

**INTERPRETATION OF CRITERIA FOR ASSESSMENT
OF NATIONAL HERITAGE LISTING IN MALAYSIA**

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INTERPRETATION OF CRITERIA FOR ASSESSMENT OF NATIONAL HERITAGE LISTING IN MALAYSIA

ABSTRACT

Cultural heritage is commonly protected internationally through a process of listing and gazettal. These properties which are listed cover a broad range of building types starting from the modest vernacular domestic housing to majestic government administration buildings. Countries with an established history of protecting cultural heritage in this manner provide criteria for listing which are accompanied by a set of guidelines to guide the assessment of cultural significance. These guidelines are necessary as although countries may appear to have similar criteria, their applications and interpretation are unique to each nation. In Malaysia, the criteria for listing National Heritage are provided under Section sixty-seven (67) of the National Heritage Act 2005. There are at present fifty-one (51) properties listed as National Heritage Buildings. The list comprises of many different of buildings types. Nevertheless, traditional Malay houses located in villages across the country and the ubiquitous traditional Chinese shophouse found at the core of Malaysia's historic town centres are currently not listed on the National Heritage list. In addition, although Malaysia has proceeded to list properties, the government has not produced a set of guidelines that will ensure cultural significance is identified and assessed in a proper manner.

Clear guidelines are necessary to mitigate potential disputes from owners when properties are selected for listing. Hence the objective of this research is to establish principles to guide assessment of cultural heritage for National Heritage listing for 7 out of the 9 criteria for National Heritage in the legislation. In addition, this research also seeks to establish principles to guide the assessment of the traditional Malay house and the traditional Chinese shophouse for National Heritage listing.

The research is carried out in 2 stages and applies a qualitative research approach. In the initial stage, draft principles for assessment are identified from text rich semi-

structured in-depth interviews with eleven (11) purposefully selected Malaysian heritage managers. The opinion of two 2 groups of experts, one Malaysian and the other international are then subsequently sought to validate these draft principles. Cross-group analysis is carried out on the responses from these 2 groups of experts to triangulate the data. New findings arising out of the experts' groups were verified through established literature and World Heritage precedents.

A total of forty-five (45) principles were formulated to guide assessment of the cultural heritage. In addition, seventeen (17) principles are explicitly identified to assess traditional Malay houses and another nine (9) principles for traditional Chinese shophouses. These principles comprise of factors that are involved in the process of assessment such as indicators of significance, considerations, explanatory notes and eligibility or ineligibility considerations. The results also showed that the uses of several criteria are potentially connected in an assessment.

It is hoped that the development of these principles as a guide for assessment of cultural heritage for National Heritage listing will facilitate stakeholders involved in the related field both in Malaysia and the South-east Asian region.

Keywords: National Heritage, gazettal, criteria, traditional Malay house, traditional Chinese shophouse.

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ABSTRAK

Bangunan warisan biasanya dilindungi di peringkat antarabangsa melalui proses penyenaian dan perwartaan. Bangunan-bangunan yang disenaraikan meliputi pelbagai jenis bermula dari perumahan domestik vernakular yang kecil hingga bangunan pentadbiran kerajaan yang megah. Negara-negara yang ternyata adanya budaya memberi perlindungan warisan secara ini, menyediakan kriteria penyenaian yang disertakan dengan garispanduan untuk membimbing penilaian kepentingan budaya sesebuah bangunan. Garispanduan ini perlu kerana walaupun kriteria yang di gunakan oleh sesebuah negara mungkin kelihatan sama seperti negara lain, penggunaan dan pentafsiran kriteria adalah unik bagi setiap negara. Di Malaysia kriteria untuk penyenaian Warisan Kebangsaan di nyatakan di bawah Seksyen enam puluh tujuh (67) Akta Warisan Kebangsaan 2005. Pada masa ini terdapat lima puluh satu (51) bangunan yang telah disenaraikan sebagai Bangunan Warisan Kebangsaan. Senarai ini terdiri daripada pelbagai jenis bangunan. Namun begitu rumah Melayu tradisional yang terletak di kampung-kampung di seluruh negara dan rumah kedai tradisional Cina yang terdapat di pusat bandar, bandar-bandar lama di Malaysia masih belum disenaraikan sebagai Bangunan Warisan Kebangsaan pada masa ini. Di samping itu, walaupun negara Malaysia telah menyenaikan bangunan warisan nya, kerajaan masih belum pada masa ini menyediakan garispanduan untuk memastikan bahawa kepentingan budaya warsian dikenalpasti dan dinilai secara betul.

Garispanduan yang jelas adalah perlu untuk mengelakkan kemungkinan berlaku nya pertikaian oleh pihak pemilik apabila sesebuah bangunan dipilih untuk di senaraikan. Demikian objektif kajian ini adalah untuk mewujudkan prinsip-prinsip bagi 7 daripada 9 kriteria Warisan Kebangsaan yang terdapat dalam akta bagi membimbing penilaian

bangunan warisan untuk penyeneraian sebagai Warsian Kebangsaan. Di samping itu kajian ini juga bertujuan untuk mewujudkan prinsip-prinsip bagi membimbing penilaian rumah Melayu tradisional dan rumah kedai tradisional Cina sebagai Warisan Kebangsaan.

Untuk membentuk garispanduan ini, kajian di jalan secara 2 peringkat dan menggunakan pendekatan kualitatif. Di peringkat pertama, draf prinsip penilaian di kenalpasti dari temualbual mendalam yang kaya dengan informasi yang telah di jalankan secara separa strukur dengan sebelas (11) pengurus warisan di Malaysia. Pandangan daripada 2 kumpulan pakar, satu daripada rakyat Malaysia dan satu lagi yang terdiri daripada pakar antarabangsa telah didapatkan untuk mengesahkan draf prinsip tersebut. Analisis secara silang kumpulan (cross group) dijalankan atas respon yang telah diterima daripada 2 kumpulan pakar ini untuk tujuan triangulasi data. Penemuan baru yang timbul daripada kumpulan pakar-pakar ini telah disahkan melalui sastera dan contoh-contoh yang telah di gunapakai untuk Warisan Dunia.

Sebanyak empat puluh lima (45) prinsip telah diwujudkan sebagai prinsip-prinsip untuk membimbing penilaian bangunan warisan. Di samping itu, terdapat tujuh belas (17) prinsip-prinsip yang telah di kenal pasti khas untuk menilai rumah tradisional Melayu dan sembilan (9) lagi prinsip-prinsip untuk rumah kedai tradisional Cina. Prinsip-prinsip ini terdiri daripada faktor-faktor yang terlibat dalam proses penilaian contohnya petunjuk signifikasi penting, pertimbangan, dan faktor bagi kelayakan atau tidak kelayakan untuk penyeneraian. Keputusan juga menunjukkan bahawa penggunaan beberapa kriteria boleh mempunyai hubungankait dalam sesebuah penialain.

Adalah diharap pembangunan prinsip-prinsip penilaian untuk membimbing penilaian bangunan warisan bagi penyeneraian sebagai Warisan Kebangsaan akan dapat

memudahkan pihak berkepentingan yang terlibat dalam bidang yang berkaitan di Malaysia dan di rantau Asia Tenggara.

Kata kunci: Warisan Kebangsaan, pewartaan, kriteria, rumah Melayu tradisional, rumah kedai Cina tradisional

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LIST OF SYMBOLS AND ABBREVIATIONS

AMASRA	:	Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010
AMASR	:	Ancient Monuments and Archaeological Sites and Remains
DCMS	:	Department for Culture, Media and Sport
ICOMOS	:	International Council on Monuments and Sites
EPBC	:	Environment Protection Biodiversity Conservation Act 1999
JWN	:	Department of National Heritage (Jabatan Warisan Negara)
LPCP	:	Law for Protection of Cultural Properties
MEXT	:	Ministry of Education, Science, Sports, Culture, Science and Technology
NHA	:	National Heritage Act 2005
NHL	:	National Historic Landmark
NPS	:	National Park Service
RO	:	Research Objective
RQ	:	Research Question
RM	:	Research Methods
Q	:	Query
TCPA	:	Town and Country Planning Act 1976
UK	:	United Kingdom
UNESCO	:	United Nations Educational, Scientific and Cultural Organization
US	:	The United States of America
WHS	:	World Heritage Site

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CHAPTER 1: INTRODUCTION

This study explores the formulation of principles to guide assessment of cultural heritage for National Heritage listing according to the criteria in the Malaysian National Heritage Act 2005 (NHA). The study also seeks to establish specific principles to guide assessment of 2 of Malaysia's vernacular domestic housing typology namely, the traditional Malay house and Chinese shophouse to complement and provide better use of the general principles. Eleven (11) Malaysian heritage managers who are policymakers were selected in the first phase of the study to provide views and insights on the application of the criteria for National Heritage listing in the NHA 2005. Subsequently, the study also explored how these opinions resonated with 2 groups of experts, a group of eleven (11) Malaysians and the other consisting of twelve (12) international experts. The findings of the study afforded new insights that were then the used as principles to guide assessment of national heritage listing.

This chapter begins with an overview of the context and background that frames the study. This is followed by the problem statement, justification of the research together with the research questions, aim and objectives. Also included in this chapter is a discussion of the research approach and achievements. The chapter concludes with a summary of the contents of the chapters.

1.1 Background and context

On 1st March 2006, the NHA 2005 came into effect repealing the Antiquities Act 1976 and the Treasure Trove Act 1957. The NHA in its preamble states that the Act is '...to provide for the conservation and preservation of natural heritage, tangible and intangible cultural heritage, underwater heritage and treasure trove and for related matters' ("National Heritage Act 2005,"). Cultural heritage is protected under the NHA through a process of gazettal. The Minister for heritage may upon recommendation

gazette any heritage site, heritage object, underwater cultural heritage or living persons as National Heritage based on criteria given under Section 67 ("National Heritage Act 2005,").

Since the Act came into effect, 3 events have occurred which has, as a result, raised questions about the effectiveness of the legislation to protect cultural heritage through the process of gazettal (Surin, 2007; Teoh, 2008)

The first event occurred in December of 2006 when Bok House, a colonial mansion built in 1926 on Jalan Ampang, Kuala Lumpur was demolished by the estate's trustees after the Department of National Heritage (JWN) deemed that the building did not warrant gazettal. Bok House was known for its architectural aesthetics and in its later years as a social venue as it had for the last decade housed the popular Le Coq Dorr restaurant. The house was as one of the last grand mansions remaining on what was colloquially termed as 'the millionaires' row' in the heart of Kuala Lumpur. The demolition when it started prompted a public outcry. The public demanded the Minister to gazette the building under the NHA for its architectural, social and historical significance (Phang, 2006; Surin, 2007; The Council of Badan Warisan Malaysia, 2006). The public's sentiments were that the building should be protected as an excellent example of an aspect of Kuala Lumpur's past.

The second event took place in 2007 when works commenced on the site of the former National Leprosy Control Centre in Sungai Buloh, Selangor. The site was to be redeveloped as the new Hospital and Medical Faculty for Universiti Teknologi MARA. The leprosarium which had officially opened in 1930 was the last remaining leper asylum of 4 asylums built in the country. The design of these asylums which had an innovative humanitarian approach to accommodate persons afflicted with the disease became a model that was replicated internationally. The public's request for the

Ministry to intervene and gazette the property this around time received positive outcomes (Choe, 2007; Samy, 2007).

In 2009 the public once again reacted when UDA Holdings Berhad demolished Pudu Jail which had served as Kuala Lumpur's central penitentiary facility for over a century; a public listed government agency involved in investment holding and property development. The site is slated to be redeveloped as a mixed residential-commercial project as the land which was once on the outskirts of Kuala Lumpur has today become one of the busiest commercial districts in the city. Hence the site has become too valuable to remain underutilised.

Heritage and development while can be complementary are often a point of contention. In many countries, heritage sites in urban centres which are protected through gazettal have been successfully adapted for new uses or have had new development integrated with the site. The heritage status of these places have not impeded development and nor have had their significance diminished as a result of the development. The Covent Garden a former fruit and vegetable market in London which has been converted to a popular shopping and tourist destination, the Louvre Museum in Paris which is housed in the Louvre Palace and the Galleria Vittorio Emanuele II, Milan are successful examples of these types of development. Hence the Minister's decision not to gazette Bok House and Pudu Jail has resulted in numerous debates by the public over the effectiveness of the law in protecting cultural heritage. It raises questions as to 'what is considered culturally significant at national level?', 'how do you interpret the criteria in the legislation?', 'how do you assess cultural significance?', and 'what do you require to evaluate cultural significance?' Evidence suggests that this debate largely stems from the public's inability to understand how the Department of National

Heritage assesses cultural heritage (Badan Warisan Malaysia, 2010; PAM Conservation Committee chairman 2006-07, 2007).

At present, although the criteria for listing National Heritage is given in the NHA, JWN has not provided guiding principles to facilitate the assessment of cultural significance and indicators as thresholds for designation to support the Act (Surin, 2007). The criteria to list cultural heritage according to Azmi, Ahmad, and Ali (2014, p. 56) are ‘...too broad to be used in real assessment practices...’ Countries that list their cultural heritage often have guidelines to ensure that the assessment of cultural significance is based on a standardised set of regulation for consistency in the decision-making process and gazettal (Australian Heritage Council, 2009b; Department for Culture Media and Sports, 2010; Historic Sites and Monuments Board of Canada, 2008; National Park Service, 1997). The absence of this guideline has raised doubts about the soundness of the evaluation for some of the properties listed as Malaysian National Heritage. The Government’s decision to or not to gazette a cultural heritage has been questioned and challenged by the public (Bavani M, 2016)

There are as of December 2016, fifty-one (51) properties declared as National Heritage covering a broad range of building types (Jabatan Warisan Negara, 2009b). However, none of these properties which are gazetted as National Heritage are vernacular domestic dwellings. With the aim of safeguarding their national heritage, a practice in many countries is to gazette a broad sampling of their traditional and vernacular architecture. Malaysia may along similar lines, gazette the traditional Malay house and the Chinese shophouse, which are 2 of the country’s vernacular domestic buildings typologies as National Heritage. The preservation of these building typologies are important as they are threatened both by urbanisation and changes in today’s

lifestyle (Mohamad Tajuddin, Kamaruddin, Syed Ahmad Iskandar, Ra'alah, & Gurupiah, 2005; Radzi, 1999).

The practice internationally is to gazette base on the cultural significance that is exemplified by the cultural heritage. According to Orbasli (2008, p. 91) 'conservation depends on informed decisions' while Crotty (2008, p. 48) argues that 'without a scholarly account of why a building or site is important, there cannot be an attempt at an objective assessment of the property'. The above situation highlights the need for a proper method of assessing cultural significance to avoid controversy and to protect cultural heritage. This demands that clear principles for assessment must be developed to ensure that buildings that are worthy of preservation are protected. Therefore, this study seeks to shed light on an interpretation of the criteria provided in the Malaysian NHA 2005 for National Heritage nomination and how these criteria is understood in the assessment of cultural significance for vernacular domestic architecture namely the traditional Malay house and the traditional shophouse typologies

1.2 Justification for the Research

The rationale for this study emanated from the author's interest to better understand the assessment of cultural significance for the protection of cultural heritage. Understanding the significant values of cultural heritage is critical to ensure that these values are protected. Research indicates that JWN presently does not have guidelines to facilitate assessment of cultural heritage based on the criteria to list National Heritage given in Section 67 of the Malaysian NHA. Research also indicates that several of the criteria for National Heritage listing has never been used to list cultural heritages. Also, traditional Malay houses and Chinese shophouses are not currently listed as National Heritage. This has resulted in the public being puzzled and searching for answers as to

why certain buildings are gazetted as National Heritages while others which appear to be culturally significant are not.

This research focused specifically on the Malaysian context to find a solution to assess Malaysian cultural heritage. While National Heritage listing exists in other countries and methods of assessing cultural significance has been discussed in several publications, the criteria and methods for assessing cultural significance may not be appropriate for the Malaysia context and hence cannot be adopted here. In addition, some of the types of cultural heritage that are discussed are also different from those available in Malaysia.

Guidelines are by nature broad and conceptual in nature. Thus they need to be further enhanced with outlines to supplement each typology (National Park Service, 1999). Hence the research also seeks to develop further understanding of the application of the criteria for listing by using the traditional Malay house and Chinese shophouse as theoretical models. These building types are selected as there aren't any of these buildings listed as National Heritage at present and it is the practice in countries with established practices, to list the vernacular domestic house typologies of the local people as important evidence of their culture.

1.3 Aims and Objectives

The overarching aim of this study is to ascertain how the criteria for National Heritage listing in the Malaysian National Heritage Act 2005 are to be interpreted and applied for gazettal of immovable cultural heritage. To achieve this aim, the following research objectives are listed:

- i. To critically analyse how the Malaysian criteria for listing National Heritage compares against those of other countries (RO1)

- ii. To formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing (RO2)
- iii. To establish guiding principles that are specific to guide the assessment of traditional Malay houses and Chinese shophouses for National Heritage listing (RO3)

1.4 Research Questions

The following research questions were articulated to achieve the above objectives which are connected with the research aim:

- i. RQ 1: How does the Malaysian criteria for listing of National Heritage compare against those of other countries?
- ii. RQ 2: What are the principles to facilitate the assessment of immovable cultural heritage in Malaysia for National Heritage listing?
- iii. RQ 3 What are the principles to guide the assessment of the traditional Malay house and Chinese shophouse for National Heritage listing?

The next section will discuss the research methodology used for this study to fulfil the aim and objectives.

1.5 Research Methodology

This research follows a qualitative approach using grounded theory method and is divided into 5 stages. In-depth interview was the primary method for data collection in the (Stage 3) Phase 1 of the fieldwork while a questionnaire survey carried out in (Stage 4) Phase 2 subsequently refined and verified the collected data.

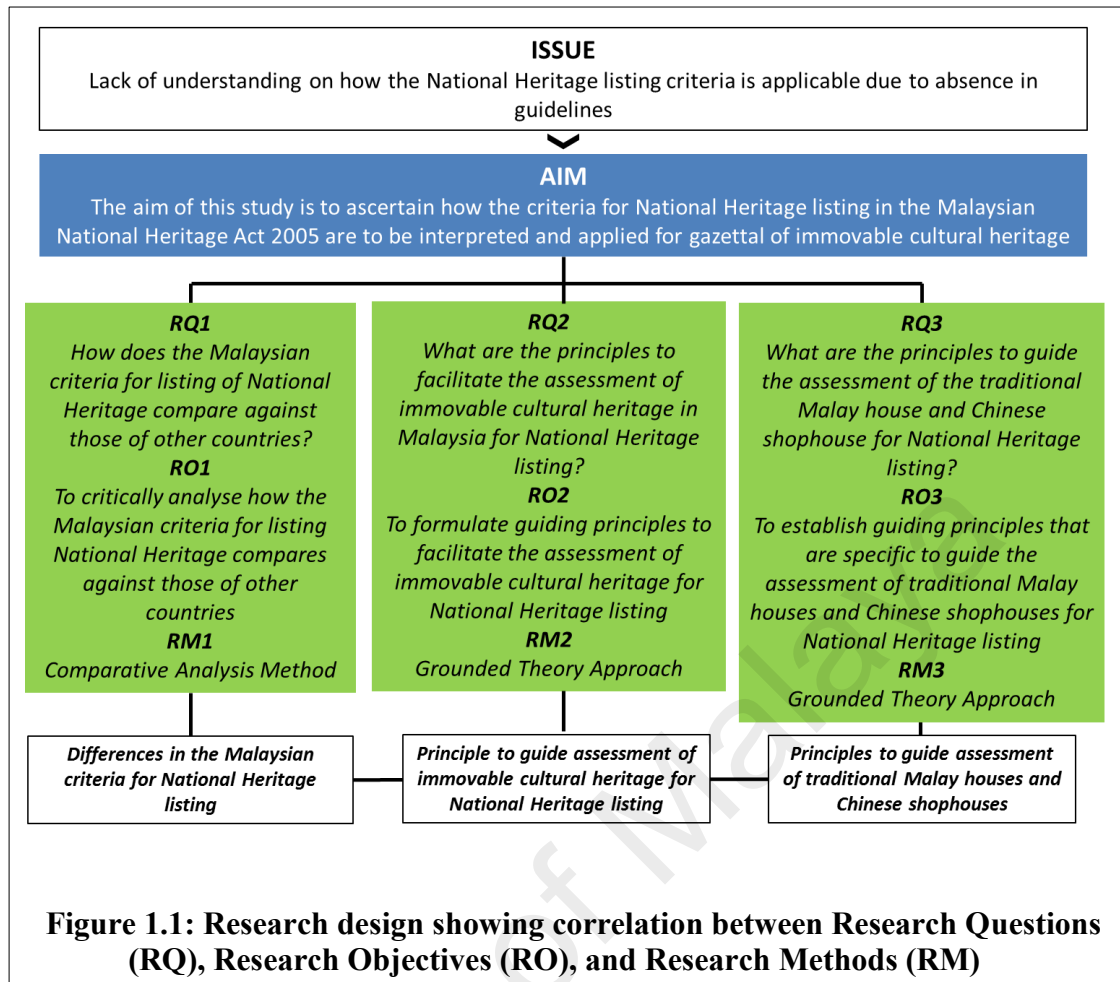
The data collection was obtained through interviews with eleven (11) purposely selected Malaysian heritage managers in (Stage 3) Phase 1 was subsequently used to form draft principles for assessment. These draft principles became the basis for the

questionnaire survey in (Stage 4) Phase 2 which was carried out with 2 groups of purposely selected experts for refinement and verification purposes. The (Stage 4) Phase 2 experts consisted of eleven (11) Malaysian and twelve (12) international experts. In both phases of the fieldwork, pilot tests were carried out to ensure comprehensibility of the questionnaires before the actual commencement of the data collection. Results from the pilot tests were not included as part of the findings of the study.

Research ethics in the data collection process in this study included informed consent, respondent anonymity, and storage of data. At the start of each interview, the respondents were informed of their rights and were given a consent form to sign. The interviews were tape-recorded, transcribed verbatim and checked. To ensure the credibility of the data, a summary of the salient points of discussion was sent to the respondents for confirmation.

Several methods were used to analyse the collected data. In (Stage 3) Phase 1 the data was manually coded by the author, arranged into categories and themes. In addition to manual coding, data was also analysed by means of mathematical calculation in (Stage 4) Phase 2. The findings from (Stage 4) Phase 2 used crossed-group method for analyses to refine, verify the information and draw conclusions. Also, new emerging data was cross-referenced with established literature and precedent to ensure credibility. The study accounted for credibility and trustworthiness of the research through various strategies including data triangulation and internal validity.

Figure 1.1 illustrates the research design showing a correlation between Research Questions (RQ), Research Objectives (RO), and Research Methods (RM) for this study.



1.6 Contribution to knowledge

The research sets out to explore the formulation of principles to guide assessment of cultural heritage for National Heritage listing according to the criteria in the Malaysian National Heritage Act 2005 (NHA). The study also seeks to establish specific principles to guide assessment of 2 of Malaysia's vernacular domestic housing typology namely, the traditional Malay house and Chinese shophouse to complement and provide better use of the general principles. Therefore, the anticipated contributions to knowledge from this research are as follows:

- This research is the first to develop principles to guide assessment of cultural heritage for listing as National Heritage for the Malaysian context. The use of these principles will assist JWN in implementing a

standardised system of evaluation that would provide a sound rationale for decisions on gazettal, avoid misinterpretation of the criteria during the process of assessing the cultural significance and enable stakeholders to appreciate the value of their cultural heritage better.

- ii. These principles will also assist the JWN in assessing the traditional Malay house and Chinese shophouse, 2 cultural heritage typologies that have not been included on the National Heritage list.
- iii. The development of the guiding principles broadens the understanding and knowledge of how Malaysian cultural heritage should be assessed.

