritage area as stated in its 3 main cores. However, there is a provision in NHA which mentioned the need of conservations works and maintenance activity to be done as a compulsory process for the landlord to safeguard the heritage asset or buildings.

At the federal level, National Heritage Act 2005 (NHA) was introduced as an improved version of Antiquities Act 1976 and The Treasure Trove Act 542 related to the discovery of treasure trove (Mustafa and Abdullah, 2013). NHA is the law relating to heritage preservation and conservation for the country. The international organization i.e. ICOMOS (International Council of Monument and Sites) and UNESCO plays an important reference to the implementation of NHA conservation and preservation. At local level, local authority such as Kuala Lumpur City

Hall (DBKL) plays a role as an implementing agency and has outlined its policy and regulation to enforce and carry out conservation works. However, the questions rose whether the current DBKL or others local authorities practice specifically to safeguard the heritage buildings is adequate compared to UNESCO heritage site practices such as Malacca and Georgetown. Bavani (2017) stated that heritage buildings require regular upkeep and constant inspection to keep it as close as possible to its original state. In Kuala Lumpur itself, heritage building facing a significant threat from our ignorance and the condition is slowly deteriorating. Improved regulation and enforcement help in protecting the heritage buildings from vanished to the next generation as it is written in history. The common problem is happening in Malaysia even in World Heritage Site like in Malacca and Penang is the unclear maintenance management framework and lack of maintenance expertise in heritage buildings (Mohd *et al.*, 2013), (Azizi *et al.*, 2016), (UNESCO, 2009). In worse cases, some historic buildings were neglected and deteriorated without aggressive action taken by responsible party. While Mohd-Isa *et al.* (2011) noted that for long-term purposes, good maintenance practice is one of the important perspectives that leave a gap for the effective management strategies purposely for protection and enhancement of built heritage.

According to Harun (2011) specific by-laws or guidelines need to be drafted to complement the NHA for long-term purposes. Besides that, the current legislation on historic buildings is not sufficient and suitable to protect built heritage. Until today, the same issue keeps recurring mostly on the legal aspect, inadequate constitutional provision, by-laws, guidelines, policy; funds become a hinder to conservation activity (Azizi *et al.*, 2016), (Mohd *et al.*, 2013). In fact, on the current state of heritage conservation legal provision, the poor governance on the enforcement of the provision yet becomes another vital problem in Malaysia (Othuman *et al.*, 2014). This implicitly reflects how the Malaysian sincerity to overcome the issues, and also the lack of public awareness on heritage conservation discourse.

## 6. Conclusion

Good governance is one of the critical factors that would enable the success of heritage conservation. Heritage conservation can benefit two sectors apparently, the government itself and of course private sectors as well as the community. There is a growing need to preserve the past, both for continued economic growth and for strengthening the national cultural heritage identity. This research suggests the need for corporation and cross-reference with all stakeholders to understand the role of each agency to avoid duplication and to support each other towards better governance of heritage conservation. It is also recommended to have a restructuring of the government departments, particularly at state and local level to enhance the capacity to strengthen the roles in protecting the local heritage within their jurisdiction. Further research is needed to establish an integrated framework to guide the activities and process of heritage conservation with clear function and role of each stakeholder.

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