1.7 Scope and delimitation of the research

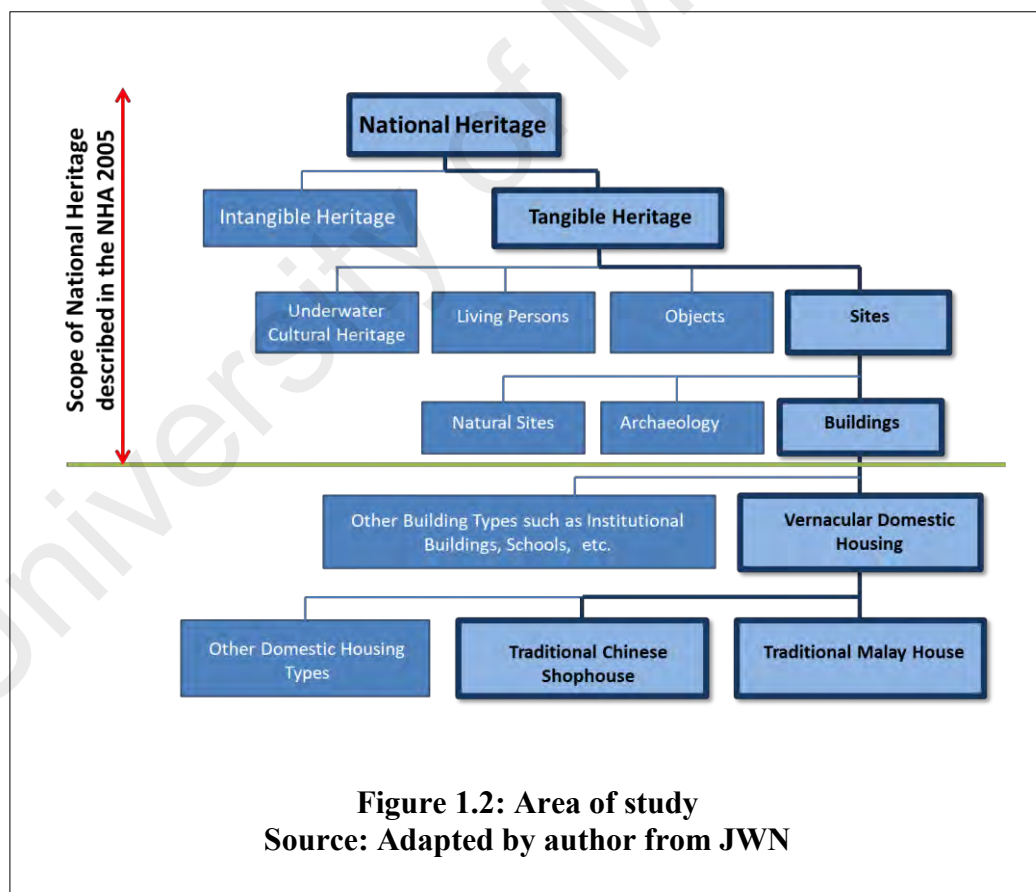
This study is specific to Malaysia and addresses the criteria for nomination of Nation Heritage provided in the NHA 2005. However, although the Section 67 of the NHA lists 9 criteria for designation of National Heritage, the study will only focus on 7 out of the 9 criteria. The focus of this study is on assessment of the physical qualities of cultural heritage. This is in order for the scope of this study to be manageable. Criteria which are perceived to be related to intangible values will not be included. The exclusion is due to the following reasons:

- The inclusion of all areas of heritage from intangible to tangible will result in the scope of the study being too broad and therefore unmanageable. The NHA allows for natural, cultural, and underwater sites; objects; living person as well as intangible heritage which include dance; music; poems; food; crafts etc. to be listed as national heritage.
- The intangible values of heritage are multifaceted and as such its definitions are subjective. This makes the subject matter arguable and unwieldy. The concept of intangible heritage is relatively new in Malaysia compared to tangible

heritage. As a result, the study would be hard to define without significant prior experience and expertise in the area.

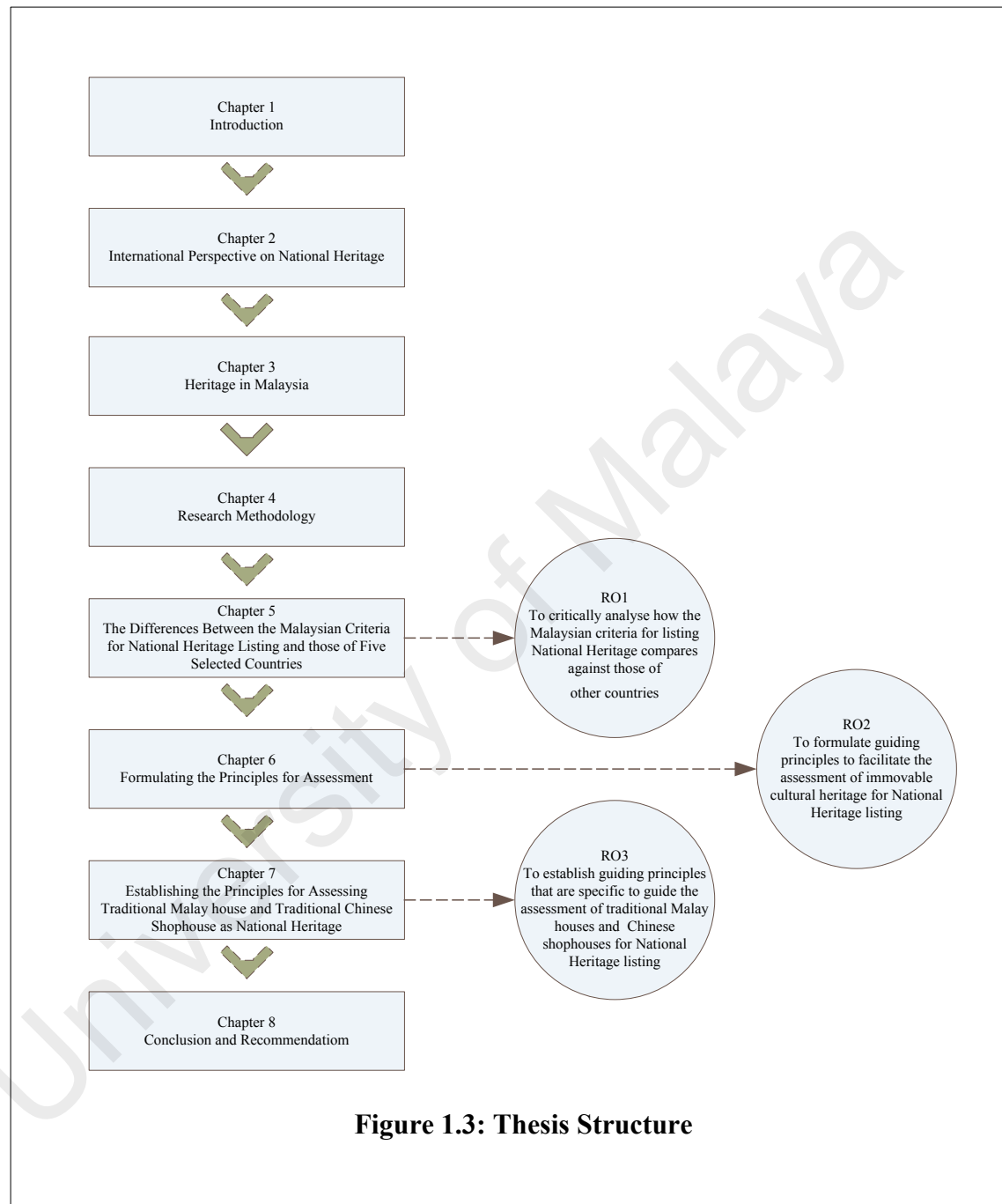
- Malaysia's documented history is often contested and as such may not be suitable for this research.
- The researcher's own training within the architectural discipline favours limiting the study to the physical qualities of immovable cultural heritage to enable the study to be manageable. Principles guiding the assessment of intangible values could be carried out by other researchers in future studies.

The areas of study in this research is illustrated in Figure 1.2 (refer below)



1.8 Structure of the thesis

This study is presented in 8 chapters (see Figure 1.3).



Chapter 1: Introduction. This chapter introduces the background of the study which includes the problem, purpose, aims and research questions. It highlights the gaps in the current Malaysian context and explains why this research is important and necessary.

Chapter 2: International Perspective on National Heritage. Chapter 2 provides the literature review on National Heritage listing in 5 selected countries, namely the United Kingdom, Australia, United States of America, Japan and India. The chapter discusses the criteria for listing and the interpretation of the criteria in these countries to provide an understanding how the listing of cultural heritage is implemented internationally. The chapter also reviews selected international charter with regards to cultural significance, authenticity and integrity of immovable cultural heritage.

Chapter 3: Heritage in Malaysia. This chapter is a continuation of the literature review which began in Chapter 2. It provides a contextual understanding of heritage in Malaysia and begins with an outline on heritage legislations at both Federal and State levels. This is followed by a discussion on National Heritage listing and the application of the criteria for listing in Malaysia. Subsequently, the chapter reviews literature on the traditional Malay houses and Chinese houses to provide a contextual understanding of the vernacular domestic housing typology that is the subject of Research Objective 3.

Chapter 4: Research Methodology. Chapter 4 explains the selection of qualitative research methods for this study. The chapter discusses the research instruments used, sampling methods, data collection, analysis, research protocols that were observed, and limitations of this study.

Chapter 5: The Differences between the Malaysian Criteria for National Heritage Listing and Those of Five Selected Countries. This chapter addresses RO1: To analyse how the Malaysian criteria for listing National Heritage compare against those of other countries. The results of RO1 which draws on the literature review in Chapters 2 and 3, demonstrate 4 main findings. These findings are (i) the definition of National Heritage is not comprehensive in the NHA, (ii) the significance which commensurates with National Heritage is not clearly stated in almost half of the Malaysian criteria for listing,

(iii) the criteria for listing has been applied in Malaysia in a manner which is both similar and dissimilar to the manner in which other countries have applied similar criteria. Some of the ways in which the criteria have been applied in Malaysia is unusual, and (iv) most of the heritage values in the Malaysia criteria are generic to those used internationally. However, there are 2 values which are unusual. These values are ‘uniqueness’ in criterion (g) and the provision for ‘any other matter’ in criterion (i).

Chapter 6: Formulating the Principles for Assessment. This chapter addresses RO2 which is the first of 2 the main research objectives of this study. The other principal research objective which is RO3 is addressed in the subsequent Chapter 7. Although there are altogether 3 research objectives in this study, RO2 and RO3 are the more substantial research investigations and provide more impact to the contribution of knowledge. RO1 in comparison has less impact and consequentially minor contribution to knowledge. The objective of RO2 is to establish general guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing. A total of 7 criteria is studied for this purpose. The chapter discusses the analysis, findings and discussion of the results in this chapter. The analysis and findings of each criterion are presented individually in this chapter. The discussion begins with the presentation of (Stage 3) Phase 1 of the criterion and subsequently moves to (Stage 4) Phase 2 for the same criterion. The large number of criteria studied in this study necessitates the chapter to be structured in this manner to allow the reader ease of comprehension. RO2 resulted in the formulation of forty-five (45) principles to guide assessment of cultural heritage for National Heritage listing. These principles consist of eighteen (18) ‘indicators of significance’, eight (8) ‘considerations’, sixteen (16) ‘explanatory notes’, one (1) ‘eligible/ineligible consideration’, and two (2) aspects of assessment which apply to assess the cultural significance.

Chapter 7: Establishing Principles for Assessing the Traditional Malay House and Chinese Shophouse as National Heritage. Chapter 7 presents the analysis, findings and discussion for Research Object 3 which is to establish guiding principles which are specific for the assessment of traditional Malay houses and traditional Chinese shophouses for listing as National Heritage. This is the second main research objective for this study. Results of the study demonstrated that both these vernacular domestic housing typologies should be listed as conservation areas and not as individual buildings. A total of seventeen (17) principles were identified to guide assessment of traditional Malay houses, and nine (9) principles were identified for traditional Chinese shophouses. In addition there were two (2) recommendations made for these typologies.

Chapter 8: Conclusion and Recommendations. This chapter presents a summary of the research findings of all 3 Research Objectives that was identified at the start of this study. This chapter highlights the contribution of knowledge that this study makes and also discusses recommendations for possible future study by other researchers in this field and limitations of the research.

1.9 Summary

This chapter has described the critical components that form the core of the study: problem, purpose and research question. These 3 components are essential in providing an understanding of the objectives of the study and determining the manner in which it was conducted. In addition, to providing an overview and setting the tone of the study, the chapter also describes the research approach, contribution to knowledge and the structure of the thesis.

The next chapter reviews the literature on international practices for listing National Heritage which will cover the meaning of values and cultural significance, the practices

of the listing of National Heritage in 5 selected countries and the concept of authenticity and integrity

University of Malaya

CHAPTER 2: INTERNATIONAL PERSPECTIVE ON NATIONAL HERITAGE

Chapter 2 gives an overview of the protection of cultural heritage internationally through the process of listing. The chapter begins with a review of the definition of heritage, the selected Charters for the protection of heritage, and subsequently the protection of heritage through the process of listing. The literature review, in particular, discusses National Heritage listing in the United Kingdom, Australia, United States of America, Japan, and India. The chapter discusses the use and interpretation for the criteria to list National Heritage in these 5 countries to understand common patterns that cut across these criterions. Values, cultural significance, authenticity and integrity concerning cultural heritage are also discussed within the chapter.

2.1 Identification of cultural heritage

Today the historic environment faces many challenges. Understanding that cultural heritage is a non-renewable substance that is constantly under threat, the United Nations Educational Scientific and Cultural Organization (UNESCO), International Council on Monuments and Sites (ICOMOS), Council of Europe and other heritage organisations have ratified various international policy documents which cover a comprehensive range of areas that relate to cultural and natural heritage for the sole objective of conserving, preserving and protecting it for future generations. Armed conflict, social and economic urban growth and industrialisation are some of the persistent threats and challenges encountered by cultural property that has caused irreversible losses and has made it necessary to protect it. The development of these documents according to Blake (2000, p. 62) is reflective of ‘...the political and/or intellectual concerns of the time at which they are developed...’

Protection is only accorded once a cultural property has been identified. The importance of identifying cultural heritage is evident and is encouraged through the

implementation of inventories and surveys, as well as the establishment and maintenance of both scheduled and unscheduled lists in many of these international policy documents. The use of this measure to safeguard cultural heritage is seen for instance in the event of armed conflict where cultural properties listed in the 'International Register of Cultural Property under Special Protection' is accorded protection in by the Hague Convention and the intentional harm against them is seen as a war crime that can be prosecuted (UNESCO, 1954).

The identification of heritage can also address and facilitate against issues of conflict in urban planning and development. Identification in areas where works are scheduled to occur can warn government agencies and developers of the existence of cultural property and allow for an amicable solution to be achieved (UNESCO, 1968). This is in-line with Townsend's (2004, p. 61) argument that '...the cornerstone of an integrated heritage program is the survey and publishing of documentation: an inventory and maps of conservation-worthy cultural property, with the power to protect them delegated to local authority level and included in physical planning ordinances...' and that the conflict between development and cultural conservation could be minimized if an inventory and map worthy properties are made available to forewarn developers of the heritage status of the site before any investment is made.

Identification is also used to preserve the historic core of urban towns and areas through the preparation of a prioritised list of historic areas to be protected (UNESCO, 1976) and facilitate the preparation of conservation plans that identify and determine buildings that should be preserved in accordance with its importance to enable decisions on what may possibly be expendable in exceptional circumstances to be made (ICOMOS, 1987).

The increasing awareness and global concern on threats towards cultural heritage and the necessity for Governments to formulate and administer protective measures domestically to protect cultural heritage both for its citizens and mankind universally have resulted in UNESCO's Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage 1972. To facilitate the management of these concerns, this policy document in Article 29 recommends for each country to prepare inventories of its entire cultural and natural heritage.

At the international level, concerns about the increasing threats to heritage and believing that some of these heritages are unique where its protection and preservation is essential for the future generations of all mankind led UNESCO in 1972 to establish the 'World Heritage List' through the Convention Concerning the Protection of World Cultural Heritage. 'World Heritage' is defined in the convention as to heritage that possesses 'outstanding universal value' and provides ten criteria for its nomination on to the 'World Heritage List'. Cultural and natural properties which meet the criteria are put on the list, and the Outstanding Universal Values for which it is recognised is accorded protection by the international community as a whole. To meet this objective state parties to the convention are encouraged to submit inventories of its cultural and natural heritage for consideration.

We can conclude from the above international policy documents that the practice of identifying cultural property is important, and is a prelude to facilitate its preservation and protection. The practice of identifying cultural property supports Gupta's (2007) statement that the loss of built heritage is most often due to insufficient information about the structures and their significance.

2.2 Protection of cultural heritage

Countries often perceive important historical buildings as symbols of their nation and national identity. Many of these historical buildings are landmarks that induce pride among their citizen, are tourist attractions that generate economy, instil character and charm to an area, and are a heritage to the country.

The increasing awareness on the preservation of cultural heritage in the last century has prompted many countries to institute various mechanisms to identify and protect these historical buildings. Amongst the measures that are commonly undertaken includes establishing a schedule or list of protected cultural heritages that have different levels of protection. The process of listing involves the identification of values and cultural significance based on a set of criteria. The significance that the cultural heritage demonstrates defines the level of protection that is given. (Hari, 2015; Kerr, 2013). Cultural heritage may be listed and protected at National, Regional, State or local heritage local levels. Those which are nationally important are ascribed as National Heritage and protected at national level through a designated Ministry with relevant legislations (Orbasli, 2008)

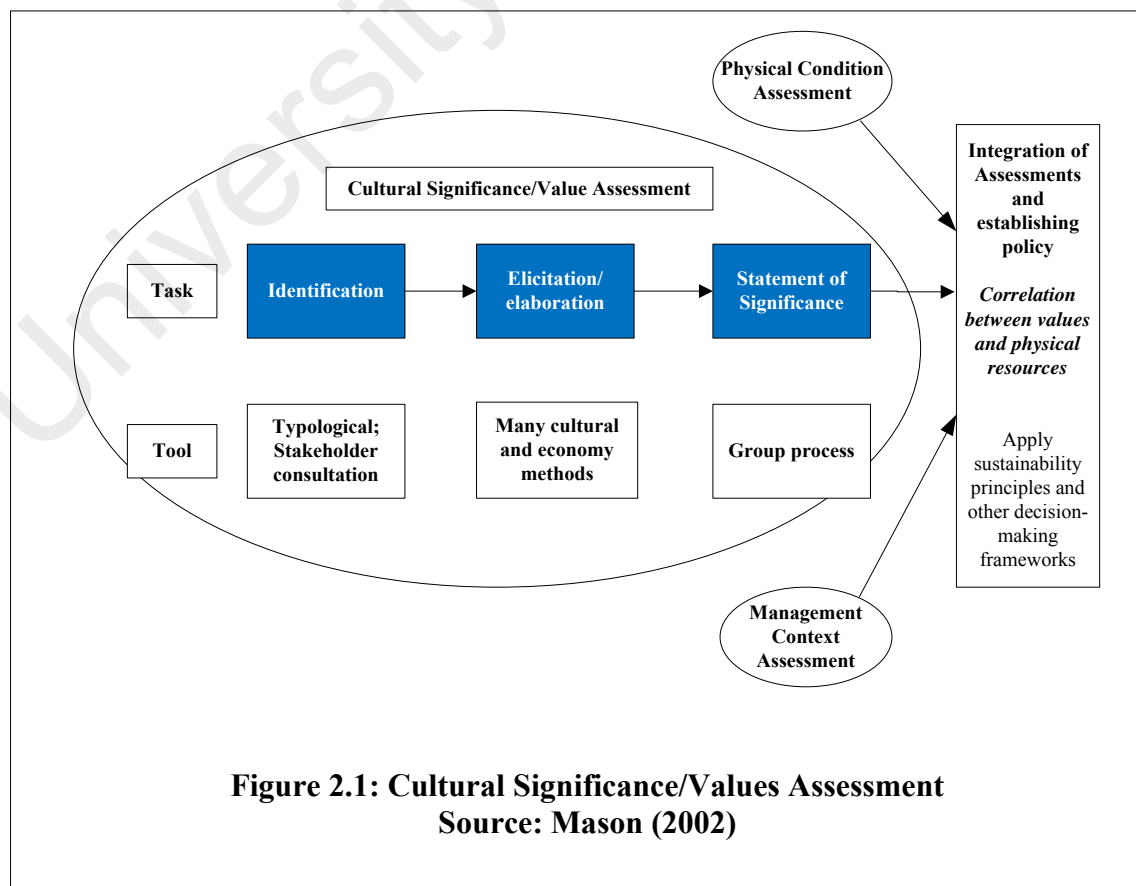
2.2.1 Values and significance

Designation based on importance indicates that the measure of worth for a cultural heritage is its significance and that in turn relates to values. Fielden and Jokilehto (1998), classified values into 2 categories; cultural values which consisted of identity value that is based on recognition, artistic and technical value that are identified through research and rarity value that are determined through statistics. In addition, Fielden & Jokilehto also recognised that there are contemporary socio-economic values that relate to economic value, functional value, educational value, social value, political value. Jokilehto (2015) further elaborated this idea by labelling values associated with cultural

heritage under 2 headings. These are intrinsic values; values, which are associated with the cultural heritage itself, while values that are related to cultural heritage in order to obtain something else, or instrumental value, is another.

Pearson (1995, p. 3) conveyed *that* ‘...heritage values we ascribe to places are human constructs, not immutable qualities inherent in the place, and they may change over time as the context of knowledge and community association change’, this observation is supported by Torre (2002) and Mason (2002) who both expressed that values have multiple meanings ascribed to it and are subjected to change.

Mason (2002) suggested that there is a direct relationship between values and the identification of cultural significance. Identifying values according to Mason, results in the elicitation of cultural significance that translates into the Statement of Significance. Figure 2.1 demonstrates Mason’s idea when the identification of significance based on values occurs as part of a planning process methodology.



Cultural significance is an important concept in the preservation of heritage. The Burra Charter (Australia ICOMOS, 1999, p. 38), conveyed that ‘the term cultural significance is synonymous with heritage significance and cultural heritage values’. Cultural significance according to the charter, ‘...is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places, and related objects’.

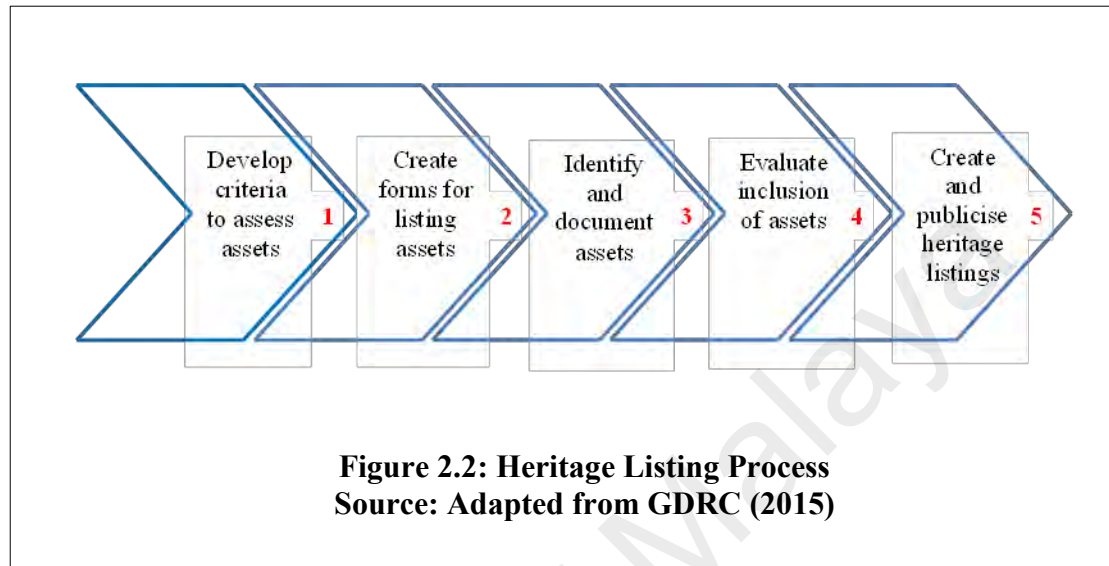
COTAC (2015 unit 1.04) defines ‘cultural significance’ as ‘...the perceived value of that place to society, established as a result of its continuity of presence and worth to society’; and that this ‘worth’ is a synthesis or composite of the place’s historical, emotional, cultural, spiritual significance, social, architectural, and aesthetic value. COTAC (2015); Kerr (2013); Mason (2002) suggested that understanding the significance of a historic building enables effective decision-making about its future. This is in line with Viñas (2005) quoted by Zancheti, Hidaka, Ribero, and Aguiar (2009, p. 48) as saying that ‘...cultural significance is central to the practical activities needed to safeguard the historic heritage, as well as to the contemporary theory of conservation’.

The above literature conveys that an assessment for listing is to elicit the cultural significance of property to understand its importance and provide it with protection.

2.2.2 Assessment of Heritage

Pearson (1995) suggested that legislations and administrative guidelines embrace the concept of cultural significance within the framework for assessment. The Burra Charter process indicates that protection of heritage is a sequential process that begins with collecting and analysing information to understand the significance and make decisions that are followed by the development of policy and management of the place according to the policy.

The Global Development Research Centre (2015) developed the following generic diagram based on a study of listing process implemented in the UK, Australia, India and other countries to explain the process of listing (refer to Figure 2.2)



The above diagram in Figure 2.2 indicates that assessment of cultural significance is based on a set of criteria to produce a Statement of Significance that informs on the importance of the cultural heritage and becomes the centre focus of all conservation activities.

2.3 National Heritage listing in selected countries

To understand the use of criteria for the listing of cultural heritage, this study reviewed the National Heritage listing of 5 countries. The selection of these 5 countries for review is based on the following list of criteria:

- Nations that have led the way in preservation and conservation of cultural heritage.
- Nations that have an established history in gazettal of cultural heritage for preservation purposes.
- The criteria for listing cultural heritage are available as a source of reference.

- There are sufficient literature and reference material to enable an understanding of how the country has used the criteria for listing.
- A combination of Western and Asian countries to gain knowledge on the criteria for listing and the way it is used.

Based on the above list of criteria, the United Kingdom, specifically England (UK), Australia, United States of America (US), Japan, and India were selected for review. These 5 nations are amongst today's leading nations for heritage conservation globally with established histories in gazettal of cultural heritage.

In the UK, the practice of listing cultural heritages that are of national importance began as early as 1882 under the Ancient Monuments Preservation Act (Sargent, 2001); the Australian Heritage Commissions Act 1975 provides for the registry of national heritage places ("Australian Heritage Commission Act 1975,"); in the US, the Antiquities Act of 1906 permitted the American President to allocate sites of historical and scientific importance as national monuments (U.S Department of Interior); while the Ancient Shrines and Temple Preservation Act was enacted in 1897 in Japan (Choi, 2009) and in India, the Ancient Monuments and Preservation Act was enacted in 1904.

The protection of cultural heritages that are of national importance is implemented at national level through a designated Ministry and is supported by legislations (Orbasli, 2008) Table 2.1 provides a list of the Ministries and departments that are presently responsible for the protection of cultural heritage and the enabling legislation in UK, Australia, U.S, Japan and India.

Table 2.1: Ministries and Departments responsible for heritage protection and Legislation.

Country	Ministries and Departments	Legislation
UK (England)	Department of Culture, Media and Sport (DCMS) Administered by Historic Buildings and Monuments Commission for England (Historic England)	Planning (Listed Buildings and Conservation Areas) Act 1990
United States	U.S. Department of Interior. Administered by National Parks Service (NPS)	Historic Sites Act of 1935 (HSA)
Australia	Ministry of Environment and Energy (DEE) Administered by Heritage Branch, Wildlife, Heritage and Marine Division	Environment Protection and Biodiversity Conservation Act 1999 (EPBC)
Japan	Ministry of Culture, Sports, Science and Technology (MEXT) Administered by Cultural Properties Protection Division, Agency for Cultural Affairs	Law for the Protection of Cultural Properties, 1950 (LPCP)
India	Ministry of Culture Administered by Archaeological Survey of India	Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (AMASR Act 2010)

2.3.1 National Heritage listing in the UK (England)

The UK, or more specifically England is one of the earliest countries to protect its built environment. At present, the protection of cultural heritage in the United Kingdom falls under the jurisdiction of the Department of Culture, Media and Sport (DCMS) with the Planning (Listed Buildings and Conservation Areas) Act 1990 as the current legislation. Historic England, a public body sponsored by DCMS is tasked with protecting the historic environment of England. Buildings which are of special architectural or historic interest are designated and protected on schedule. There are 2

statutory criteria for listing buildings ("Planning (Listed Building and Conservation Areas) Act 1990," (3)(a)). These criteria are as follows:

- Special architectural interest
- Special historic interest.

Listed buildings are divided into 3 grades which commensurate with the level of significance they display with Grade 1 listed building as the highest, followed by Grade 2* and subsequently Grade 2.

Historic England provides general principles and Selection Guides that are unique to building types to guide the selection of buildings. These Selection Guides offer an insight into features that are considered significant for specific typologies.

According to the Principles of Selection for Listing Buildings issued by DCMS (2010), 4 aspects play a role in the selection of buildings for listing. These are age and rarity, aesthetic merit, selectivity and National interest. The older the building is and with fewer examples remaining, the higher the chances it will be listed. Nevertheless, buildings must be at least 30 years old to qualify for listing. Special exemptions are given for buildings that are of outstanding quality or under threat. The external appearance of building both individually or as a group will have bearings on the selection process. Similarly, the best or most representative examples are selected to represent particular historical types. Selection for representativeness also includes regional examples that will contribute to the national historic building stock. Buildings may also be listed on the strength of a particular feature that forms part of the building if the feature is of sufficient interest.

Buildings that are selected for historical interest should have merit in their appearance. Historical interest refers to buildings that ‘...illustrate important aspects of

the nation's social, economic, cultural, or military history and or have close associations with nationally important persons.' (Department for Culture Media and Sports, 2010, p. 4) The state of repair the building is irrelevant to the decision for listing as architectural and historical interest are the primary factors that are considered.

2.3.2 National Heritage listing in Australia

Cultural heritage in Australia is protected by the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC) under the Department of the Environment and Energy ("Environment Protection and Biodiversity Conservation Act 1999 "). There are several levels of listing in Australia. At the highest is the World Heritage list, followed by National, State and Territory, and local levels.

Under the EPBC, the Minister is responsible for the National Heritage list and takes advice from the Australia Heritage Council who is obligated to assess the cultural values of places. Assessments are implemented based on the following criteria and are guided by the Ministry's Guidelines for the Assessment of Places for National Heritage List (Australian Heritage Council, 2009b).

- a) The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.
- b) The place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.
- c) The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.

- d) The place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - i. a class of Australia's natural or cultural places; or
 - ii. a class of Australia's natural or cultural environments;
- e) The place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.
- f) The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.
- g) The place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
- h) The place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.
- i) The place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.

A place is listed if it meets one or more of the above criteria. However, the criteria are not limited to listing tangible built heritage; it is also applicable for natural and indigenous heritage places.

The assessment for National Heritage listing according to the Australian Heritage Council (2009b, pp. 9-11), investigates the fundamental question of whether a place fulfils '...the statutory threshold of "outstanding national heritage value" to the nation'. However, it is unnecessary for the place to be relevant to all Australians. A comparative

analysis of places that are similar is used to conclude whether the significance of the place is of national importance. Places that are of National Heritage importance are expected to have a high degree of authenticity and integrity. In the Australian context, assessment of authenticity determines whether the heritage values of the place ‘...is genuine or of undisputed origin’ while ‘...integrity is the ability to retain and convey the key heritage values’ of a place (Australian Heritage Council, 2009b, p. 12).

2.3.3 National Heritage listing in the United States of America

Preservation of heritage in the US is under the purview of the National Park Service (NPS), U.S. Department of Interior. The Secretary of the Interior in 1960, began designating nationally significant districts, sites, buildings, structures and objects as National Historic Landmarks (National Park Service, 1999). The selection of properties as a National Historic Landmark is guided by the following criteria in the Code of Federal Regulation (National Park Service, 1983 CFR 65.4):

1. That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
2. That are associated importantly with the lives of persons nationally significant in the history of the United States; or
3. That represent some great idea or ideal of the American people; or
4. That embody the distinctive characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant distinctive and exceptional entity whose, components may lack individual distinction; or

5. That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture, or
6. That have yielded, or may be likely to yield, information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

The potential historic landmarks are identified through the use of thematic or special studies. This requires the assessment of properties to be implemented within a historic context. A comparative assessment is carried out to ascertain if the integrity and strength of the historical associations are comparable to other properties that are of national importance.

According to the NPS guidelines for preparing nominations, the threshold to qualify as an NHL are associations that are nationally significant, high integrity and close relationship to the historic context. The NPS explains that integrity is the property's ability to convey the historic association or attributes. The assessment of integrity is based on the properties' physical attributes and how they relate to the historic context. The evaluation of integrity considers 7 qualities namely, location, design, setting, materials, workmanship, feeling and association (National Park Service, 1999)

Several circumstances cause a property to be ineligible for listing. These are cemeteries, birthplaces, graves, religious properties, structures that were moved, buildings that have been reconstructed and those that have achieved significance within

the last 50 years. However, certain circumstances will enable exceptions to be made to allow these properties to qualify for listing.

2.3.4 National Heritage listing in Japan

Protection of cultural heritage in Japan has its beginnings with the enactment of the Old Shrine and Temple Preservation Act of 1897 to protect religious buildings and artefacts (Mackay-Smith, 2000; Park, 2013; Yamamoto, 2008). According to Mackay-Smith, most of what is protected today is inherited from this Act, and that the focus for conservation in Japan is of cultural heritage from the ancient period (7th – 16th century) until the start of modern Japan during the Meiji Restoration period.

Today, heritage is protected at 3 levels in Japan. The national government designates nationally important cultural properties while local governments designate those of regional interest and value. In addition, local governments may also register traditional buildings. The 1950 Law for the Protection of Cultural Properties (LPCP) is the governing law to protect cultural heritage, and it is under the preview of the Ministry of Education, Culture, Sports, Science and Technology (MEXT).

The LCPC divides cultural properties into 8 categories. These categories are Tangible Cultural Properties, Intangible Cultural Properties, Folk Cultural Properties, Monuments, Cultural Landscapes, Groups of Traditional Buildings, Cultural Properties Conservation Techniques, and Buried Cultural Properties.

The LCPC divides Tangible Cultural Properties into structures, fine arts, and applied crafts. Cultural properties that are significant for historic, artistic, or scientific (academic) value are designated as Important Cultural Properties under this category, Those that are exceptionally significant, are designated as National Treasure and perceived ‘...as irreplaceable treasures of the nation.’ ("Law for the Protection of

Cultural Properties," 1950 Article 27(2)). Designation imposes restrictions on repairs, exports, and alterations to the appearance of Important Cultural Properties and National Treasures.

According to MEXT (1954), National Treasures are buildings, civil engineering structures and other works that are outstanding and are profoundly meaningful regarding cultural history. They are cultural assets that are representative of each era or type and fall under one of the following criteria:

- i. Excellent designs
- ii. Excellent technically
- iii. High historical value
- iv. High academic value
- v. Remarkable in school or regional characteristics

Four types of built cultural heritages are designated as National Treasure. The 4 types of built cultural heritages that are designated as National Treasure are places of religious worship (shrines and temples), castles, residences (palace or guesthouses in castles), and other buildings. Three cultural heritages are listed under the category of other buildings. These buildings are the North Noh Stage of Honganji Temple, Hall of Shizutani School, and Oura Cathedral.

According to Park (2013) and Yamamoto (2008) more than 70% of Japan's designated structures are religious in nature. This suggests that the primary focus of cultural heritage preservation in Japan is mainly on religious architecture and those related to imperial history.

2.3.5 National Heritage listing in India

India protects her cultural heritage under the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (AMASRA). The Act which is under the jurisdiction of the Ministry of Culture, provides for protection of ancient monuments and sites of national importance through a listing process ("Ancient Monument and Archeological Sites and Remains (Amendment and Validation) Act, 2010,"). The Archaeological Survey of India website on October 2016 states that there are at present 3650 nationally important cultural heritages listed by the India Government consisting of temples, shrines, palaces, tombs, forts and other similar ancient monuments. The AMASRA, however, does not provide criteria to nominate cultural heritage for listing other than a minimum existence of not less than a 100 years ("Ancient Monument and Archeological Sites and Remains (Amendment and Validation) Act, 2010,").

The draft Guidelines for Central Protection for AMASRA that was drawn up in 2011, and National Heritage Sites List draft policy that were developed in 2015 by the Government of India gives 5 criteria to list ancient monuments and sites that are of national importance for protection. The criteria in both guidelines are similar, however, the National Heritage Sites List draft policy states in its preamble, that it is an adapted version of the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (Archaeological Survey of India, 2015) where definitions and values are concerned. The following are the criteria for listing nationally important cultural heritage in both the AMASRA draft guidelines and the National Cultural Heritage Sites List draft policy:

- i. Exhibit an important interchange of human values, over a span of time or within a cultural area of India, on developments in architecture or technology, monumental arts, town-planning or landscape design.
- ii. Bear a unique or at least exceptional testimony to a cultural tradition or to an Indian civilisation which is living or which has disappeared.
- iii. Be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in Indian history.
- iv. Be an outstanding example of a traditional human settlement, land-use, or sea-use representative of a culture (or cultures), intangible cultural heritage (such as crafts or music), or human interaction with the environment.
- v. Be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding national significance.

Neither the draft guideline for the AMASRA nor the National Cultural Heritage Sites List draft policy gives any explanation on the application and interpretation of the above criteria for listing.

2.4 National Heritage significance

Globally, cultural heritages that are nationally important and the description of their significance are defined in an assortment of ways (Australian Government Department of Sustainability Environment Water Population Community; U.S Department of Interior). Table 2.2 lists the designation and value given by UK, Australia, US, Japan and India for cultural heritages that are of national importance.

Table 2.2: Designation and meaning of National Heritage

Country	Designation	Heritage value
UK	Listed Building – Grade 1	Exceptional interest
Australia	National Heritage	“...heritage value to the nation...” (Australian Heritage Council, 2009a, p. 9)
US	National Historic Landmark	Nationally significant properties tell important stories that have meaning for all Americans, regardless of where they live “...possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association,...” (National Park Service, 1997)
Japan	National Treasure	“...one of high value from the viewpoint of world culture as irreplaceable treasures of the nation.” (“Law for the Protection of Cultural Property,” 1950 Article 28(1))
India	National Cultural Heritage Site	“...cultural significance which is so exceptional as to transcend the boundaries of the place in which it is located and is of great importance for the present and future generations of the country.” (Archaeological Survey of India, 2015)

It is possible to deduce from the above Table 2.2 that cultural heritages that display values that are of exceptional importance to the country are on the whole usually accorded National Heritage status.

Table 2.3 below demonstrates heritage values that are similar to the United Kingdom, Australia, United States, Japan, and India for listing national heritage.

Table 2.3: Heritage values for the UK, Australia, US, Japan and India

Values	UK	Australia	US	Japan	India
Architectural	•		•		
Aesthetic	•	•			•
Historical	•	•	•	•	•
Technological			•		•
Social		•			
Cultural			•		•
Spiritual		•			
Scientific		•	•	•	•
Artistic				•	
Linguistic					
Archaeological				•	•
Evidential	•				
Communal	•				
Anthropological					•

2.4.1 Historical significance

Historical significance is the most common criteria for listing among all 5 countries. Application of this criterion for the UK, Australia, and the US is almost similar. The use of the criterion is generally to list cultural heritages that illustrate or are associated with an aspect of their countries' history or development that is of exceptional importance. This may include events or processes that are related to or have contributed to the country's social, economic, cultural, or military history. The period in which these events occurred or the length of time in which it took place is inconsequential. These events may have occurred over a short or prolonged period, or even intermittently. Nevertheless, a requirement for the UK is that cultural heritages that qualify for listing under this criterion should demonstrate some quality of interest in the physical fabric of the building.

In addition to the common way in which the criterion is used in the other countries, the UK provides for the listing of cultural heritages that are associated with persons that are nationally important as part of this criterion. The UK practice is contrary to Australia and the US, which have a separate criterion for this purpose

The criterion for Australia is not limited to the country's general history but also includes events and way of life that relates to the indigenous people. For Australia, the criterion is also applicable to places that are rich and diverse in features as long as the story that it communicates is of one or more stories related to the Australian way of life or historical development. Australia lists Port Arthur Historic Site in Tasmania and the Old Parliament House in Canberra under this criterion.

The US in contrast to the UK and Australia uses this criterion rather conventionally. Japan historic value is for buildings in the Law for Protection of Cultural Properties.

2.4.2 Architectural and aesthetic value

For the UK context, aesthetic merit refers to the visual appearance of a building either individually or as a group for its architectural value.

The Australian interpretation of aesthetic beauty is determined through a response arising out of stimuli from the environment. The reaction to the sense of beauty or aesthetic quality which is personal in nature may be brought about by visual and non-visual prompts such as an emotional response, sounds, smell and sense of place. As the experience is personal in nature, it must be widely acknowledged to having a similar impact on a number of people across the nation. The 'community' or 'cultural group' who values the aesthetics of the place must be clearly identified. This community or cultural group must be recognised beyond the regional or state area for them to be important nationally. Works of art inspired by features of these cultural heritages are acceptable as evidence of the beauty. From an architectural perspective, this criterion could be applied to the aesthetic value or beauty in inspiring buildings, gardens or streetscape. Confirmation of the aesthetic value can be carried out with expert surveys that use a professionally established method to determine how the value of the place

meets high aesthetic ideal in comparison with another location. However, they must also show how the aesthetic value is important nationally.

The Australian use of the criterion relates to sensory perception as opposed to visual perception for the UK

The Japanese Law for Protection of Cultural Property 1950 lists 'aesthetic value' along with artistic value as an outstanding quality of gardens, bridges, gorges, seashores, mountains and other places of scenic beauty which are under the Monuments category. Hence in the Japanese context aesthetic value applies to scenic beauty while the artistic value is relevant to architectural merit.

2.4.3 Representative examples of a type or principle characteristics of a class or place.

In the UK, Historic England has listed 24 building types on their website for detail guidance to provide an understanding of what is important and may be eligible for nomination with more building types to come. Hence the use of the criterion is understood to convey representative building examples that are important for the UK. Within the detail guidance for each building type discussion is given to consideration for assessment by architectural quality, survival and group value, date range, regional diversity and character and fixtures and alterations.

The criterion in Australia is to demonstrate representative examples of architectural design styles, typologies and others that are of importance to Australia and the Australian way of life. The term 'culture' is interpreted in the criterion in a very broad way. A cultural heritage must be of an important type of the general typological of each grouping to qualify for inscription; hence not every subset of culture will be eligible under this criterion. The criterion is to demonstrate outstanding exemplary examples

that represent the class; thus to meet this criterion, these examples are expected to have a high degree of completeness, integrity, authenticity and coherence. This criterion may apply to a group of buildings or the single example. A cultural heritage which exemplifies this value may also be assessed for criterion (f) for design importance. Those that are representative exemplars of technological processes may also be assessed under criterion (a) for its historical value and (f) for its design significance.

In the Indian context, the criterion relates to identifying outstanding examples of in buildings, architecture, technological ensemble and landscape typologies which would demonstrate significance stages in India's history. These typologies will illustrate a significant stage or stages in Indian's history. Qutb Minar and its Monuments, Delhi, The Jantar Mantar, Jaipur, and, Rani-ki-Vav at Patau Gujarat are sites in India which are listed under WHS Criterion (iv) (World Heritage Centre UNESCO, 2012f; World Heritage Centre UNESCO, 2012; World Heritage Centre UNESCO, 2012h)

2.4.4 Group value.

There are 2 interpretations for the application of 'group value' by the countries who subscribe to this nomination criterion.

The first interpretation refers to the listing of a collection of buildings within an area which has retained its particular area character that is a result of both tangible and intangible values while the second interpretation refers to qualities that is primarily based only on physical attributes. Both the US and Japan subscribes to the first interpretation while the UK uses the other understanding (Department for Culture Media and Sports, 2010; "Law for the Protection of Cultural Properties," 1950; National Park Service, 1999)

This criterion in the US covers groups of buildings or ‘districts’ with cultural heritages that individually do not merit recognition but together they showcase an important aspect of life or culture in the US. An example of this criterion is Skidmore-Old Town Historic District, Portland, Oregon. The National Park Service (1977, p. 41) Statement of Significance for Skidmore states that the old town has retained a *‘...cohesive collection of historic structures...Together, they remind us not only of a “grand era” of commercial architecture, but of the critical role Portland played as a regional metropolis—a financial, mercantile and transportation hub integral to the settlement and growth of the greater Pacific Slope’*.

In Japan, the application of this criterion is to preserve the specific area character of groups of traditional buildings and their environments of high historical value such as samurai quarters, temple towns and merchant towns. Groups of traditional building are eligible for preservation as Important Preservation District if (i) the design of the historic fabric is of especially high value; (ii) the land subdivision retain their original conditions, or (iii) the historic fabric outstandingly demonstrate the local characteristic of the place.

An example of this is the historic mountain villages of Shirakawa-go and Gokayama which were inscribed onto the World Heritage list in 1995 as outstanding examples of traditional human settlements which have adapted to their environment and have retained material and spiritual evidence of their social structure despite the economic transformation of the country (UNESCO, 1996). Nevertheless, Groups of traditional buildings are listed on a separate list as National Treasures which are Japan’s most important cultural heritage.

The UK, however, the use of the criterion is for the listing of buildings that forms part of a group of buildings which together will comprise an important architectural or

historical group. These include squares, terraces or model villages that are good examples of planning. The Royal Crescent and St James Square both of which are in Bath and listed in 1950 as Grade 1 properties are examples of where group value has been applied.

Hence the use of this criterion in the UK unlike in the US and Japan is less about preserving traditional scenery or a way of life which is a mixture of tangible and intangible values than it is about retaining the physical architecture of the cultural heritage.

Therefore the criterion in the US and Japan is used similarly but is different for the UK context.

2.4.5 Research or significant archaeological information.

The criterion is relevant for both Australia and US; however the US applies this criterion specifically for archaeological sites only while Australia is open to application of the criterion to other types of cultural heritages as well. The interpretation of the criterion for both Australia and the US is similar, where the emphasis is placed on the word 'potential' in the criterion. The application of the criterion is for sites which have the ability to yield information about the past through proper methods such as testing and research. The use of the criterion is not about the educational value or the interpretation of the value of the site to visitors but rather the proven prospect that the cultural heritage holds new information which is conceivably of nationally related importance through investigation. Based on the evidence that is revealed once the potential information is fully realised, both Australia and the US will designate the cultural heritage under a new criterion that corresponds with the significance that has been revealed or removed the cultural heritage from the list if the significance is of lesser importance. Australian examples of sites which meet the criterion are the Flora

Fossil Site in Yea, Victoria and Dampier Archipelago, Western Australia; while the US lists archaeological significance of the New Philadelphia town site in Illinois under this criterion.

2.4.6 Technical innovation, or creative or technological.

The UK applies the criterion in 2 ways which are namely, one for the association of the building with the technology itself and the other is for the development of technology which is reflected in the building or the construction of the building itself.

The Australian application for the criterion is for a cultural heritage with a high degree of accomplishment in either a variety of creative fields such as arts, design, craftsmanship architecture, landscape, engineering, construction or technology and others can be listed. To qualify for national heritage, the cultural heritage must demonstrate how it has managed to change the approach of the discipline or technology and influenced the way following matters were implemented or approached. The criterion includes the integration of built structures with landscape or the innovative new use for materials. Cultural heritage must be assessed for the period in which it has been constructed and demonstrate a high degree of integrity. Cultural heritage assessed under this criterion may also be considered under criteria (a) as a defining event that shows a change in the way of processes and (e) for its aesthetic value.

Archaeological artefacts and monuments such as shell mounds, tumuli, sites of fortified forts or castles and monumental houses have scientific value for Japan. The information on the website for the Ministry of Education Culture Sports Science and Technology (2009) indicates that scientific value mentioned in the criterion equates with ‘...particularly high academic value...’

2.4.7 Age.

In principle, the UK, US and India impose a minimum age requirement as a condition for listing. The minimum age for a cultural heritage to be eligible for listing is 30 years in the UK, and 100 years in India. The US requires that the cultural heritage must not have attained its significance within the last half-century. Nevertheless, there are exclusions to the UK and US requirements. In the UK, buildings less than 30 years old are only listed if they are of outstanding architectural or historical quality and are under threat of demolition or alteration that would affect the character of the building (Department for Culture Media and Sports, 2010). While buildings that are older with have fewer surviving examples and have retained most of their original fabric are most likely to be listed. Predetermined periods as cut off datelines also apply to the selection process.

The 50 years rule for the US acts as a filter to allow adequate perspective and for a cultural heritage's exceptional importance to emerge as well as to prevent judgement based on transient values and interest. However, properties that have achieved significance before the stipulated minimum period can be listed '*...only if they are of 'exceptional importance' or are integral parts of districts that are eligible for listing on the National Register*' (Sherfy & Luce, Revised 1998, p. 1)

Although India's Ancient Monuments and Archaeological Sites and Remains Act, 1958 states a minimum provision for 100 years before a cultural heritage can be nominated, there is unfortunately very few written literature on Indian legislation to provide an understanding of the age requirement. The schedule of listed cultural heritage presently does not include any properties less than 100 years old (G. o. I. Archaeological Survey of India, 2011)

2.4.8 Rarity

The application of rarity in essence for both the UK and Australia relates to the number of surviving examples there remain for a type of cultural heritage. The UK's approach relates scarcity with the age of the cultural property. The general principle DCMS (2010) use is that cultural heritage which has retained most of its original fabric is more likely to be listed when it is an older example with fewer of its type left in existence. In addition, DCMS also applies indicative cessation periods to the selection process which may vary according to the particular type of building.

Australia's scope for rarity on the other hand due to the nature of the legislation is not limited only to buildings but covers a wider range of possibilities. 'Rarity' in the Australian context applies to cultural heritages that exemplify a past way of life, customs, processes, land use, function or design where there were very few examples or where very few examples have survived as the remainder has been destroyed. These may include cultural heritages that demonstrate unusual aspects of human habitation and activity; a past way of life or facets of a culture that is now rare, antiquated or no longer carried out; or those that can convey an extraordinary importance to the nation. The criterion is also applied in the same manner to cultural heritages of importance to the aboriginal people. These cultural heritages must exhibit sufficient evidence to make it a good example of its type. Cultural heritages that qualify under this criterion may also relate to Criteria (a), '*events and processes*' and (d), '*principal characteristics of a class of place*' (Australian Heritage Council, 2009b, p. 30)

2.4.9 Significant person.

Both Australia and the US apply this criterion for cultural heritages which are significant for their association with an individual or group of individuals who have made a major contribution to the nation. The association of the individual with the

cultural property concerned must be for the period in which the person accomplished his most significant contribution to the country or where the important contribution occurred. The criterion in the US is not usually applied to places of birth. However, a place of birth may be nominated under this criterion only if there are no other places that are strongly associated with a person of transcending importance to the nation. For both Australia and the US, it is necessary for places that wish to apply this criterion to be compared with other sites to establish which demonstrates the strongest association. The length of the period in which the person is associated with is also a consideration. Examples of cultural heritages that meet this criterion for these countries are the Mawson's Huts and Mawson's Huts Historic Site, Antarctica for Australia (Australian Heritage Council, 2009b); and the Aldo Leopold Shack and Farm in Fairfield and Lewis Townships in Wisconsin for the US (National Park Services, 2009)

In the UK, a cultural heritage's special connection with a significant person is covered under historical interest and not a separate criterion on its own unlike Australia and the US.

2.4.10 Traditional way of life or traditional human settlement

In Japan, the importance of designating cultural landscapes is to demonstrate the traditional way of life of the Japanese people. The designation may include cultural landscapes that are associated with agriculture such as rice fields and farmlands, or mining-related activities such as the mines, quarries, and workshops. Among the cultural heritages that have been designated are the Ontayaki Village, in Hita, Oita Prefecture and Landscape of the rural villages where gold mining originated in Nishimikawa, Sado, Niigata Prefecture (Agency for Cultural Affairs Japan, 2017; Chiang, Weng, & Sato, 2013)

Unlike India's adaptation, the original WHS criterion does not include intangible cultural heritage as part of this criterion. The use of the original criterion relates to traditional settlements which could be in either rural or urban areas. The reference to 'land-use' does not denote agricultural or employment which is related to rural areas, while human interaction with the environment in the WHS context usually refers to cultural landscape. The adaptation of the criterion has included both tangible built environment and the arts within one criterion. Of vital importance for the criterion is that the traditional settlement, cultural landscape or intangible cultural heritage must be of outstanding representation to the nation. WH Criterion (v) is used to list Rock Shelters of Bhimbetka, and the Champaner-Pavagadh Archaeological Park in India

2.4.11 Social or cultural traditions

The Australian perspective on the criterion is for cultural heritage which is significant to the nation for the special association or strong social values of the place for religious, ceremonial, spiritual, mythological or of important identity reasons which are connected with a nationally recognised group of people. This criterion shares the same wordings and concepts with criterion (e) for aesthetic values. To be nationally important the significance of the place must transcend beyond state or regional communities.

For India's context, this criterion relates to tangible output as a result of the association with the property. This output may be in the form of dance, music, property and other. To comply with this criterion for WHS, a property must have outstanding examples of direct or tangible association with an event or living traditions, with ideas, or belief with artistic and literary works; and the manner in which it is associated must be properly defined. Nevertheless, the associations which are related the criterion may not have any tangible impact on the property. Buddhist Monuments at Sanchi, Groups

of Monuments at Mahabalipuram, Churches and Convents of Goa are WHS sites listed under Criterion (vi).

2.4.12 Design or construction:

Only the US has singled this out as a criterion on its own. The remaining 4 countries have combined it with aesthetic merits. The purpose of this criterion is to nominate exceptional or extraordinary collective examples of architecture or historic districts as examples of a period, style or method of construction. The cultural heritage nominated under this criterion must be the exemplary as opposed to a competent or good representative example of a type, style or construction. The same standard applies to the works of a master or significant architect. Only those works that embody the best point of reference within a person's career or have become the representative of his work is considered under this criterion. Christ Church Lutheran in Minneapolis, Minnesota designed by Eliel Saarinen (National Park Service, 2009) and the Price Tower in Bartlesville, Oklahoma by Frank Lloyd Wright (National Park Service, 2007) are examples listed under this criterion as celebrated examples of works for these renown architects.

2.4.13 Artistic

Japan is the only country that has listed artistic merit as a criterion. While Japan does not seem have clear guidelines that describe the application of this criterion, the 1950 Law for the Protection of Cultural Properties lists Tangible Cultural Properties with artistic value and significant historical value as National Treasure. These include buildings, pictures, sculptures, applied crafts, calligraphic works, classical books and ancient documents. Intangible Cultural Heritage with significant historic and artistic value is also designated as National Treasures. Drama, music, applied art are categorised as Intangible Cultural Heritage in Japan. Hence, artistic merit applies to the

visual appearance of buildings, fine and applied arts ("Law for the Protection of Cultural Properties," 1950)

2.4.14 Great idea or ideal

The US is the only country which subscribes to this criterion. The criterion is used to list cultural heritages that are associated with belief, endeavours and principles that inalienable to the rights of the American people such as democracy, freedom and fundamental rights. The Brown Chapel African Methodist Episcopal Church in Selma, Alabama that is associated with the civil rights movement in the US is an example of where this criterion has been applied. The NPS (2014a) states that this criterion is seldom used as the significance of the cultural heritage is also usually eligible for its association with events that have made broad national patterns in the history of the United States under Criterion 1.

2.4.15 Interchange of human values

This criterion is applicable only to India. According to the Manual for Preparing World Heritage Nominations (UNESCO, ICCOM, ICOMOS, & IUCN, 2011) emphasis is placed on the phrase 'interchange of human idea'. 'Interchange of human idea' relate to the way how the cross-cultural influence of ideas or values has resulted influencing properties in the following manner:

- To embody a cultural fusion or has caused adaptation to a local architectural language as a result of influences.
- The embodiment of an idea brought in from another area and subsequently transformed the creativity of the new place, or
- The property itself has inspired a change in creativity in other areas.

A cultural heritage that wishes to apply this criterion needs to demonstrate how this important interchange has physically manifested.

Fatehpur Sikri (UNESCO World Heritage Centre, 2012), Humayun's Tomb in Delhi (World Heritage Centre UNESCO, 2012e), and Chhatrapati Shivaji Terminus (formerly Victoria Terminus) (World Heritage Centre UNESCO, 2012b) are cultural heritages that are listed on the WHS list under Criterion (ii).

2.4.16 Cultural tradition or civilisation

This criterion applies to a past civilisation or one that may still exist which has lasted for a substantial period of time and has defined a way of life in a region or sizable area which may currently still exist or have in the past. The criterion may apply to buildings, special planning or urban pattern. If they were in the past, then this is an evidence of the civilisation. Civilisation lasted for a substantial period and a substantial group of people.

Criterion (iii) is used to list the Agra Fort (World Heritage Centre UNESCO, 2012a), Ellora Caves (World Heritage Centre UNESCO, 2012c), Sun Temple Konarak (World Heritage Centre UNESCO, 2012i), and the Hill Forts of Rajasthan (World Heritage Centre UNESCO, 2012d) as WHS.

2.4.17 Indigenous tradition

This criterion is unique to Australia as it recognises the cultural heritage of the country's aboriginal people. The criterion refers to the cultural heritage which is significant for its special importance associated with the indigenous tradition of creation beings and spirits, ritual and ceremonial transformation and trade or ceremonial sites relating to nurturing of the land. The significance related to this criterion is more intangible nature. However, where there is tangible evidence of these beliefs or practices, they have to be clearly identified. Brewarrina Aboriginal fish traps, Baiame

Ngunnihu in New South Wales and the Budj Bim National Heritage Landscape – Mt Eccles Lake Condoh Area, Victoria as examples listed under this criterion (Australian Heritage Council, 2009b).

Although the other 4 countries may list cultural heritages that are related to their indigenous people, they do not have a criterion dedicated specifically for this purpose within their national heritage programs. The US, for example, lists Chief Joseph's Battle Ground of the Bear's Paw on its National Historic Landmarks list under Criteria 1, 'historical' and 2, 'persons' (National Register of Historic Places Inventory Nomination Form: Chief Joseph Battleground of the Bear's Paw/Nez Perce Traditional Site, Wallowa Lake, 1986). Chief Joseph was a leader of a Native American band that was indigenous to the Wallowa Valley in northeastern Oregon.

The above table illustrates that the criteria for nomination of National Heritage in these 5 countries appear to be similar. An analysis of the general principles for assessment of cultural significance, however, indicates that the interpretation of these criteria differs from country to country. For example, the architectural and aesthetic values are combined as one criterion in the Australia context, and it refers to how visual beauty of a cultural property can bring into play emotions. The criterion is used holistically to refer to a structure and its surrounding context which creates a visual appeal that is important and symbolic of the nation's aspiration. The Sydney Harbour Bridge and its environs is an example where this criterion has been used in this manner. This practice is contrary to the practice in the United Kingdom, and the United States where the architectural value is used to designate buildings and emotional connotations are not included as part of the assessment. However, in the United States integrity of feeling is associated with the sense of authenticity of a place. These practices

demonstrate that the interpretation of similar criteria can differ and that guiding principles are necessary to enable correct interpretation, use and assessment.

In the United Kingdom, ambiguous descriptions of a building's special character or the vague identification of objects or structures that are an integral part of a listing have often resulted in the description and identified substance to be challenged in a court of law (Pickard, 1996). To avoid inconsistency and to facilitate guidance in assessing of cultural significance, DCMS (2010) has issued Principles of Selection for Listing Buildings which is supplemented by Selection Guides published by Historic England (2011a). Similarly, technical information to guide selection of properties included in the National Historic Landmarks can be found in the National Parks Service's National Register Bulletin 'How to Prepare National Historic Landmarks Nominations' (1999), while 'Guidelines for Assessment of Places for the National Heritage List' issued by the Australian Heritage Council (2009b), and 'Criteria, General Guidelines & Specific Guidelines for evaluating subjects of potential national historic significance' produced by Parks Canada (2008) are amongst some of the publications used in these countries for the same purpose. These guidelines set out principles approaches to selecting designated buildings in these countries.

The assessment of heritage significance is usually qualitative and one that is frequently based on values. These values encompass a wide range of concerns, but those that are most commonly associated with cultural heritage are historic, architectural, aesthetic, rarity and archaeological (Orbasli, 2008).

While most assessment methods are usually qualitative, there are however several examples when a quantitative approach has been used to assess these values (Kalman, 1976). Stakeholders who are concerned that a subjective method opens the assessment

to interpretation advocate for a quantitative evaluation. Quantitative evaluations, however, are an uncommon practice and lack widespread use and support.

A committee of experts, as opposed to a single individual, must carry out the assessment of heritage value as it involves a wide range of values. This recommendation is evident in Lewis's (1997) argument that the process of conservation analysis to establish a statement of cultural significance and the implementation of the conservation plan and policy requires different skills. According to Lewis (1997, p. 53), the first requires skills in research, physical investigation to assess a place such as those of a '...historian, architectural historian, archaeologist, photogrammeter, and timber expert' while the latter may involve '...restoration architects, structural engineer, materials conservator, museologist, audio-visual expert and management consultant'.

The above demonstrates that the assessment for National Heritage designation in these four countries is carried out by a committee of experts who are guided by guiding principles that are used in the evaluation process.

2.5 Authenticity and integrity

Authenticity and integrity are 2 key components in an assessment for listing and is a subject of discussion in many kinds of literature related to conservation and management of cultural heritage.

2.5.1 Authenticity

In conservation practice, the concept of authenticity is important, as it is the qualifier in determining the integrity of the cultural significance that is embedded in a cultural heritage (Cameron, 2008; Stovel, 2008). Central to the discussion of authenticity are two documents namely, the 1964 Venice Charter adopted by ICOMOS in 1965, and the 1994 Nara Document of Authenticity adopted by ICOMOS in 1995.

The Venice Charter (1964) in its preamble, states that society, as a whole is responsible for preserving cultural heritage in their original state for the future generation. The same section states that each country is accountable for applying principles that guide conservation within the context of their culture.

The Nara Document of Authenticity is integrated within the body of the manual the Operational Guidelines for Implementation of the World Heritage Convention (UNESCO, 2015) The Nara Document on Authenticity (1994) is a milestone in that it marks the shift from the concept of materials based values which were first introduced in the Venice Charter, to acceptance of heritage values that are based on the perception of each culture to whom the heritage belongs (Cameron, 2008; Stovel, 2008). The pertinent points of the Nara Document (ICOMOS, 1994) are embedded in Articles 6, 7, 9, 10, and 13. These points are as follows:

- The judgment of authenticity for all forms of cultural heritage both tangible and intangible is based on the practise, views and belief systems of the society or culture which the heritage belongs.
- The significance ascribed to the cultural heritage must be genuine and believable.
- Recognise that concept authenticity is important in scientific studies of cultural heritage, planning for conservation and restoration works, and inscription onto the world heritage sites and other schedules.
- Understand that while all judgments must be based on the values of the community that it belongs to, perceptions of value within the community as well as the credibility of the information sources may differ.
- Authenticity may be judged from many aspects including ‘form and design, materials and substance, use and function, traditions and techniques, location

and setting, spirit and feeling, and other internal and external factors. The use of these sources permits elaboration of the specific artistic, historic, social and scientific dimension of the cultural heritage being examined.' (ICOMOS, 1994)

Stovel (2008) pointed out that the document did not provide a definition of 'authenticity' in its preamble and argued that the absence of a definition for 'authenticity' has caused a lack of understanding as to what the terminology means. According to Stovel (2008) this is evident in the dossiers submitted by State Parties for WHS nomination. Nevertheless according to Stovel (2008), that important of the Nara Document is the impetus it has brought on to other societies to review and discuss how authenticity is viewed in their local and regional context and identifying the corresponding 'proof' of authenticity as promulgated in the document. Jokilehto (1995) however, expressed that the concept for measuring authenticity based on values inherent to the community which the Nara Document affirmed was embedded in the preamble of Venice Charter.

Authenticity is a fundamental principle of selection when assessing a site is considered for World Heritage listing and has resulted in sites or some components of a site being excluded from the list. Issues of authenticity have also resulted on some site, for example, the Dresden Elbe Valley in Germany, which was inscribed as a cultural landscape in 2004, removed in 2009 from the WHS list (W. H. C. UNESCO, 2009). Jokilehto (1985) revealed that the old town of Lübeck on the Baltic coast of Germany could not qualify for WH listing as an example of an archetype of a medieval old town because many parts of the town were reconstructed due to war or commercial activities. Similarly, the listing for the City of Bergen in Norway excluded the west of the town that was reconstructed as a replica of the original after a fire in 1955

Nevertheless, UNESCO in 2005, listed the Old Bridge Area of the Old City of Mostar even though the area has undergone major reconstruction as it was severely damaged in the 1990 war. The inscription, however, noted that the significance of the town was in the meticulous reconstruction that was carried out according to documents. In the case of Mostar, the focus of authenticity was not about the retention of the original fabric of the town itself but the authentic nature of the reconstruction of the town as stated in the Statement of Significance (The World Heritage Committee, 2005).

Authenticity according to the Australian Heritage Council (2009b), refers to whether the heritage values of the property are genuine or unquestionable. For the Australian National Heritage listing, the authenticity of the heritage values are assessed from the following aspects:

- Form and design
- Material and substance
- Use and function
- Traditions, techniques and management systems
- Location and setting
- Language, and other forms of intangible heritage
- Spirit and feeling
- Other internal and external factors.

(Australian Heritage Council, 2009b, p. 12)

The US NHL guidelines do not discuss the concept of authenticity. Nevertheless, the guidelines refer to conditions for the listing of a reconstructed building or a group of buildings. Buildings that are reconstructed do not qualify for listing. Exceptions are made if these buildings are of exceptional national importance, the reconstruction

accurate, constructed on the same site as the original, the integrity of the context is maintained, and the information regarding the reconstruction is made known.

In the Asian context, discussion on authenticity often focuses on the practice of the rebuilding timber structures. Jiven and Larkham (2003) drew strong parallels on authenticity between the replacement of decayed components in Japanese timber temples with the replacement of damaged or worn working mechanisms and components that were upheld by the High Court in 1990 for the racing Bentley known as 'Old No. 1'. In the case above, the court upheld the notion that the identity of a 'vehicle' does not change even though parts are replaced if damaged or worn (Jiven & Larkham, 2003). Hence, it can be concluded from the above that concept of authenticity is not only in the retention of the original fabric but is also considered in the execution of the reconstruction to qualify for listing.

The Indian National Cultural Heritage Sites List does not discuss authenticity within its content. However, the concept of 'authenticity' in the AMASR Guidelines for Central Protection is similar to Australia's. The AMASR guidelines explain that assessment of authenticity considers the degree in which the values attributed to the site is credible. Sites are considered authentic if their values are recognised genuine in an assessment of the following attributes:

- Form and design
- Materials and substance
- Use and function
- Traditions, techniques and management systems
- Location and setting
- Other external and internal factors

We can conclude from the above literature that the concept of authenticity in the listing process relates to the genuineness or undisputable values of the cultural heritage. The above policies on reconstruction for the WHS and the US indicate that it is possible to list sites that were reconstructed using properly documented sources and the reconstruction acknowledge.

2.5.2 Integrity

Jokilehto (2015) suggested that notion of integrity for a heritage resource can be considered from several different aspects. All of these aspects, which include social-functional integrity, historical-structural integrity and visual integrity, are to be included in an assessment. The UK uses the term 'state of repair' to refer to integrity and considers that a building's condition is irrelevant when deciding whether a building has significance. Buildings are listed regardless of its state of repair as long as it meets the statutory criteria (Department for Culture Media and Sports, 2010).

According to the Australian Heritage Council (2009b), a high degree of integrity is expected in a property's key heritage values to qualify for listing. Nevertheless, the Council has made exceptions. The assessment of integrity for the National Heritage list considers the extent in which a site can be compromised before it loses its significance.

'Integrity' according to National Park Service (1999) relates to the physical ability of cultural heritage to convey its significance within the historic context. According to Stovel (2008, p. 11) definition of authenticity has evolved within experts working with heritage to construe as 'concerns the quality of communication of defined heritage values through the significant attributes carrying those values'. Stovel states that this definition is similar to 'the sense of integrity' in the American National Register of Historic Places and it is from here 'which the World Heritage concept of authenticity was first born in 1976' (Stovel, 2008, p. 11). The National Heritage of Historic Places

states 7 qualities that define integrity. These qualities are location design, setting, materials, workmanship, feeling, and association. The guidelines for the Register states that the while properties are expected to retain almost all aspects of integrity, certain aspects are more relevant in some properties than others are. Integrity according to NPS, is assessed once significance is established as it is pertinent to the concept of why, where and when the property is important (National Park Service, 1997). The NHL also uses these same 7 aspects of integrity. A site must not only be significant, but it must also have a high degree of integrity to qualify for listing as an NHL. (National Park Service, 1999).

The Indian National Heritage Sites List draft policy is silent on the matter of integrity. The AMASR Guidelines for Central Protection states that ‘integrity’ is a measure of wholeness and intactness of the site to express its significance. The assessment of integrity includes in its consideration whether the size of the site is large enough to convey the significance, safe, and not compromised by encroaching development or neglected. To qualify for listing, the physical fabric and significant features must remain intact.

The above literature indicates the concept of integrity is connected to the ability in which the cultural heritage can demonstrate its significance. Other than the UK, cultural heritage is expected to show a high degree of integrity to qualify for listing.

2.6 Summary

The literature review in this chapter demonstrates that the criteria to list nationally significant cultural heritages vary for each country. While several of the criteria appear to be similar, the exact meaning and application of these criteria are unique to each country. For example, while the majority of the cultural heritages listed in Japan are temples and shrines, religious buildings cannot be listed in the US unless they are of exceptional architectural, aesthetic distinction or are historical importance.

The literature strongly supports the author's argument that Malaysia needs to develop her set of guidelines to complement the criteria for National Heritage listing stated in the NHA 2005.

This chapter has explained pertinent information on listing for 5 selected countries which have had a long history in gazetting its cultural heritage in order to protect them; the next chapter, Chapter 3, provides the background literature on heritage protection in Malaysia.

CHAPTER 3: HERITAGE IN MALAYSIA

The literature review carried out in the earlier Chapter 2 gave an overview of the criteria and its application for listing National Heritage in 5 selected countries. The purpose of the review was to gain insights into the interpretation and application of these criteria internationally to facilitate a better comprehension of the phenomenon. This chapter discusses the relevant legislations in Malaysia to provide an understanding of the legal context for the study on the protection of cultural heritage in the country. This review which is covered in section 3.1 begins with a tabulation of the legal instruments for the protection of heritage in Malaysia and subsequently proceeds with systematic analysis of the same. In particular, the discussion centres on aspects that are related to identification and listings of cultural heritage within the legislations in order to provide an appreciation of the weaknesses and problems that are related to protection of heritage in Malaysia. The Malaysian National Physical Plan, a mechanism that generates development of planning policies will also be discussed where pertinent, in order to understand its impact and relationship to the identification of immovable cultural heritage.

The chapter proceeds in section 3.2 to examine the application of the National Heritage criteria based on the Statement of Significance used in the listing National Heritage buildings. This will provide an understanding of how the criteria for listing are applied at present.

Together, the literature review in Chapters 2 and 3 will provide important contextual background information to answer RO1.

3.1 Legal instruments for the protection of heritage in Malaysia

Although the protection of heritage has long been practiced in the Western world, its importance and practice in Asia specifically in Malaysia is more recent. The present Malaysian system of governance and legislation is a legacy from her former British colonial rule. Broadly, the protection and preservation of heritage at the Federal level in West Malaysia was initially under the purview of the Department of Museums, Federation of Malaya with the Antiquities and Treasure Trove Ordinance, 1957 (No. 14 of 1957) as the related legislation.

In order to provide better protection for heritage in the country, the Malaysian Government enacted the National Heritage Act 2005 which came into enforcement on 31 December 2005. To facilitate enactment of the Act, the Malaysian Government amended the Federal Constitution to include the term 'Preservation of Heritage'. The terminology did not exist in the Constitution prior to this. With the amendment, heritage was included in the Federal Constitution under item 9e on the Concurrent List (List III) of the Ninth Schedule ("Constitution Act (Amendment) 2005 "). Hence the authority to legislate and govern on matters pertaining to heritage falls concurrently under both Federal and State jurisdiction. This provision for joined governance is reflected in section 74(1) of the Federal Constitution which states that '...Parliament may make laws with respect to the Federal List or the Concurrent list...'; and section 74(2) empowers the Legislature of the State to '...make laws with respect to any matters enumerated in the State List...or the Concurrent List' ("Constitution Act (Amendment) 2005 "). The Constitution under item 12A of the State List (List II) however allows the State exclusive authority over 'libraries, museums, ancient and historical monuments and records and sites and remains other than those declared to be federal by or under the federal law' ("Constitution Act (Amendment) 2005 ")

The enactment of the National Heritage Act 2005 repealed both the Treasure Trove Act 1957 and the Antiquities Act 1976 ("National Heritage Act 2005,"). The Act applies to all States and Federal Territories (Kuala Lumpur, Putrajaya, and Labuan) in Malaysia and falls under the jurisdiction of the Department of National Heritage or Jabatan Warisan Negara (JWN). The role of the department according to JWN (2009a), is to preserve, conserve, protect and promote Malaysian cultural heritage. The department presently is subsumed under the Ministry of Tourism and Culture Malaysia.

Heritage protection is also present at State level, with the States of Johor, Melaka, Sabah, Sarawak and Penang each ratifying their own State Heritage Enactments. Indirectly the protection of heritage is also governed by the State Planning Departments and the Local Authorities whom are authorised to approve development planning under the Town and Country Planning Act 1976 (Act 172).

A list of current and superseded legislations and enactments for the protection of cultural heritage in Malaysia are listed in the Table 3.1 Federal Legislation for the protection of heritage in Malaysia and Table 3.2 State Enactments for the protection of heritage. (See below)

Table 3.1: Federal Legislations for the protection of heritage in Malaysia

Name of Federal legislation	Status
i. The Antiquities and Treasure Trove Ordinance, 1957 No. 14 of 1957 (Act 542)	Repealed by Antiquities Act 1976 (Act 168) except in so far as it applies to treasure troves (section 35 Antiquities Act 1976)
ii. Treasure Trove Act 1957 (Act 542)	Repealed in 2005 by the National Heritage Act except in States that do not adopt Part XI of the National Heritage Act which relates to treasure trove.
iii. Antiquities Act 1976 (Act 168)	Repealed in 2005 by the National Heritage Act.
iv. National Heritage Act 2005 (Act 645)	Current

Table 3.2: State Enactments for the protection of heritage

State	Name of Legislation	Status
Johor	State of Johor Treasure Trove Enactment, 1936 No 28 of 1936	Repealed by the Antiquities and Treasure Trove Ordinance, 1957 No. 14 of 1957
Kedah	State of Kedah Treasure Trove Enactment, No. 22 of 1357 (A.H.)	Repealed by the Antiquities and Treasure Trove Ordinance, 1957 No. 14 of 1957
Sarawak	Sarawak Antiquities Ordinance of 1954	Amended
	Sarawak Cultural Heritage Ordinance 1993	Current
Johor	Johor Enactment No.7 of 1988 Yayasan Warisan Negeri Enactment 1988;	Amended
	Johor Enactment No. 3 of 1995 Enactment to amend the Yayasan Warisan Negeri Enactment 1988;	Current
Melaka	Malacca Enactment No. 6 of 1988 Preservation and Conservation of Cultural Heritage Enactment;	Amended
	Malacca Enactment No. 7 of 1993 Preservation and Conservation of Cultural Heritage Enactment (Amendment) 1993;	Amended
	Malacca Enactment No. 3 of 2008 Preservation and Conservation of Cultural Heritage Enactment (Amendment) 2008.	Current
Sabah	State of Sabah Antiquities and Treasure Trove Enactment of 1977 (Sabah No. 11 of 1977)	Current
	State of Sabah Cultural Heritage (Conservation) Enactment 1997	Current
Penang	State of Penang Heritage Enactment 2011	Current

The increasing awareness and focus on heritage in Malaysia has also resulted in the implementation of a heritage driven emphasis for development planning. Heritage is often seen as a possible avenue to expand national growth and revenue. The achievement of this growth is proposed through tourism oriented developments in the National Physical Plan, Regional Development Plans, Structure Plans, Local Plans and

Special Area Plans. A list of legislations that provide guidance and mechanisms for the identification and protection of both tangible and intangible cultural heritage as well as control of development planning in urban and rural areas is provided in the Table 3.3 Federal Legislation and State Enactments for planning in Malaysia (shown below)

Table 3.3: Federal Legislations and State Enactments for planning in Malaysia

Status	Name of Legislation
Federal Legislation	i. Local Government Act 1976 (Act 171)
	ii. Town and Country Planning Act 1976 (Act 172)
	iii. National Land Code
	iv. National Physical Plan
State Enactments	i. Sabah Town and Country Planning Ordinance 1950 (Cap. 141)
	ii. Sarawak land Code 1958
	i. Federal Territories (Planning) Act 1982

A summary describing pertinent points of the aforementioned legislations relevant to the identification and gazettal of immovable cultural heritage is given in the following sections. The discussion begins with Federal Legislations and subsequently moves on to the State Enactments. At the Federal level, the Antiquities and Treasure Trove Ordinance, 1957, No. 14 of 1957, Treasure Trove Act 1957 (Act 542), and Antiquities Act 1976 (Act 168) will be discussed concurrently as all 3 legislations were originally covered under a single Act and have since been repealed. The State Heritage Enactments for Melaka, Johor, Sabah, Sarawak and Penang and their respective

amendments will be discussed within their respective state groups for ease of understanding.

Both the State of Johor Treasure Trove Enactment, 1936, No. 28 of 1936 and the State of Kedah Treasure Trove Enactment, No. 22 of 1357 (A.H.) will not be discussed as they are unavailable and by name appears to govern matters related to treasure trove and are unrelated to immovable cultural heritage. In addition both these State Enactments were repealed upon the enactment of The Antiquities and Treasure Trove Ordinance, 1957, No. 14 of 1957.

3.1.1 Federal Legislations for the protection of heritage

Protection of heritage at the national level by the Federal Government begun soon after the country's Independence from Britain in 1957 with the enactment of the Antiquities and Treasure Trove Ordinance, 1957 at the end of the same year. To date including the Treasure Trove Act 1957, there are a total of 4 legislations enacted at Federal level to address protection of heritage in the country. Each of these legislations repealed its predecessor as it came into effect either in part or in total. In addition although the Ordinance, the Antiquities Act and the NHA are Federal legislations enacted to safeguard cultural property in Malaysia, the scope for heritage in these 3 legislations differs.

3.1.1.1 Legislations that have been repealed.

- The Antiquities and Treasure Trove Ordinance, 1957 (No. 14 of 1957), Treasure Trove Act 1957 (Act 542), and Antiquities Act 1976 (Act 168)

Heritage protection at national level in Malaysia began with the introduction of the The Antiquities and Treasure Trove Ordinance, 1957 or 'Ordinance' came into enforcement on 31 December 1957. The Ordinance as its name suggests, covered matters pertaining to both antiquities and treasure trove. Subsequently in 1976, the

Ordinance was repealed by the Antiquities Act 1976 (Act 168). With the repeal, matters pertaining to antiquities and treasure trove which was originally covered under a single legislation are now governed under two separate Acts. The repeal in essence negated the antiquities section within the Ordinance, while matters pertaining to treasure trove was retained and presented as the Treasure Trove Act 1957 (Act 542). Hence matters pertaining to treasure trove in this new Treasure Trove Act 1957 are parallel to that under section 35 of the Ordinance. The Treasure Trove Act 1957 was subsequently repealed upon the enactment of the National Heritage Act 2005. However the Treasure Trove Act 1957 is still relevant for States that do not adopt Part XI of the National Heritage Act on matters relating to treasure trove. As the Act deals with treasure trove and does not encompass immovable cultural heritage, the Treasure Trove Act 1957 will not be discussed further in this study.

The Antiquities Act 1976 (Act 168) covers many of the matters pertaining to protection of antiquities that were originally contained under the Antiquities and Treasure Trove Ordinance, 1957. As the Act arose from the Ordinance, the similarities in its provisions are therefore not surprising. The following discussion provides a comparative overview of the areas that are covered by both these legislation with regards to the protection of tangible cultural heritage.

(a) Heritage protection

Listing and gazettal have traditionally been the primary practice used to protect heritage. Cultural heritage are afforded protection under all 3 Malaysian Federal heritage legislations through gazettal. The Ordinance under section 17 (2) and the Act under section 15 (2) provides for the publication of a list of protected ancient monuments and historical sites that are of religious, historic, traditional or archaeological interest.

Cultural heritage is described by both the Ordinance and the Antiquities Act as ‘ancient and historical monuments’ and although similar definitions are used to define the term, a primary difference between the two legislations is the period when these cultural heritages qualify for protection.

‘Monument’ in both the Ordinance and the Antiquities Act is defined as:

‘...any temple, church, building, monument, port, earthwork, standing stone, keramat, cave or other structure, erection or excavation, and any tomb, tumulus or other place of interment or any other immovable property of a like nature or any part or remains of the same, the preservation of which is a matter of public interest, by reasons of religious, historic, traditional or archaeological interest...’ ("Antiquities Act 1976 (Act 168)," Sect 2; "The Antiquities and Treasure Trove Ordinance, 1957 ", Sect 2(d))

However, an ‘Ancient monument’ in the Ordinance is any monument that predates 1 January 1850; while section 2 (1) of the Antiquities Act on the other hand states that an ancient monument is ‘...any monument in West Malaysia which is or is reasonably believed to be at least one hundred years old...’ ("Antiquities Act 1976 (Act 168)," Sect 2(1)) Hence the definition for ‘ancient monument’ in the Ordinance remains static and consequently limiting, as it does not have the flexibility provided in the Antiquities Act which allows a monument to incrementally qualify as an ‘ancient monument’ upon reaching the stipulated minimum age of a 100 years old. This is significant for Malaysia as a side for the World Heritage Sites of Melaka and George Town, the Historic Cities of the Straits of Malacca and archaeological remains such as the fortifications at Kota Kuala Kedah, the Dutch Fort at Pulau Pangkor and remains of the early Bujang valley civilization, the majority of our built cultural heritage were

constructed after 1850 and therefore would not qualify for protection under the Ordinance.

In both the Ordinance and the Antiquities Act, a monument needs to have religious, historic, traditional or archaeological interest to the public and its value as mentioned above is measured by age. While a firm date is given when an ancient monument qualifies for listing, the definition of 'public interest' is vague. An additional weakness of both these legislations is the possibility that although a cultural heritage may be identified as having religious, historic, traditional or archaeological significance, it cannot be protected if it does not meet the minimum age requirement and therefore can be demolished.

The 1850 limit used in the Ordinance may have been derived from Britain's Ancient Monuments Preservation Act 1882, as Malaysian legislations in its formulation historically borrowed heavily from English laws. This is also perceived because although the 1957 Antiquities and Treasure Trove Ordinance came into enforcement on 31 December 1957, the Ordinance was enacted on 1 July 1957 at the cusps of Independence and states that it was, '...enacted by the High Commissioner of the Federation of Malaya and their Highnesses the Rulers of the Malay States with the advice and consent of the Legislative Council...' ("The Antiquities and Treasure Trove Ordinance, 1957", Preamble)

The Ancient Monuments Preservation Act of 1882 is Britain's first Monuments Preservation Act in which listed pre-historic monuments in its schedule. Subsequent Royal Warrants extended the recording date for monuments in the British statute and a Royal Warrant signed by Queen Elizabeth on 29 March 1946 extended an earlier termination date of 1714 which marked Queen Anne's ascension, to 1850 (Sargent, 2001).

Although 19 years had passed since the Ordinance and Antiquities Act was enacted, the focus of protection for both these legislations remains on a single object or monument, by the age prerequisite before it could be protected.

(b) Responsibility and power to gazette

Administratively both the Ordinance and the Antiquities Act 1976 make similar provisions. The jurisdiction to protect both antiquities and treasure trove under the Ordinance falls within the administration of the Director of Museums, Federation of Malaya. The same responsibility is given to the Director-General of Museums and Antiquities under the Antiquities Act. Section 17 (1) and (2) of the Ordinance accords power to the Ruler and High Commissioner to declare and gazette monuments and sites as historical. However the Antiquities Act 1976 under section 15 (1) with approval by the state, accords the same privilege to the Minister in charge of Museums; while the Director-General of Museums with the approval of the Minister is empowered to declare and publish a list of ancient monuments and historical sites.

The Ordinance under section 17 (2) and the Act under section 15 (2) requires for the list of gazetted ancient monuments and historical sites to be published and updated periodically.

(c) Limitations of the legislations.

While both the Ordinance and the Antiquities Act were comprehensive enough to cover issues pertaining to the safeguarding of objects or artefacts of historic importance, it was unable to provide an intensive framework for the conservation of larger and more complex entities such as towns and places which are recognized within international circles to have historic, architectural, social, scientific and educational significance. Therefore enforcement under both these legislations focusses upon a single object or monument and also limited by the age prerequisite before it could be gazetted.

3.1.1.2 The National Heritage Act 2005 (Act 645)

The NHA was developed as a comprehensive legislation to foster better management for conservation and preservation of cultural heritage in Malaysia ("National Heritage Bill tabled," 2005) The legislation covers ‘...the conservation and preservation of National Heritage, natural heritage, tangible and intangible cultural heritage, underwater cultural heritage and treasure trove...’ ("National Heritage Act 2005," 2005 Preamble) Living heritage is also included within the NHA under intangible cultural heritage. As evident in the preamble, Treasure Trove which was previously excluded from the Antiquities Act was presented as a separate legislation is now once again included as part of the heritage legislation.

(a) Heritage protection

Similar to the UK, Australia, USA and Japan, there are different levels of heritage listing in Malaysia. The NHA provides for a two-tier system for the inscription of cultural heritage; a ‘National Heritage Register’, also known as the ‘Register’ where heritage items are listed and ‘National Heritage’ where heritage items on the ‘Register’ that are of national importance is then further recognized.

The Commissioner of Heritage under sections 23(1), 24 and 45 of the NHA is directed to maintain the Register which lists objects, buildings and site, and areas which have been designated as heritage in order to safeguard, promote and preserve the nation’s heritage. While the Minister is to ‘...declare any heritage site, heritage object, underwater cultural heritage listed in the Register or any living person as a National Heritage’ ("National Heritage Act 2005," 2005 Section 67(1)). The NHA provides 9 criteria for inscribing cultural heritage as National Heritage.

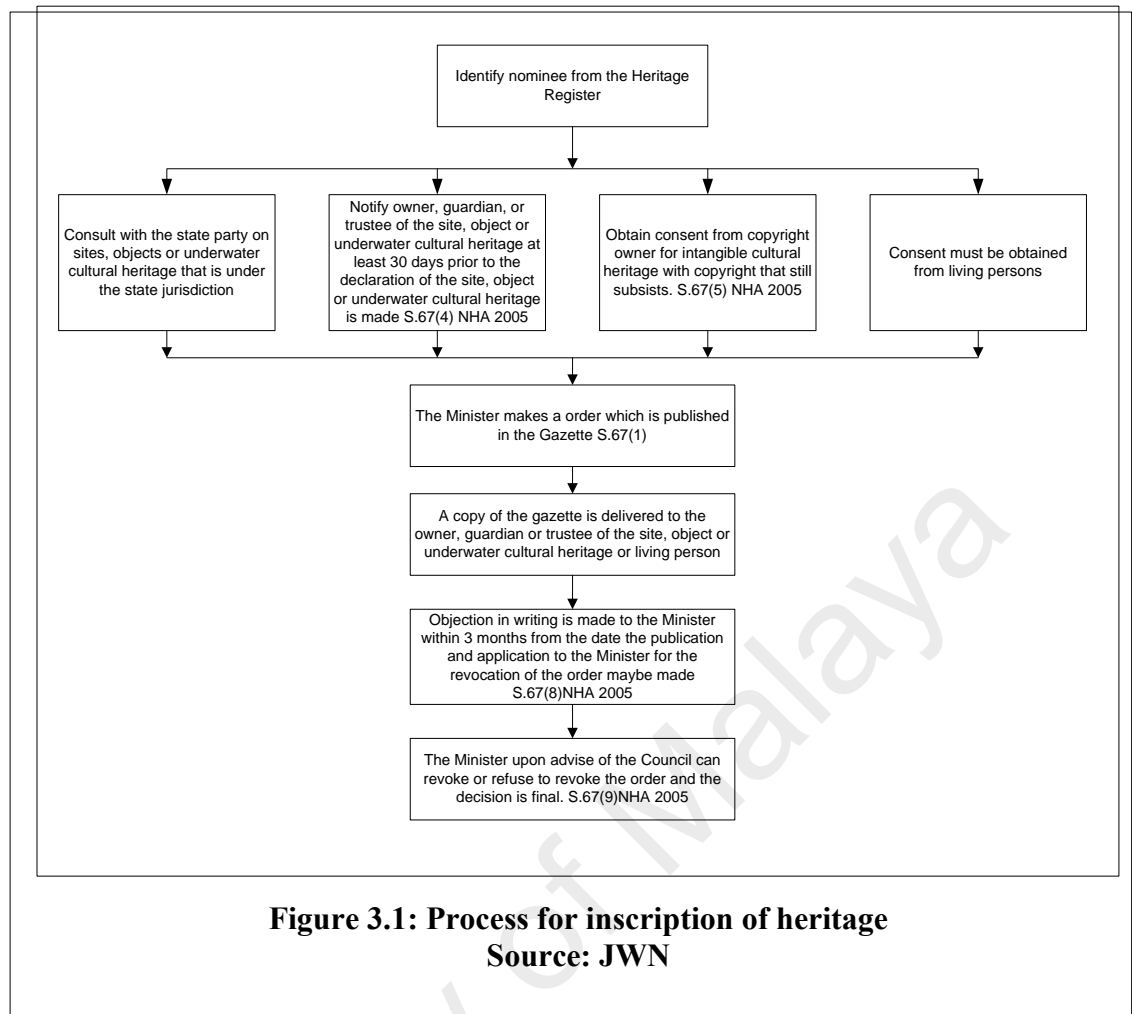
These criteria are as follows:

- a) The historical importance, association with or relationship to Malaysian history;
- b) The good design or aesthetic characteristics;
- c) The scientific or technical innovations or achievements;
- d) The social or cultural associations;
- e) The potential to educate, illustrate or provide further scientific investigation in relation to Malaysian cultural heritage;
- f) The importance in exhibiting a richness, diversity or unusual integration of features;
- g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural property.
- h) The representative nature of a site or object as part of a class or type of a site or object; and
- i) Any other matter which is relevant to the determination of cultural heritage significance.

("National Heritage Act 2005," 2005 Sect 67 (2))

The above criteria for National Heritage listing is similar to the criteria provided in the State of Victoria, Australia's Heritage Act 1995 to list cultural heritage on the State Heritage Register ("Heritage Act 1995," Sect. 8(c), 8(2)). The State of Victoria has since 2008 revised its criteria for State Heritage listing (Victoria, 2008).

The process for inscription is shown in Figure 3.1 (see below). The process allows for objections from relevant stakeholders on the listing.



Under the NHA, a cultural heritage is eligible for listing if it meets any of the 9 criteria. Age which was a condition in both the Ordinance and the Antiquities Act for eligibility is not a criterion under the NHA. NHA recognizes cultural heritage significance as ‘...having aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, linguistic or technological value’; ("National Heritage Act 2005," Sect 2) nevertheless the level of importance which qualifies a cultural heritage to be protected is not mentioned. The earlier legislations placed emphasis on preservation of monuments that are of ‘public interest’.

A key shortcoming of the NHA is that although criteria for National Heritage listing are provided, the Malaysian Government has not published guiding principles to facilitate the interpretation, use and assessment of these criteria. The absence of guiding

principles is critical as it leaves assessment of cultural significance open to interpretation (Goh, 2015). In addition although the NHA states in section 67 (1) that National Heritage is selected from cultural heritages that are listed on the Register, it has not identified criteria or significance for listing on to the Register.

In addition while the legislations provide protection of heritage through listing, consent from the State Authority has to be obtained before a property on State land can be listed. This complicates the designation process as there is no alternative avenue provided in these legislations if consent for listing is withheld by the State Authority.

The NHA unlike the earlier Federal heritage legislations allows the public to nominate a building for designation as a heritage site. In addition, the legislation also allows for a cultural heritage to be declared a heritage site without the owner's consent as long as the State Authority agrees to the listing. This is demonstrated by the Malaysian High Court's decision in 2006 to uphold JWN's gazettal of the Vivekananda Ashram which was contested by the Ashram trustees (Bavani M, 2016; Khairiah N. Karim, 2016). The gazettal of properties without owners' consent can result in negative sentiments as owners' may feel that their right to develop their properties are impinged upon by the gazettal. In addition while the NHA under section 125 (3) provides for the continuity of listing for cultural heritage that are listed under the Antiquities Act, this process has not been automatic. At present not all of the cultural heritages that formerly were listed are currently included in the Register.

(b) Definitions

An additional weakness of the NHA is the ambiguous or convoluted definitions provided for several crucial terminologies. For example, the NHA defines 'National Heritage' as '...any heritage site... declared as National Heritage under section 67', ("National Heritage Act 2005," Sect 2) which in effect refers to the 9 criteria for

selecting cultural heritage for National Heritage nomination. More importantly the given definition does not make clear that evaluation of cultural heritage for National Heritage is to be done in light of national standards, as opposed to state or other values. This is further compounded by the definition given for 'cultural heritage significance' which does not address the need to distinguish between national, state, regional or local standards hence open to interpretation.

The definition for 'building' in NHA '...means a building or groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science' ("National Heritage Act 2005," Sect. 2). Archaeological sites within the definition of 'area' to include '...archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view' and in the definition for natural heritage, '...of outstanding value from the point of view of nature, science, history conservation or natural beauty including flora and fauna' ("National Heritage Act 2005," Sect. 2)

While the definition for 'building', 'area' and 'natural heritage' in the NHA connotes significance which is of outstanding universal value, the same significance is not clearly translated into the definition of National Heritage.

Nevertheless the values which are identified in the definition for 'building', 'area' and 'natural heritage' which fall among the matters that are protected through National Heritage listing under section 67 are not all reflected in the definition for 'cultural heritage significance'. The values included for cultural heritage in the definition for cultural significance are aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, linguistic and technological ("National Heritage Act 2005,").

Hence art or artistic value, ethnological value and anthropological value are not included.

Other amorphous terms include definitions provided for 'heritage', and 'heritage site'. However the definitions given for monuments, buildings and sites in the NHA closely resembles the term used in the 1972 UNESCO World Heritage Convention for 'cultural heritage'. These new definitions are different from that which was used for similar terms in the earlier Ordinance and Antiquities Act.

3.1.2 State legislations for the protection of heritage

The states of Johor, Melaka, Sabah, Sarawak and Penang each have their own legislation for the protection of heritage. The details of these legislations are explained in the following sections 3.1.2.1 to 3.1.2.5

3.1.2.1 Johor State Enactments

- Yayasan Warisan Negeri Enactment 1988, Johor Enactment No. 7 of 1988; and Yayasan Warisan Negeri (Amendment) Enactment 1995, Johor Enactment.

The Yayasan Warisan Negeri Enactment 1988 ratified by the Johor State Legislative Assembly established the State Heritage Foundation (Yayasan Warisan Negeri) which is commonly referred to as the Yayasan Warisan Johor. The Foundation is a body corporate whose mandate is the preservation, protection and dissemination of knowledge on matters pertaining to the cultural and historical heritage in the State.

Section 3(1) of the Enactment allows the State Authority to declare and list any monument as an ancient monument or site as a historical site as well as decide on its boundaries while Section 3(2) empowers the Foundation's Curator to publish a list of ancient monuments and historical sites in the Gazette and add or amend the list accordingly ("Yayasan Warisan Negeri Enactment 1988 ")

The principle object of the amendment in 1995 was to substitute the word ‘Curator’ where it appears in the 1988 Enactment with ‘Director’ ("Yayasan Warisan Negeri (Amendment) Enactment 1995," Sect.4). Therefore, the responsibility that was previously under the jurisdiction of the Curator now falls with the Foundation’s Director.

The term ‘monument’ in the Enactment is defined as follows:

‘...buildings, structure, construction or works above or below ground, memorial, burial or archaeological digs or any part or remnant of a monument that the Foundation considers necessary to be conserved due to its historical, traditional, archaeological, architectural or artistic importance’ ("Yayasan Warisan Negeri Enactment 1988 ", Sect.2)

The Enactment qualifies ancient monuments as monuments that are no less than a hundred years old ("Yayasan Warisan Negeri Enactment 1988 ", Sect. 2). This minimum age requirement is in line with the provision for the same in the Antiquities Act 1976. However, the definition for monument is expended here to include ‘architectural or artistic importance’ which is not recognized in the Antiquities Act 1976 while ‘religious interest’ is left out. The definition given for a ‘historical site’ in the Enactment is vague and circuitous.

3.1.2.2 Melaka State Enactments

- Preservation and Conservation of Cultural Heritage Enactment 1988, (Malacca Enactment No. 6 of 1988); Preservation and Conservation of Cultural Heritage (Amendment) Enactment 1993 (Malacca Enactment No. 7 of 1993); and Preservation and Preservation of Cultural Heritage Enactment (Amendment) 2008 (Malacca Enactment No. 3 of 2008).

The Enactment, as its name refers, regulates matters related to the preservation, conservation and enhancement of movable and immovable cultural heritage within the State of Melaka. The term 'cultural heritage' under the Enactment is defined as to include '...antiquity, historical objects, historical site, site, fabric, building, structure, ethnographic matter, works of art, manuscript, coins, currency, notes, medal badges, scientific crests, flag, armour, vehicle, ship and trees...' of which it stipulates must have as a criteria '...significant and special architectural, aesthetic, historical, cultural, scientific, economic and any other interest or value' ("Preservation and Conservation of Cultural Heritage Enactment 1988," Sect.2(1))

The Enactment in many instances compliments and makes reference to the Antiquities Act 1976 such as the definition for 'antiquity' and 'historical site' under section 2 (1) and the power subscribed to the Director of the Museums. The Antiquities Act 1976 definition for antiquity provides a minimum age criterion of at least 100 years old; however the same does not extend to Melaka's definition for cultural heritage. As such there is no minimum age limit for cultural heritage in this Enactment.

The Enactment under section 3 provides for the establishment of a Preservation and Conservation Committee whose responsibility is to '...advise the State Authority on matters of policy, administration and management of cultural heritage and conservation areas' ("Preservation and Conservation of Cultural Heritage Enactment 1988," Sect 3(1)). A seat for the Director-General of Museums, Malaysia or his representative is allocated on this Committee. This reflects the working relationship between the state and the Federal Government with regards to heritage.

The jurisdiction to regulate matters pertaining to the protection of cultural heritage falls under the authority of the three local councils, namely the Alor Gajah and Jasin District Councils and the Malacca Municipal Council ("Preservation and Conservation

of Cultural Heritage Enactment 1988," Sect. 5). These 3 councils are defined in section 2 (1) as the "Local Authority". The jurisdiction of the Local Authority includes making recommendations to the State Authority to gazette cultural heritage and any area of significant character as a conservation area . The Local Authorities under section 6 (1) and (2) are required to maintain Registers of cultural heritage and conservation areas which are open for public inspection. Although the Enactment provides for the gazettal of cultural heritage and any area of significant character as a conservation area, it does not state the criteria for selection. Instead section 21 (a) of the Enactment empowers the State Authority to prescribe the criteria for conservation and preservation of cultural heritage. Thus this allows the criteria and its interpretation for inscription to be revised and open to interpretation.

The amendments to the Enactment in 1993 and 2008 relate to the reassignment of administrative powers and adjustment to the composition of the Preservations and Conservation Committee. The 1993 amendment reassigns the powers vested in the Local Authority to regulate the protection of cultural heritage to the Museums Corporation which was established under the Malacca Museums Corporation Enactment 1992. As such recommendation for nomination of cultural heritage and conservation area is now the responsibility of the Museums Corporation ("Preservation and Conservation of Cultural Heritage (Amendment) Enactment 1993,"). However, all nomination that were previously gazetted remains intact

The 2008 amendment deals with two issues. The first is to appointment the Yang di-Pertua Negeri Melaka as the Adviser to the Preservation and Conservation Committee and the second and more notable amendment is the modification of the committee's composition to include the State's Chief Minister as Chairman of the Committee who is charged with the responsibility for heritage and the Commissioner of Heritage,

Department of National Heritage or his representative ("Preservation and Conservation of Cultural Heritage (Amendment) Enactment 1993,"). By including the Commissioner of Heritage as a member of the Preservation and Conservation Committee, the State effectively acknowledges the enactment of the National Heritage Act 2005 by the Federal Government.

3.1.2.3 Sabah State Enactments

- State of Sabah Antiquities and Treasure Trove Enactment 1977 (Sabah No. 11 of 1977) and State of Sabah Cultural Heritage (Conservation) Enactment 1997.

The State of Sabah Antiquities and Treasure Trove Enactment 1977 is modelled after the Antiquities Act 1976 (Act 168) used in West Malaysia. The Enactment ‘...provide for the control and preservation of ancient and historical monuments, archaeological sites and remains, antiquities and other cultural properties of national interest...’ (“Antiquities and Treasure Trove Enactment 1977,” Preamble). Unlike Act 168, the Enactment defines ‘ancient monument’ as any monument believed to be at least fifty years old or declared by the Minister responsible for matter relating to the Sabah Museum as an ancient monument. The definition for ‘historical site’ is however the same.

(a) Responsibility and power to gazette

While the Enactment mandates the Minister to gazette ancient monuments and historical sites, the Director of the Sabah Museum is entrusted to publish and periodically update the list. He is also to ensure that duty of care is taken to preserve, conserve and maintain these ancient monuments and historical sites.

The State of Sabah Cultural Heritage (Conservation) Enactment 1997 was enacted in 1997 to provide ‘...for the preservation, conservation and enhancement of cultural heritage...’ (“Cultural Heritage (Conservation) Enactment 1997,” Preamble)

The 1997 Enactment enhanced and widens the scope and understanding of heritage for Sabah and established the State Cultural Heritage Council chaired by the State's Chief Minister. While definitions for 'monument', 'ancient monument' and 'historical site' in the 1997 Enactment are assigned the same meanings as given in the earlier 1977 Enactment, new terminology such as 'conservation area' and 'cultural heritage' is now included. The 'area conservation' in the 1997 Enactment refers to any area declared by the Yang di-Pertua Negeri Sabah for preservation and conservation while 'cultural heritage' is similar to definition assigned in the Melaka State Preservation and Conservation of Cultural Heritage Enactment 1988.

The State Cultural Heritage Council once established took over much of the scope mandated to the Director of the Sabah Museum with regards to ancient monuments and sites under the earlier 1977 Enactment. The Council is now also given the responsibility to make recommendations to the Yang di-Petua Negeri Sabah to gazette and declare any cultural heritage of desirable appearance or area as area conservation. The Secretary of the Council is now tasked with periodically updating the register of gazetted cultural heritages that was earlier under the Director of Sabah the Museum.

3.1.2.4 Sarawak State Heritage Ordinance

The Sarawak Cultural Heritage Ordinance was enacted on 1 July 1994 for the preservation of cultural heritage that are of cultural, archaeological, architectural, artistic, religious, or traditional interest to the State and people of Sarawak ("Sarawak Cultural Heritage Ordinance, 1993,"). The Ordinance similar to the State of Sabah Antiquities and Treasure Trove Enactment 1977 is modelled after the Antiquities Act 1976 (Act 168). A particular concern in the Ordinance which is different from that of Act 168 is the emphasis on promotion, rehabilitation and preservation of traditional arts and handicrafts associated with the people of Sarawak.

The Sarawak Cultural Heritage Ordinance defines ‘historical monument’ as any monument that is believed to be a hundred years old. In addition Part V section 20 of the Ordinance allows for any building built before 1940 of historical, special architectural, artistic, cultural interest, beauty significance or that is closely associated with a person or event that is of importance to Sarawak be listed and considered as an ancient monument.

The Ordinance defines ‘historical site’ as ‘...any place, site or area which is, in the opinion of the Director, to be preserved by reason of its archaeological, paleontological, religious, traditional or historical interest or value...’ ("Sarawak Cultural Heritage Ordinance, 1993," Sect 2)

These definitions in the Ordinance for ‘ancient monument’ and ‘historical site’ provide greater emphasis on significance. The definitions in the Ordinance also defer from the definition in Act 168 by means of age. The Ordinance in addition to a hundred years old permits the use of 1940 as a limit for consideration. This permits in the interim, for buildings less than a hundred years old to be gazetted.

(a) Responsibility and power to gazette

The responsibility to compile a Register of ancient monuments falls under the purview of the Director of the Sarawak Museums in consultation with the Minister responsible for the Museum. The Director with the approval of the Yang di-Pertua Negeri is to gazette a list of ancient monuments and historical sites.

(b) Limitations of the legislations

Similar to Act 168 which it was modelled after, the Ordinance is unable to provide an intensive framework for the conservation of larger and more complex entities such as

towns and places which are recognized within international circles to have historic, architectural, social, scientific and educational significance.

3.1.2.5 Penang State Heritage Enactment

The State of Penang enacted its own heritage legislation in 2011. The Enactment which is known as the Penang State Heritage Enactment 2011 came into enforcement on 18 August 2011 ("State of Penang Heritage Enactment 2011,"). The Enactment closely resembles the NHA in many aspects and was enacted to protect the State's cultural and natural heritage. The Enactment adopted many of the clauses and definitions from the NHA. Nevertheless, where clauses and definitions from the NHA have been adopted, the Enactment makes references to State interest or importance instead of National or Malaysian interest or importance.

The Enactment provides for the establishment of a State Heritage Register for tangible, intangible and natural heritage. Section 29(2) of the Enactment provides a list of 6 criteria for this purpose. All 6 criteria are similar to the provision in section 67 of the NHA for National Heritage listing but refer to significance that is of State importance. The State in 2016 enacted regulations to complement the Heritage Enactment. However, Section 2 of the State of Penang Heritage Regulations 2016 presents 10 criteria to declare a heritage site (Penang, 2016). Table 3.4 illustrates the criteria for listing State cultural and natural heritage sites and intangible heritage under the State Heritage Enactment 2011, and to list heritage sites in the State Heritage Regulation 2016.

Table 3.4: Criteria to list State heritage in the Heritage Enactment 2011 and Regulations 2016.

State of Penang Heritage Enactment 2011	Penang Heritage Regulations 2016
(a) The historical importance of the State	(a) The historical importance or relationship of the tangible cultural heritage or natural heritage site to the State of Penang which illustrates significant aspects of its society, economy, cultural, history, nature, science, religion, design and aesthetic characteristics or prominent historical personalities.
(b) The design or aesthetic characteristics	(b) The design of the tangible cultural heritage which possesses aesthetic values in its architectural form, style, fabric, decoration or craftsmanship intrinsically.
(c) The innovation or scientific or technical achievements	(c) The scientific or technical innovations or achievements which exhibit important examples of particular building types and techniques in the State of Penang.
(d) The social or cultural relationship of society	(d) The significant social or cultural associations of society, community, race or ethnicity.
(e) The potential to educate, illustrate or provide scientific investigation in relation to the cultural heritage and natural heritage in the state of Penang	(e) The potential to educate, illustrate or provide further scientific investigation in relation to tangible cultural heritage or natural heritage in the State of Penang.
(f) The uniqueness of the cultural heritage or natural heritage.	(f) The importance of exhibiting a richness, diversity or unusual integration of features.
	(g) The rarity or uniqueness of the tangible cultural heritage or natural heritage.
	(h) The group value of an ensemble of buildings of which the significance meets any of the above criteria.
	(i) The representative nature of a tangible cultural heritage or natural heritage as part of a class or type of a tangible cultural heritage or natural heritage.
	(j) Any other matter which is relevant to the determination of the significance of a tangible cultural heritage or natural heritage.

There appears to be some discrepancies between the Enactment and the Regulations in the criteria for listing. The Enactment did not adopt NHA criteria (h) ‘The representative nature of a site or object as part of a class or type of a site or object’ and (i) ‘Any other matters which is relevant to the determination of cultural heritage significance’ as one of the criteria for listing, but nevertheless, both these criteria were

included in the Regulations. In addition the Regulation also included group value of an ensemble of buildings as a criterion for listing.

(a) Responsibility and power to gazette

The Enactment provides for the appointment of a State Heritage Commissioner whose duties are to oversee the management and protection of heritage in Penang. The Commissioner's responsibility amongst others is to designate with approval from the State Authority, sites as State Heritage. In addition, the Enactment under section 4 provides for the establishment of a Heritage Council whose role is advise the State Authority on matters pertaining to State heritage preservation, conservation and protection as well as liaise with the Commissioner of Heritage appointed by the Federal government.

3.1.3 Planning legislations relevant to the protection of heritage

Planning in Malaysia in most states is governed by the Town and Country Planning Act 1976 (Act 172). The Federal Territories, Sabah and Sarawak however each have their own planning legislations. The enforcement of the planning legislations falls under the Local Authorities. These authorities are tasked with the development planning and control for the areas that fall under their jurisdiction. The Local Authorities are to extend a set of plans to the Department of National Heritage for comments when development plans are submitted by owners for buildings that are listed.

The Town and Country Planning Act 1976 was amended in 2001 to incorporate a three-tier system for a more comprehensive planning approach in West Malaysia. The system now comprise of a National Physical Plan where national policy for physical planning strategies is prepared at federal level, Structure Plan for implementation of the national policy at State level, and Local Plan at local level. The Local Authorities are also required to prepare Special Area Plans for detailed actions in areas of special

interest for example heritage zones, etc. Sabah and Sarawak in East Malaysia each have their own separate planning systems.

3.1.3.1 Town and Country Planning Act 1976 (Act 172)

Town and Country Planning Act govern the urban and rural planning mechanism and provide a comprehensive system of control and guidance for development in West Malaysia. The Act has direct implications on heritage conservation; for under section 19, planning permission is required before any development is carried out. 'Development' is defined broadly in section 2(1) as '...any building, engineering, mining, industrial, or other similar operation in, on, over, or under land, the making of any material changes in the use of the land or building or any part thereof,...', ("Town and Country Planning Act 1976 ", Sect 2(1))

Section 19 of the Act prohibits the demolition of buildings or alterations that will materially affect the external appearance of buildings without planning permission granted under section 22 or extended under section 24 (3). Failure to obtain permission for development is an offence under section 26.

The 1995 amendments to the Town and Country Planning Act further strengthens the provision for heritage protection as developers under section 21B subsection (1)(b), are required to provide measures for the protection, preservation and enhancement for developments that are carried out in respect to buildings with special architecture or historical interest. The Act, however, does not provide a definition for 'heritage' or criteria to facilitate identification. The Local Planning Authority under section 22(5) (i) and (j) can impose conditions when granting planning permission when the proposed development involves any additions or alterations to an existing building with special architectural or historical interest.

The immediate implications of this is that planning authorities within the capacity of the Act can safeguard the built heritage in their own jurisdiction through the preparation of a local plan under section 12 (3) (a), (i) to (x) and a special area plan under section 16B (1) which includes a conservation management plan for the specific purpose of protecting the heritage values of a site. The Act under section 12A allows the local planning authority to acquire information from the community that will be affected by the local plans prior to its preparation. This allows for the local planning authority an opportunity to gain information and understanding of what is important to the community, which will enrich any survey of cultural property that is to be implemented.

Implementation of an inventory is implied in the Town and Country Planning Act under section 2B subsection (d) where the duties of the Director General of Town and Country Planning include reporting and advising ‘...the Council upon matters concerning the use of town and country planning in conservation, use and development of lands in the country...’ The State Director under section 7 is to prepare a survey of the State for the purpose amongst others, the preparation of a draft structure plan which he under section 8(1) will submit to the Council or Committee along with a survey of the State. While section 7(1) provides for a survey of planning areas by the State Director ‘...where matters may be expected to affect the development, or the planning of the development, of the State...’ and section 7 subsection 3(aa) where matters in relation to ‘...conservation policies of the nation’ might be affected ("Town and Country Planning Act 1976 "). In this instance, ‘survey’ in conjunction with the preparation of a draft structure plan is understood to include an inventory.

The need for a survey to be carried out in the Town and Country Planning Act is explicit in the preparation of a draft structure plan but implicit in the preparation of a draft local plan and special area plan as it will identify cultural property.

3.1.4 Other related legislations

3.1.4.1 Local Government Act 1976 (Act 171)

The Local Government Act 1976 is an Act established by the Federal Government to ensure ‘...uniformity of law and policy...’ in the making of regulation by the local government in Peninsular Malaysia ("Local Government Act 1976 ", Preamble). The Act is important as it empowers the State to implement governance on matters within its jurisdiction.

Section 101 (iv) of the Act permits the local authority to pay for or contribute to the upkeep of historical buildings and sites. It also allows the local authority to attain land for the same intention. The Act itself does not require an inventory or provide criteria for nomination of historical buildings and sites that it contributes towards the upkeep.

3.1.5 National Physical Plan

The implementation of the National Physical Plan at State and Local levels has been through the development of Structure, Local and Special Areas Plans that reflect these policies. These State and Local Agencies have begun to identify and incorporate proposals for conservation of heritage buildings in these planning instruments.

3.2 National Heritage listing in Malaysia

As stated earlier section 3.1.1.2, the governing Act to protect cultural heritage at National level is the National Heritage Act 2005. A total of 176 buildings and structures are inscribed onto the Heritage Register and 51 buildings and structures designated as National Heritage (as of June 2016). Table 3.5 (shown on the following page) provides a tabulation of the types of cultural heritages on both registers.

The table indicates that vernacular domestic buildings such as the traditional Malay house and the traditional shophouse are at present not inscribed on the National Heritage list although 2 traditional Malay houses are listed on the Heritage Register.

Table 3.5: List of types of cultural heritage on the Heritage Register and National Heritage listed (as of June 2016)

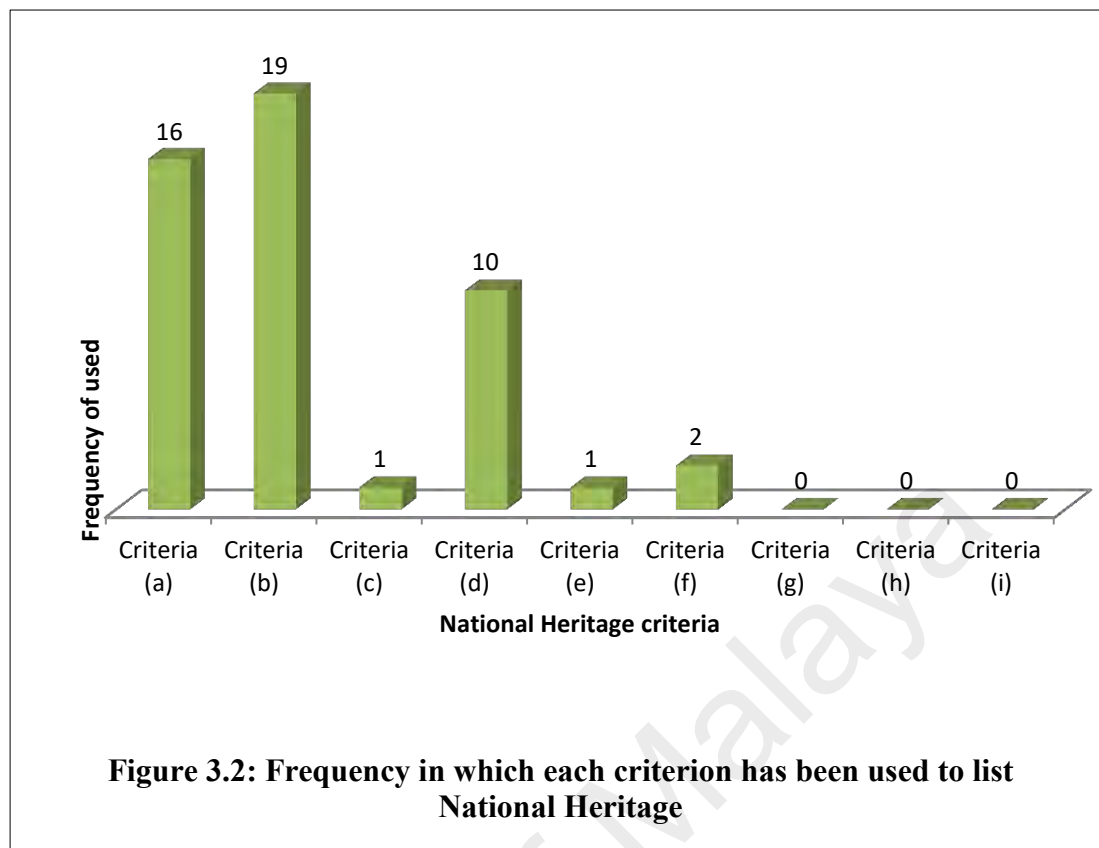
Architectural types		Designation	
		Heritage Register	National Heritage
Places of worship		14	15
	Mosques	(12)	(8)
	Churches	(1)	(5)
	Temples	-	(2)
	Others	(1)	-
Government building		13	13
	Administrative/office buildings	(7)	(9)
	Municipal councils/City halls	(4)	(1)
	Judicial buildings	(2)	(1)
	Post office	-	(1)
	Parliament	-	(1)
Monuments/Historical sites		7	3
Funerary edifices		66	0
	Graves/tombs	(64)	-
	Holy shrines	(2)	-
Institutional buildings		8	4
	Museums	(5)	(2)
	Research facilities	(1)	(1)
	Cultural establishments	(1)	-
	Memorial library	(1)	-
	Others	-	(1)
Educational buildings		5	5
	Tertiary educational buildings	-	(2)
	Secondary schools	(4)	(3)
	Primary schools	(1)	-
Stadiums		1	1
Correctional facilities		1	1
Transportation facilities		1	1
Security facilities		40	2
	Forts	(11)	2
	Police complexes	(1 comprising 28 structures)	-
	Ammunition store	(1)	-
Infrastructure		6	0
	Engineering structures Bridges	(1)	-
	Dams	(1)	-
	Wells	(4)	-
Commercial buildings		3	0
	Hotels	(1)	-
	Banks	(1)	-
	Warehouse	(1)	-
Residential buildings		9	6
	Palaces	(6)	(4)
	Official government residences	-	(2)
	Traditional Malay house	(2)	-
	Others	(1)	-
Total		176	51

3.2.1 Application of the criteria for National Heritage listing.

Although the official website of the Department of National Heritage provides a list of cultural properties inscribed on the Heritage Register and National Heritage list, the website however does not inform the public of the relevant criteria or justification for which these cultural properties has been inscribed under. The department's website also does not provide a Statement of Cultural Significance for properties that are gazetted which will assist to provide an understanding of the importance of these cultural heritages.

A review of the inscriptions obtained in person from the Department of National Heritage showed that criteria for which cultural heritages have been inscribed as National Heritage are not indicated for inscriptions prior to 10th May 2012. Instead only a brief justification is given for each inscription. There are also no criteria or justifications provided by the Department of National Heritage to explain the significance for cultural heritages listed on the Heritage Register. However it is understood that the dossiers for the cultural heritages on the National Heritage list is under review at present. A list of cultural heritages on the National Heritage list and the criteria for which they are listed for is provided in Appendix E

Analysis of the dossiers for the gazettal indicates that since the practise to indicate criteria and Statement of Significance began for listing after 10th May 2012, only 6 out of the 9 criteria have been cited for inscriptions. The remaining 3 criteria have not been used. Figure 3.2 indicates the frequency in which each criterion has been used for National Heritage listing.



Analysis of the criteria and the stated justification for inscription indicates that the Department of National Heritage interprets the criteria in the following ways:

3.2.1.1 Criterion (a) The historical importance, association with or relationship to Malaysia history

Criterion (a) The historical importance, association with or relationship to Malaysia history, was used in the listing of 16 cultural heritages. Analysis of the justification given for cultural heritages listed under the criterion indicates that the criterion has been used to list cultural heritages in the following ways (refer to Table 3.6):

Table 3.6: Application of Criterion (a)

No.	Application by JWN	Nos. of justifications
1	Have an important place or significant functions that are linked to political or cultural system in the development or history of the nation.	15 justifications (non-architectural)
2	Are associated with events that are of National importance	1 justifications (non-architectural)
	Total	16 justifications

Examples of how the above applications are used are as follows:

- Have an important place or significant functions that are linked to political or cultural system in the development or history of the nation.

The above interpretation is the most commonly used interpretation to justify listing for Criterion (a). The Taiping prison (shown in Figure 3.3) and Fort Santiago are examples where JWN has applied the above interpretation for listing on to the National Heritage list. The citation given by Jabatan Warisan Negara in the Statement of Significance for the prison (2012, p. 14) and the fort (2012, p. 38) states the following:

Taiping Prison: ‘The primary purpose for the establishment of the penal system was to inflict misery on the lives of the inmates in the hope that the punishment will be a deterrent for the public from committing crime. It was the first and the largest prison that was built in Malaya at the time. The Taiping prison was used as a centre for prisoners from the States of Perak, Pahang, Negeri Sembilan and Selangor who were serving long-term sentences. It was built to imprison members of the Ghee Hin and Hai San secret societies and Malay gentry who opposed the British colonial rule.’ (Author’s translation from original text in Bahasa Malaysia)

Fort Santiago: ‘Vestiges of the Portuguese colonial rule that was used in their effort to defend Melaka on account of the city’s importance as an international trade centre at the time.’ (Author’s translation from original text in Bahasa Malaysia)



Figure 3.3: Taiping Prison, Taiping, Perak
Source: Jabatan Warisan Negara (2012)

- Are associated with events that are of National importance.

Analysis of the dossier for the inscription of the Sultan Suleiman Royal Mosque (shown in figure 3.4) indicated that the mosque was listed for its association with an event. The mosque is important as it was a gift from the British colonial government to the Sultan of Selangor to commemorate the declaration of Klang as the new Selangor State administrative capital. The citation given in the Statement of Significance for the mosque however appears to be incorrect as it states that it is the first mosque built in the state of Selangor and is the most beautiful mosque in the Federated Malay States. There are evidence of much older mosques in Selangor. One such example is the Sultan Alae’ddin Mosque in Kampung Bandar, Kuala Langat which is also on the National Heritage list. According to the dossier for the inscription of the Sultan Alae’ddin

Mosque, the mosque is older than the Sultan Suleiman Royal Mosque (Jabatan Warisan Negara, 2012); hence the citation for the Sultan Suleiman Royal Mosque is inaccurate.

Due to the nature of history, both the above interpretations for the criterion (a) relate to significance which are intangible and do not refer to the physical qualities of the buildings themselves.



Figure 3.4: Sultan Suleiman Royal Mosque, Klang, Selangor
Source: jabatan Warisan Negara (2012)

3.2.1.2 Criterion (b), The good design or aesthetic characteristics

Criterion (b) The good design or aesthetic characteristics, with 19 citations, is the criterion most frequently used for National Heritage listing. Analysis of the justification for inscription indicates that JWN has employed the criterion in 4 ways. The following Table 3.7 shows how JWN has applied the criterion:

Table 3.7: Use of Criterion (b) in listing

No.	Application by JWN	No of justifications
1	Physical design of the architectural style, form or characteristics	10 justifications
2	Examples of remarkable early structures	4 justifications
3	Aesthetic value of fine craftsmanship	3 justifications
4	A comprehensive example of artistic work in decorative arts.	2 justifications
	Total	19 justifications

Examples of how the above applications are used are as follows:

- **Physical design of the architectural style, form or characteristics**

The analysis of the criterion indicates that 10 out of 19 inscriptions are used to inscribe cultural heritages for the physical design of their architectural style, form or characteristics. Examples of how the criterion is used in this manner by Jabatan Warisan Negara for the Ubudiah Mosque (2012, p. 5) shown in Figure 3.5 and the Sultan Suleiman Royal Mosque are as follows (2012, p. 18):

Ubudiah Mosque: ‘The architectural features exhibit a combination of Islamic and Indian architecture which is also referred to as Moghul architecture.’ (Author’s translation from original text in Bahasa Malaysia)

Sultan Suleiman Royal Mosque: ‘A unique combination of Art Deco, modern Gothic and Georgian architecture. The original plan of the mosque which is designed in the shape of a cross makes the mosque quite different from other existing mosques in Selangor or Malaysia as the cross layout is normally only used in the design of churches.’ (Author’s translation from original text in Bahasa Malaysia)



Figure 3.5: Ubudiah Mosque, Kuala Kangsar, Perak
Source: Jabatan Warisan Negara (2012)

- **Examples of remarkable early structures**

The justification indicates that the criterion was used in 4 instances to list culture heritages that are significant as examples of remarkable early structures. An example of how the justification is framed for this purpose is for the All Saints Church (shown in Figure 3.6), where Jabatan Warisan Negara's (2012, p. 8) dossier states following:

All Saints Church: 'A church typology. The church is built entirely of timber; the building which is over 100 years old is the oldest wooden church'. (Author's translation from original text in Bahasa Malaysia)



Figure 3.6: All Saints Church, Taiping, Perak
Source: Jabatan Warisan Negara (2012)

- **Aesthetic value of fine craftsmanship**

The criterion is used in 3 instances to describe the aesthetic value of fine craftsmanship. The criterion is used by JWN to describe the woven bamboo walls of Kenangan Palace in Kuala Kangsar, the intricate carving for the motifs found at the Jahar Palace in Kota Bharu (shown in Figure 3.7) and the carvings found on the kingpost, walls and the mimbar of the Sultan Alae'ddin Mosque in Selangor. In these citations, the description alludes to the aesthetic quality of the intricate woven pattern and the carving designs, the demonstration of fine technique and high quality craftsmanship in the work. The exquisiteness of the woven walls is expressed Jabatan Warisan Negara (2012, p. 3) in the justification in the following way:

Kenangan Palace: 'It is the only Malay palace built using woven bamboo (*kelarai*) for its wall material. Its unique architecture demonstrates the height of fine quality Malay craftsmanship and creativity. The use of woven bamboo as wall material for Malay houses is only found in Perak and has its origins in the

architecture of houses of the aboriginal people (*Orang Asli*) in Malaysia. The woven walls of the palace represent the culmination of the art at its most beautiful and delicateness'. (Author's translation from original text in Bahasa Malaysia)

While the description given for the fine quality craftsmanship at Istana Jahar is described in the dossier as (Jabatan Warisan Negara, 2012, p. 44):

Jahar Palace: 'The use of various motifs in the decorative patterns demonstrates fineness in Malay craftsmanship'. (Author's translation from original text in Bahasa Malaysia)

Although the justification for Kenangan Palace states that the palace is unique as it is the only example of a palace built with woven bamboo walls, this significance is not picked up under Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural property but is instead only listed under Criterion (b) The good design and aesthetic characteristics.



Figure 3.7: Jahar Palace, Kota Bharu, Kelantan
Source: Jabatan Warisan Negara (2012)

- **A comprehensive example of artistic work in decorative arts.**

Finally, the criterion is also used to inscribe examples of comprehensive artistic work in decorative elements in a cultural heritage. This is illustrated in the description of the significance for the Malaysian Rubber Institute (shown in Figure 3.8 below) given by .Jabatan Warisan Negara (2012, p. 36) as follows:

Malaysian Rubber Research Institute: ‘The buildings features five decorative relief panels which flanks the front façade of the library block making it the most comprehensive art deco building in Kuala Lumpur’ (Author’s translation from original text in Bahasa Malaysia)



Figure 3.8: Rubber Research Institute, Kuala Lumpur
Source: Jabatan Warisan Negara (2012)

3.2.1.3 Criterion (c) The scientific or technical innovations or achievements

The criterion is used in the inscription for Istana Kenangan (shown in Figure 3.9). The manner in which the justification is framed indicates that the use of the criterion is to indicate an aspect of major achievement in construction technology at the point when the cultural heritage was built. Table 3.8 (shown below) indicates the manner in which JWN has interpreted the criterion.

Table 3.8: Use of Criterion (c) for listing

No.	Application by JWN	No of justifications
1	Examples of major achievement in an aspect of construction technology	1 justification
	Total	1 justification

The justification for the palace is framed Jabatan Warisan Negara (2012, p. 3) in the following manner:

Kenangan Palace: ‘The construction of this palace uses a system mortise and tenon joints with wooden pegs and does not employ the use of metal nails demonstrates a high level of expertise and technology for that period of time’. (Author’s translation from original text in Bahasa Malaysia)

Although the justification given for listing of the palace is for the use of a sophisticated technology requiring expertise, timber construction using mortise and tenon joints was the prevailing construction method at the time. Therefore the justification for the listing of the palace does not relate to innovation or an achievement.



Figure 3.9: Kenangan Palace, Kuala Kangsar, Perak
Source: Jabatan Warisan Negara (2012)

3.2.1.4 Criterion (d) The social or cultural associations

The criterion is cited for 10 inscriptions on the National Heritage list. Analysis of the 10 inscriptions indicates that the criterion is used in 4 different ways. Table 3.9 summarises how the criterion has been applied.

Table 3.9: Use of Criterion (d) for listing

No.	Application by JWN	No of justifications
1	A place that formerly had strong or special attachment to a community (a community that no longer exist)	6 justifications (non-architectural)
2	A place that has a strong or special attachment to an existing community.	2 justifications (non-architectural)
3	Association of the building with culture through its function	1 justification (non-architectural)
4	Association of the building through design with cultural groups.	1 justifications
	Total	10 justifications

Analysis of the inscription indicates that only 1 of the ways in which the criterion is used is related to architecture whiles the other 3 applications are intangible in nature and

is not related to the physical qualities of the cultural heritage. Examples of how the criterion has been used are as follows:

- **A place that formerly had strong or special attachment to a community (a community that no longer exist)**

Of the 3 non-architectural related applications, the most frequent (6 out of 10 justifications) is the use of the criterion as a place that formerly had a strong or special attachment to a community (a community that no longer exist). This application is used for buildings that are part of a historical enclave. An example of how this was expressed is as follows (Jabatan Warisan Negara, 2012, p. 28):

The Former Chartered Bank of India, Australia and China Building: ‘The building is a component of a set of buildings that forms the Kuala Lumpur Heritage Building Complex’. (Author’s translation from original text in Bahasa Malaysia)

- **A place that has a strong or special attachment to an existing community.**

The criterion is used in the listing of 2 mosques. The significance for both these mosques relates to the attachment which the community has with the cultural heritage as places of worship. This is expressed by the citation for the Sultan Alae’ddin Mosque (shown in Figure 3.10) in the following way (Jabatan Warisan Negara, 2015, p. 17):

Sultan Alae’ddin Mosque: ‘As a centre for worship and expansion of the Islamic religion in the State of Selangor’ (Author’s translation from original text in Bahasa Malaysia)



Figure 3.10: Alae'ddin Mosque, Jugra, Selangor
Source: Jabatan Warisan Negara (2015)

- **Association of the building with culture through its function**

The criterion is also use to list the building for its social-cultural function. This expressed in the listing of the Jahar Palace by Jabatan Warisan Negara (2012, p. 44) in the following way:

Jahar Palace: 'The building is used as a centre for information and to display the numerous royal customs and regalia of Kelantan from the beginning of the monarchy.'
 (Author's translation from original text in Bahasa Malaysia)

- **Association of the building through design with cultural groups.**

The justification which is related to architecture is the association of the building through design with cultural groups. This was expressed for the Leaning Tower of Teluk Intan (shown in Figure 3.11) by Jabatan Warisan Negara (2012, p. 12) as follows:

The Leaning Tower of Teluk Intan: 'The design of the building merges Malay and Chinese cultures which is exhibited through the design of its Malay influenced interior and Chinese inspired pagoda like structure similar

to those found in China on its exterior'. (Author's translation from original text in Bahasa Malaysia)



Figure 3.11: Leaning Tower of Teluk Intan, Teluk Intan, Perak
Source: Jabatan Warisan Negara (2012)

3.2.1.5 Criterion (e) Potential to educate, illustrate or provide further scientific investigation in relation to Malaysian cultural heritage.

The criterion is used for the inscription of Bangunan Pejabat Daerah dan Tanah Larut, dan Matang dan Selama (shown in Figure 3.12). It can be concluded from the analysis of the justification that the inscription in this instance is not related to the architecture of the building but instead is for non-architectural reasons. The significance of the building is its role as a component of a historical enclave which informs on the historical development of the area. Table 3.10 on the following page shows how this criterion has been applied.

Table 3.10: Use of Criterion (e) for listing

No.	Application by JWN	No of justifications
1	Informs on the historical development of an area.	1 justification (non-architectural)
	Total	1 justification

The justification for the inscription is expressed in the following manner (Jabatan Warisan Negara, 2015, p. 7):

The Larut, and Matang and Selama District and Land Office Building: ‘The building along with other buildings which share a similar historical connection to the place such as the Taiping Court, SMK King Edward, and the Taiping Rest House are classified together as a conservation area. These buildings form part of the town’s historical core and allow for the integration and implementation of the Conservation Management Plan in a systematic manner’. (Author’s translation from original text in Bahasa Malaysia)



Figure 3.12: The Larut, and Matang and Selama District and Land Office Building

Source: Jabatan Warisan Negara (2015)

3.2.1.6 Criterion (f) The importance in exhibiting a richness, diversity or unusual integration of features

Criterion (f) has been cited in the listing of Ubudiah Mosque in Kuala Kangsar and the Leaning Tower of Teluk Intan. Although the justifications given for the gazettal are all associated with the architectural features of these buildings, the connection between most of the justifications and the criterion is rather vague. The analysis of the justifications indicates that JWN has interpreted the criterion in 2 ways. Table 3.11 shows how the criterion has been used for National Heritage listing:

Table 3.11: Use of Criterion (f) for listing

No.	Application by JWN	No of justifications
1	Unusualness of a particular feature when compared with other similar type buildings	1 justification
2	Unusualness in the design and aesthetics of the cultural heritage which has made it into an iconic landmark	1 justification
	Total	1 justification

The use of the criterion in the listing of the Ubudiah mosque and the Leaning Tower of Teluk Intan are as follows:

- **Unusualness of a particular feature when compared with other similar type buildings**

It can be ascertained from the justification given for the inscription of Ubudiah Mosque in Kuala Kangsar that the use of the criterion is for the unusualness of a particular building feature when compared with other similar type buildings in the country. This is reflected in the justification which states the following:

Ubudiah Mosque (Jabatan Warisan Negara, 2012, pp. 5-6): ‘Its uniqueness is having a dome that is larger in size than any other mosques in Malaysia. A royal mosque and a landmark for the state, it is one of the country's most beautiful historic mosque besides the Jamek Mosque in Kuala Lumpur. The mosque is decorated entirely in the interior in marble’. (Author’s translation from original text in Bahasa Malaysia)

- Unusualness in the design and aesthetics of the cultural heritage which has made it into an iconic landmark

In the case of The Leaning Tower of Teluk Intan, the uniqueness of the leaning structure is seen as an appropriate way to apply the criterion. The justification for the inscription was expressed as follows:

The Leaning Tower of Teluk Intan (Jabatan Warisan Negara, 2012, p. 12): ‘The building which is over 100 years old remains structurally sound and maintains its function as a clock tower. It has earned the nickname of the second leaning tower in the world after the Tower of Pisa in Italy. The tower as a typology of a colonial township landmark’. (Author’s translation from original text in Bahasa Malaysia)

The above review indicates the various ways in which the criteria for listing have been used to list National Heritage.

3.3 Vernacular Architecture

Vernacular architecture has been widely written by many authors. Some have attempted to comprehensively describe the many different global vernacular typologies while others by individual regions, countries or style. According to Noble (2007), the

study of vernacular architecture is interdisciplinary and multifocal and has been examined from many different perspectives.

The term 'vernacular' from an architectural standpoint is defined in the Oxford Advance Learner's Dictionary as 'a style of architecture concerned with the ordinary houses rather than large public buildings' (Oxford University Press, 2010, p. 1654). 'Vernacular architecture' is sometimes also referred to as 'folk architecture' (Villalon, 2002), 'primitive architecture' (Guidoni, 1987) and 'traditional architecture' (Noble, 2007).

Oliver (1997b) and Brunskill (1978) both described vernacular architecture as covering a wide range of buildings types including domestic, agriculture and industrial typologies. Brunskill (1978) expanded the definition domestic vernacular architecture by describing it as dwellings built for the purpose of daily living. Oliver (1997b) acknowledged that the majority of these buildings are houses which are built by their owners with the assistance of their communities or specialised local builders and craftsmen.

Noble (2007) described the form of vernacular buildings as influenced by a number of factors including function and environment. These structures according to Oliver (1997b) are a response to climate, materials resources that are abundant in the given circumstances, topographical location, construction and designs which are subjected to cultural rule systems and rituals, needs and customs of their occupiers, and are adorned with decorations that are rich with meaning and symbolism.

The vernacular response to climatic condition in tropical climates is to construct buildings with extensive roofs to provide shade. Roofs along with hooded gable vents

keep out the rain while encouraging cooling through means of the natural convection (Noble, 2007; Oliver, 1997b).

The concern towards survival of the world's vernacular architecture as a result of economic, cultural and architectural homogenisation due to globalisation, led to the adoption of the 'Charter on the Built Vernacular Heritage' by ICOMOS in 1999. The charter sets out the issues, principles for conservation and guidelines in practice that should be followed for the protection and care of vernacular heritage. According to the charter, examples of vernacular architecture maybe recognised as a type of building shared by the community, having a local or regional character which is responsive to the environment, appears to be of an established traditional building type in style, form and appearance, the skill and knowledge for its design and construction has been imparted informally, responds effectively to functional, social and environmental constraints and the use of traditional construction systems and techniques.

3.4 Vernacular Architecture of Malaysia

The Malaysian Government commissions a population census every ten (10) years. The last census that was carried out in 2010 indicated that Malaysia has a total population of 28.3 million people and is made up of many ethnic groups. Malays form the largest ethnic group with 14,771.8 million; followed by the Chinese at 6,517.4 million; other Bumiputras at 3,479.3 million; Indians at 1,959.9 million; others at 245,600 and non-citizens at 2,362.7 million (Department of Statistics Malaysia, 2015). Also the demographic census in 2010 indicated that the Malay and Chinese populations live mostly in West Malaysia while in East Malaysia, the Ibans are the majority in Sarawak at 30.3% and Kadazan Dusuns in Sabah at 24.5% (Department of Statistics Malaysia, 2015).

Hence, consistent with the definitions given in the previous section 3.3 for vernacular architecture and understanding that Malaysia's population is made up of multi-ethnicities, it can be interpreted that vernacular domestic architecture in the local context, should include amongst others, the traditional timber kampong houses of the Malay community (Kohl, 1984; Oliver, 1997a); the traditional shophouses of the Chinese community and in East Malaysia, the longhouses of the indigenous groups (Oliver, 1997a).

3.4.1 Architecture of the traditional Malay house and traditional Chinese shophouse

Socio-economic factors are a primary contributor to rural-urban migration in Malaysia (A. S. Hassan, 2001, p. 3; Oliver, 1997a, p. 1127). Census on the official portal of the Department of Statistics Malaysia indicated that the '...urban population increased to 71.0 percent in 2010 compared with 62.0 percent in 2000' (Department of Statistics Malaysia, 2015). The large rural-urban migration and the changing lifestyle of the community which prefers modern housing has caused the survival of the traditional Malay house to be at risk (M. Hassan, 1981; J. Y. Lim, 1991; USM, 1991). Additional factors that put the traditional Malay house at risk are fire and high maintenance cost, as the materials traditionally used for the construction of these houses burns easily and are disposed to decay. The lack of workers skilled in traditional construction methods and the increasing difficulty in getting the traditional building materials are also threats to the traditional Malay house (Hanafi, 1994; USM, 1991). Similarly, the traditional Chinese shophouse which form the core of all old urban areas is increasingly threatened by rapid development as the land prices increase in these inner city areas.

The gazettal of traditional housing typologies on the National Heritage list is an established practice in many countries (Archaeological Survey of India, 2015; Historic

England, 2011a; "Law for the Protection of Cultural Properties," 1950). These buildings are important to gazette as they represent examples of how the people usually live and provide insight into their traditional culture. The traditional Malay house and the traditional Chinese shophouse are housing typologies that are traditional to Malaysia and hence should be gazetted to ensure the preservation of their typological examples. To facilitate the assessment process of these building types, it is necessary to have a broad comprehension of their physical attributes.

House forms that are similar to the traditional Malay house typology which belong to other ethnic communities can be found in other Southeast Asian countries and is thought to have a common origin (Hijjas, 1971; Mubin, 1971; Waterson, 1997; Yeang, 1992). Similarly, the traditional Chinese shophouse is another common building form in this region and is thought to have originated from Southern China (Kohl, 1984). The prevalence of the traditional Chinese shophouse typology throughout Asia is reaffirmed in the Application Dossier submitted by the Government of Malaysia (2007) to UNESCO for the listing of Melaka and George Town, Historic Cities of the Straits of Malacca as a World Heritage Site.

Hence the literature review to facilitate the understanding of the traditional Malay house and the traditional Chinese shophouse should not be limited to publications of these vernacular forms in Malaysia but can include those of the typologies found throughout Southeast Asia and Asia respectively. Also, Singapore historically has ties with Malaysia as it once formed a part of the Straits Settlements along with Penang and Melaka; and subsequently became part of the Federation of Malaya in 1957 and later Malaysia until it separated on 9th August 1965 to become an independent and sovereign state. Hence, literature on Singapore's built heritage constructed prior 1965 will have relevance to this study.

3.4.1.1 Architecture of the Traditional Malay house

There are various literature written on the traditional Malay houses in Malaysia. These publications, however, focused only on the traditional Malay houses found in West Malaysia, and there are none written on the traditional Malay houses in East Malaysia. This could partly be accrued to Malays being a minority in East Malaysia. In Sabah and Sarawak, the indigenous people form the majority of the population, and they traditionally lived in longhouses. Therefore, most literature on vernacular domestic housing in Sabah and Sarawak focuses on the house forms of the indigenous people and not those of the Malay or Chinese communities.

Nevertheless, within the literature available on the traditional Malay houses of West Malaysia, authors often focused only on a particular region, aspect, or style of these house forms. Amongst the most notable of these publications on the subject matter is Noone (1948) who provided a detailed study on the construction of the traditional Malay house based on 25 houses in Kampong Banggul Ara, a Patani Malay village in Perak.

Hilton's (1956) Journal article focused on the traditional Malay houses found on the West coast of Peninsular Malaysia. Hilton identified and deliberated on the core building elements commonly found in all traditional Malay houses irrespective of its style. He also discussed the construction of the elements present in these buildings and how they may vary in each regional style.

Sheppard (1969) described the designs of the traditional Malay house forms in the East coast states of Kelantan and Terengganu. He disputes Hilton's (1956) opinion that these houses are influenced by Thai and Majapahit house forms and instead argues that their influences are of Patani origin.

Parid Wardi (1981) provided a general overview of traditional Malay houses and the Malay village. He offers examples of the typological styles of these houses in the states of Perak, Kelantan, Negeri Sembilan and Melaka.

Kamaruddin's (1983) Master's thesis discussed the historical development of the traditional Malay house and the details of this building typology. His thesis is supported by research done on the subject at the School of Architecture in Universiti Teknologi Malaysia.

Abdul Halim has prolifically documented and written on the traditional Malay houses. Abdul Halim and Wan Hashim (1997) classified these houses into 2 categories, namely the long-roofed and pyramidal roofed houses. Their book 'The traditional Malay house', also focused on the concept, structure and function of traditional Malay houses.

Gibbs (1987) similar to Hilton before him, focused only on traditional Malay houses that are located on the West coast of the Peninsular. Gibbs discusses how similar components of the traditional Malay house are positioned in a different manner in each house style. Gibbs also touched on construction methods, social practices as well as cultural beliefs of the Malays about house building.

J.Y. Lim's (1991) book 'The Malay House: Rediscovering Malaysia's Indigenous Shelter System' is used by many scholars as a key reference on traditional Malay houses. Lim's study on the subject is also confined to houses on the West coast of Peninsular Malaysia. There are many similarities between his research and that of Gibbs's work. This is not surprising as Lim collaborated and provided the illustrations for Gibb's research.

Hanafi (1994) compared and analysed the design and construction materials of the traditional Malay houses with those of modern houses to explore whether the design and

materials of these housing types provide thermal comfort and are ideal as housing solutions.

Syed Iskandar (2001) explored the concept of a traditional order in the design and construction of traditional Malay houses for his PhD thesis. His research is based on the collection of measured drawings on traditional Malay houses in the Pusat Kajian Alam Melayu (Kalam), Universiti Teknologi Malaysia.

Although these authors discussed specific topics on the traditional Malay house, they collectively provide a comprehensive depiction of the typology.

(a) Common physical characteristics

All these authors have identified in their descriptions of the traditional Malay house that the common physical characteristics of these houses, regardless of their regional style, are pitched roofs, floors that are raised from the ground on stilts, building materials acquired from the tropical rainforest, post and lintel construction with pegs and carpentry joints which allow for the houses to be dismantled and reassembled, climatically responsive design, modular house components, open plan layout, and change in floor levels to define spaces. These conclusions are reaffirmed by Gurupiah and Ra'alah (2005a) and Yeang (1992)

(b) Classifying the traditional Malay house

These authors have also expressed that the regional variations in the architectural form of the traditional Malay house are a result of geo-cultural influence. These opinions correspond with Waterson (1997, p. 1) who states that the building form shares physical features with the vernacular structures in ‘...both mainland and island South-East Asia as well as Micronesia and Melanesia...’; thus strongly suggesting a common origin in the past.

A traditional Malay house is identified by either its roof form or the number of columns used in the construction of the house. These roof forms also relate to the regional styles. Lim (1991) identified 4 main traditional roof forms for Malay houses namely the *bumbung panjang* (long ridge roof), *bumbung Perak* (gambrel roof), *bumbung lima* or *perabung lima* (hipped roof) and *bumbung limas* (pyramidal roof). Kamaruddin (1983); J. Y. Lim (1991) and Mohamad Tajuddin et al. (2005) believe that the oldest of these roof forms is the *bumbung panjang* while the remaining forms are thought to be derived from colonial influence in the Malaysian culture. This is in-line with Ezrin (1971) who asserted, based on Mubin Sheppard's research, that the *perabung lima* roof was of Dutch origin. Two examples of the traditional Malay house typologies are shown in Figure 3.13.

In the construction of traditional Malays houses, the units with the smallest size are built with six columns. Hence they are also referred to as *rumah tiang enam* (6-column house). Other than 6 columns, houses can also be constructed with 9 and twelve (12) columns and are referred to accordingly as a 9-column house and twelve (12)-column house (Mubin, 1971, p. 427).



Figure 3.13: Examples of traditional Malay houses
Source: Author

(c) *Climatically responsive*

J. Y. Lim (1991) attributes the climatically responsive qualities of the traditional Malay house to its open plan layout with full height window openings; permanent ventilation openings above windows, doors, upper levels of solid walls and roofs; permeable walls that are made from woven bamboo and deep overhangs. These features encourage air flow and allow muted light into these houses on the interior which help to keep the house and its occupants cool. According to Parid Wardi (1981) the development and use of these features originated from observations and an understanding of the environment over a period of time.

(d) *Construction and materials*

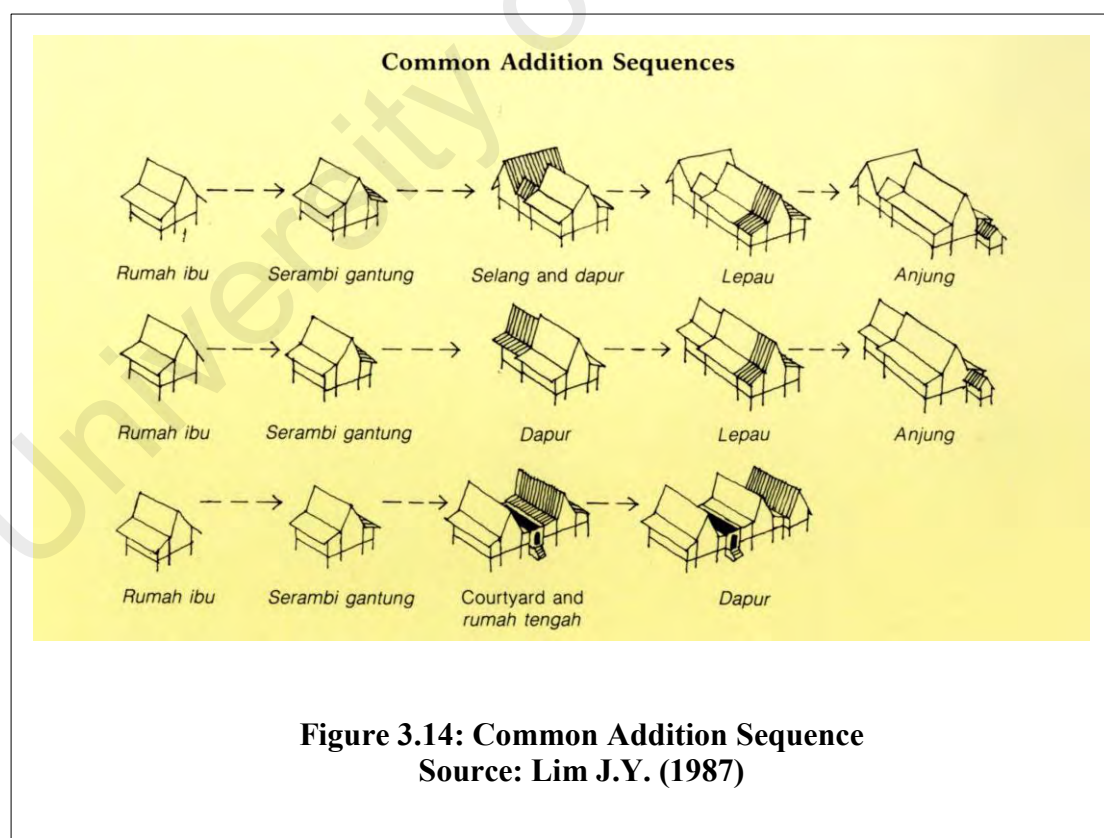
The traditional Malay house is constructed from materials that are readily available from the Malaysian tropical rainforests. The main structural members of the traditional Malay house are made from hardwood timbers such as *cengal*, *merbau* or *damar laut*. Timber planks, bamboo and *nibong* are materials that are commonly used for the floor. Walls are either made of timber planks, solid timber panels or are woven from bamboo while the roof covering are from various types of thatch that are usually made from *nipah*, *rumbia*, *bertam* or less frequently *ijuk*. Timber shingles and clay roof tiles are also commonly used as roofing materials especially on the East Coast of the Peninsular.

(e) *Modular units*

Traditional Malay houses are based on modular units; this allows for additions to be made according to the needs of the owner (Gibbs, 1987). These houses often begin with a single module, and additional modules are added on when required or when circumstances permit. The physical arrangement of the modules vary according to the house forms, but they conform to established layouts patterns (Gibbs, 1987; J. Y. Lim, 1991).

Houses usually consist of a main building called a *rumah ibu*, a kitchen unit called the *rumah dapur* and the *selang* a connection that links between these 2 units. Other components include a verandah called a *serambi* which is usually attached to the front of the main house and acts as an entrance to the building, an open platform or *pelantar*, and a raised courtyard that is open to the sky.

As mentioned earlier in section 6.2.1.1 (b), the smallest of the traditional Malay house units are built with 6 columns. The 6-column house is also known as a *rumah bujang*. The term *rumah bujang* refers to a basic unit without a separate kitchen or other facilities. This unit is often the basic unit which is first constructed and subsequent additions are added to it based on affordability and need. With additions, the *rumah bujang* is then converted into a kitchen unit. Figure 3.14 illustrates the common addition sequence for the traditional Malay house.



(f) Ornamentation

Zulkifli (2013) conveyed that traditional Malay houses are the unique legacy of traditional Malay woodcraft. This reaffirms Hijjas (1971) who commented on the impressive skills of Malay carpenters in carpentry and joinery work. According to Zulkifli, decorative timber carvings are an important aspect of Malay architectural elements and are carried out to complement and complete these houses. These carvings are located in places where they are visible to visitors such as at the gable end, fascia board, decorative panels, decorative trims, windows and doors. In addition, some of these decorative carvings also function as elements that provide ventilation for the building (Hijjas, 1971). Examples of decorative ventilation fenestrations found on traditional Malay houses are shown in Figure 3.15.

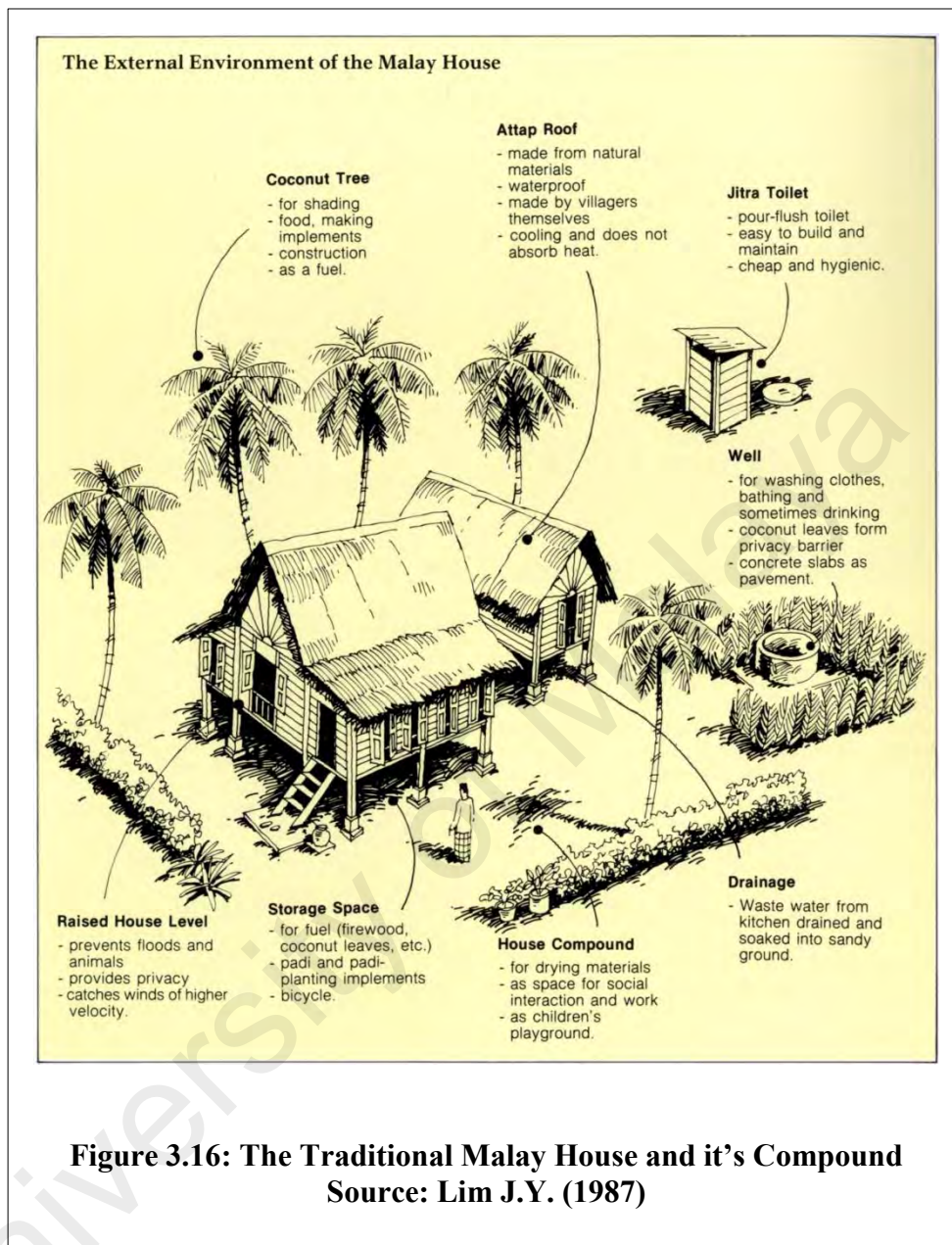


Figure 3.15: Examples of Decorative Ventilation Fenestrations
Source: Lim J.Y. (1987)

(g) Social cultural practices

The physical shifting or relocation of a house to a new location was formerly a common practice; this was made possible as a result of the building's modular system and method of construction that does not employ the use of nails (Gibbs, 1987; Kamaruddin, 1983; J. Y. Lim, 1991; Yeang, 1992). A house is relocated when it is divided due to inheritance, sold to a new owner, or when the existing site is deemed unsuitable due to recurrences of flooding, or when the owner chooses to move to a new location.

Social and cultural influences also play a crucial role on the overall layout of the traditional Malay house. The context of the traditional Malay house includes not only the building, but its overall setting with plants and vegetation being a critical component that relates to the traditional Malay lifestyle. Figure 3.16 illustrates the traditional Malay house and the elements found within its compound.



The literature in this section provides an account of the traditional Malay house typology. It highlights the main elements, construction materials and methods, features as well as social and cultural practices to give an understanding of this building typology. The following section will discuss the traditional Chinese shophouse typology.

3.4.1.2 Architecture of the Traditional Chinese shophouses

The traditional Chinese shophouse is the typical urban building typology of 19th and 20th century South-east Asian Towns (Urban Redevelopment Authority, 1995). Davison (2010); Kohl (1984); Too (2005) and J. H. S. Lim (1993) describes these shophouses as individual buildings of 2 to 3 storeys in height that are usually built as a row of similar units to form a block. The shophouse, as the name suggests, integrates domestic living and commercial functions within the same unit. Traditionally these shophouses accommodated the merchant who operated the business in the front room on the ground floor while his family lived on the upper floor (Yeang, 1992). Weinberger (2010) asserts that the shophouse is an Asian regional vernacular typology that is the manifestation of a larger phenomenon of a dual-use building and is one that is found throughout the world which was borne out of economic factors that was required to decrease overheads in order to have a profitable business in an urban area.

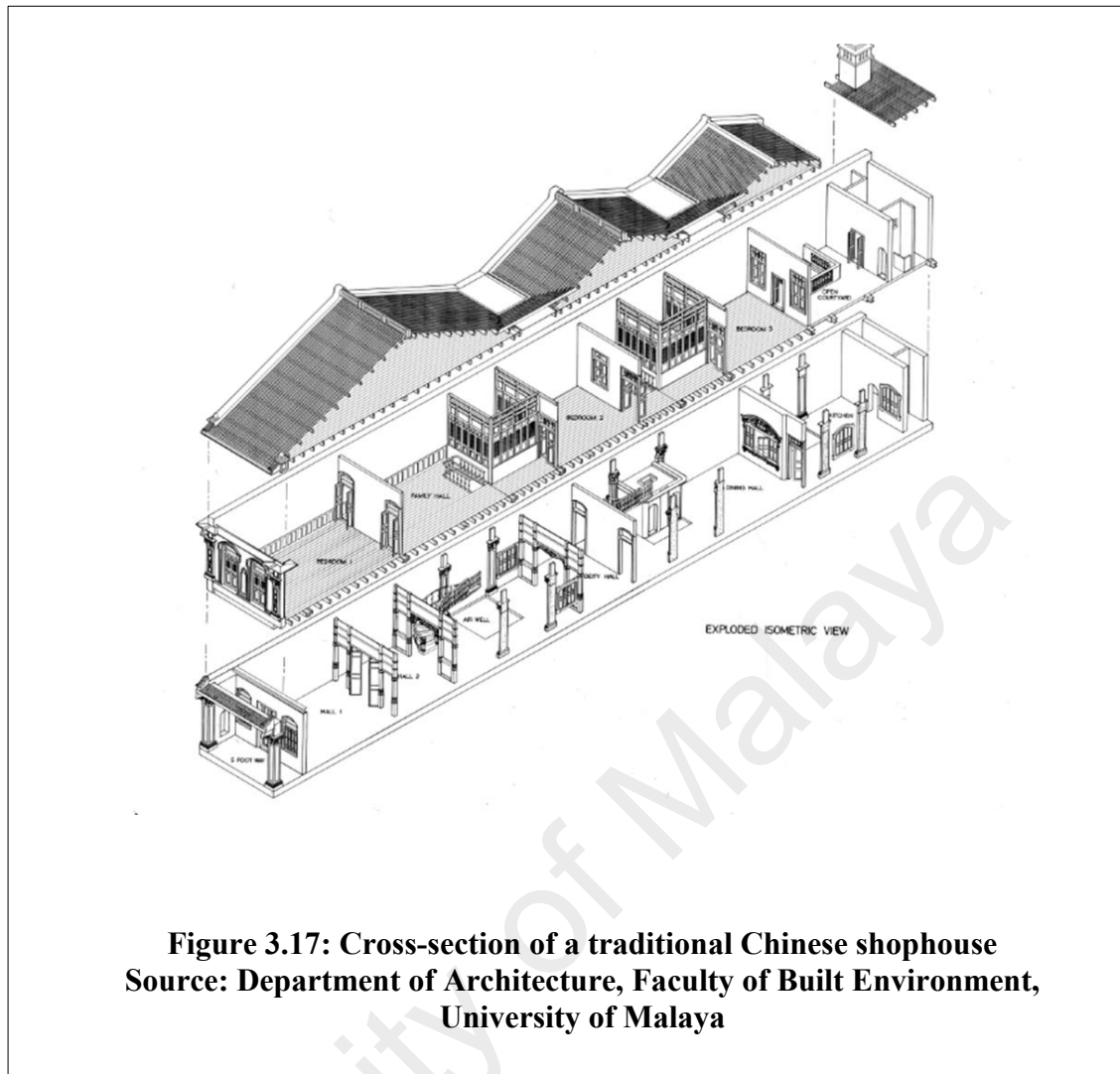
The traditional Chinese townhouse is a variation of the traditional Chinese shophouse typology. Although the traditional Chinese townhouse is fairly similar to the shophouse in appearance; it is however, built exclusively for accommodation and does not have spaces for commercial activity located within its premises.

(a) Typological features of the traditional Chinese shophouse

Shophouses are built on long narrow lots with openings limited to the short frontages at the front and rear of the site. The narrow site configuration restricts the layout of these buildings to a linear arrangement of rooms that are interspersed at intervals by air-wells which provide light and ventilation. This linear plan has caused the arrangement of rooms to follow a set series of functions that are influenced by both the Chinese courtyard house and length of the building (Kohl, 1984). The fronts of these buildings on the ground floor are set back from the road while the upper floor projecting over the

set-back creates a covered walkway. These continuous walkways which are known as a “five-foot way” run the length of the block and provide respite from the weather. Shopkeepers often extended their merchandise to be displayed along the five-foot way, providing a lively experience for pedestrians.

As mentioned earlier, air wells that break up the sequence of spaces within the linear layout provide light and ventilation into inner areas of the buildings. Permanent openings on walls, as well as jack-roofs, further help to ventilate these buildings (World Heritage Centre UNESCO, 2012f; Urban Redevelopment Authority, 1995). The cross-section in Figure 3.17 illustrates the common arrangement of spaces for a traditional Chinese shophouse.



(b) Façade and ornamentation

In Malaysia, the styles of these buildings are identified based on the architectural style of the front façade as the internal layouts are similar as a result of the size of lots in the urban context. (Kohl, 1984) contends that although the style of these building facades appears to be traditionally European in origin, they defer from traditional European architecture as a consequence of the availability of materials, workmanship and climate (Yeang, 1992). The dossier submitted by the Government of Malaysia for the registration of Melaka and George Town as a UNESCO World Heritage Site positions that shophouses in Melaka and George Town have, over an extended period developed and transformed as a result of the influences of multi-cultural trading that have occurred (Government of Malaysia, 2007). From the low single storey structures

of the early shophouses in the 1840s, the architectural development of this typology progressed to taller structures of up to 3 to 4 storeys in height. Similarly, the designs of the shophouse facades have also progressed through several stylistic phases from simple, austere designs of the early shophouse to become more elaborately decorated.

Many of the shophouses built in the early 1900s were sumptuously ornamented with decorative plasterworks that were a mixture of European and Chinese influence. Cut-and-paste shard work from broken crockery known as '*chen nien*' is also commonly found on buildings of this period. Decorative glazed ceramic tiles covered the front walls up to waist height, and the pavements along the five-foot ways were finished with encaustic tiles (Kohl, 1984). These elaborately designed shophouses advanced to Art Deco styled buildings that were frequently finished in Shanghai plaster in the 1930s and by the mid-20th century to shophouses in the Modern style.

While Chinese merchants predominately owned shophouses, they were also belonging to the other communities. These are evident by the surface ornamentation found on these buildings which indicate the ethnicity of the owner (Yeang, 1992). Several examples of the shophouse typologies are featured in Figure 3.18 on the following page.



Figure 3.18: Example of traditional Chinese Shophouse facades
Source: Author

(c) Construction and materials

Early shophouses were low, modest structures using timber with thatched roofs which were subsequently replaced by $\frac{1}{2}$ brick and timber buildings. With the increased in the availability of materials and technology, shophouses were gradually fully constructed in brick while later day models used concrete. The majority of the traditional Chinese shophouses were load bearing brick structures with timber flooring on the upper levels and were roofed with V profile unglazed terracotta clay roof tiles. The main beams of the shophouses ran parallel to the facade and spanned the short length of the building. These beams were supported at both ends by thick party walls which separated one shophouse unit from the next. These party walls also prevented the

spread of fire from one building to the next. The walls of these buildings were finished in lime plaster which allowed the buildings to breathe (Urban Redevelopment Authority, 1995).

The literature review in this section has provided an overview of the traditional Chinese shophouse. It has described the main features, design and construction of the building type. The next section will present the findings and analysis for the fieldwork to answer RO3.

3.5 Summary

This chapter provided the background context to heritage protection in Malaysia. The chapter began with literature review on heritage related legislations in Malaysia and subsequently discussed how the criteria for listing National Heritage have been applied. The traditional Malay house and the Chinese shophouse were also discussed to provide an understanding of these vernacular domestic building typologies.

The review on heritage related legislations has identified issues in the NHA 2005 which needs to be addressed in order for heritage protection to be more effective. The chapter has also described the rich architecture and social culture related with the traditional Malay house and Chinese shophouse, and shown its importance as a vernacular typologies which should be protected.

The following chapter, Chapter 4, will discuss the research methods that were applied for this study.

CHAPTER 4: RESEARCH METHODOLOGY

The previous Chapter 2 discusses the National Heritage Programmes in 5 selected countries as well as the pertinent charters, significance and authenticity. The literature identified that the understanding and use of criteria for listing is contextually specific to each country as they are influenced by the society, environment, history and way of life. Therefore, it is important for Malaysia to assess her cultural heritage based on her own guidelines, as the guidelines for other countries may not be suitable to be adopted with her existing set of criteria.

This chapter explains the research methods and data analysis that was undertaken. The research is divided into 5 main stages. The overall research framework for the study is explained in section 4.2; section 4.3 describes the research techniques for data collection which includes the selection of respondents; section 4.4 covers the research techniques for data analysis and section 4.5 provides details on the ethical issues that are related to this study.

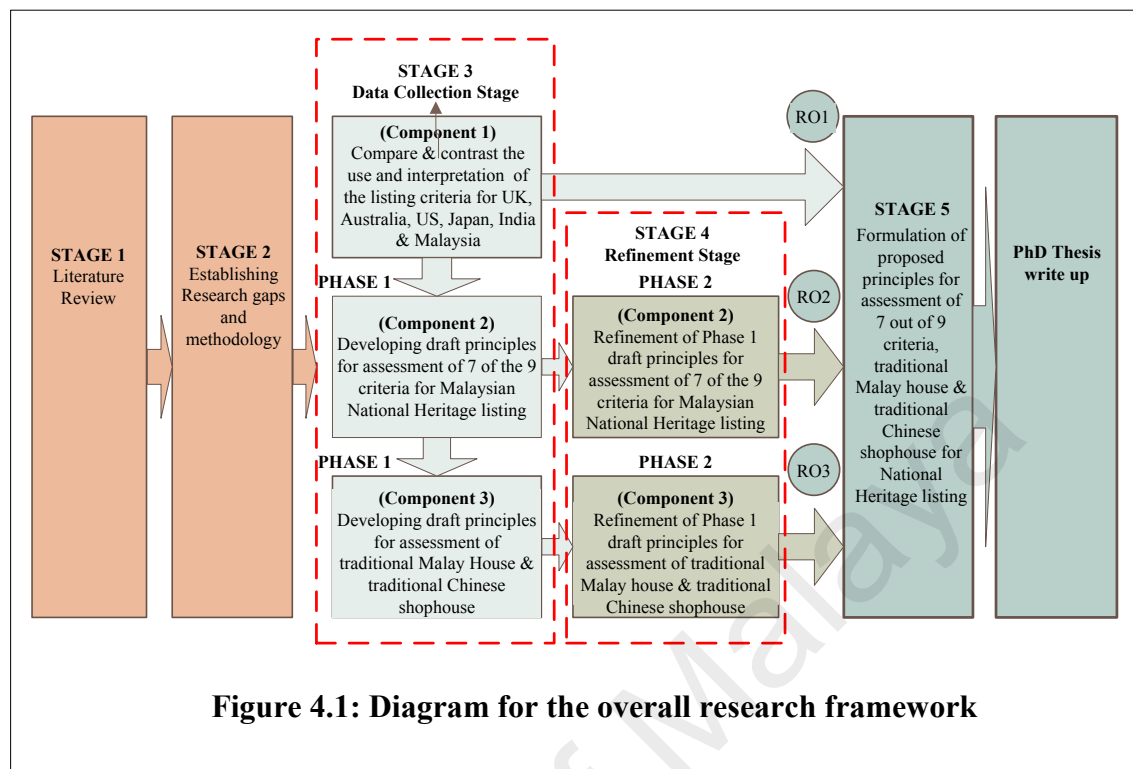
4.1 Qualitative Research Method

The study presented in this thesis is to develop guiding principles that will facilitate the assessment of cultural heritage for listing in Malaysia. The study is context-specific to the criteria for National Heritage listing under section sixty seven (67) of the Malaysian National Heritage Act 2005. According to Neuman (2011), qualitative research is suitable when context is emphasised, as quantitative research seldom treats context as important. Patton (2002) explains that ‘qualitative methods facilitate study of issues in-depth and detail’ and subsequently suggests that ‘qualitative inquiry is particularly orientated toward exploration, discovery, and inductive logic’ The ontological and epistemological position within the constructivism perspective in this study leads to the use of grounded theory as a methodology. A grounded theory

approach is deemed suitable to investigate the phenomenon being studied as it allows for a series of data collection and analysis of data in a systematic manner for the construction of theory. As shown in the literature review in Chapter 2, principles that would facilitate the assessment of cultural heritage for Malaysian National Heritage listing must to be embedded within the Malaysian context in order for it to be relevant. Consequently in order to develop these principles, it is necessary to obtain deep and rich data from Malaysian heritage managers, as they are the most knowledgeable on the unique characteristics of the country's cultural heritage and are able to reflect on their experience. According to Creswell (2008), the use of grounded theory is suitable to generate broad theory or explanation of a process; because the theory is established or 'grounded' in data, it provides a better fit for the situation as it allows in-depth understanding that would facilitate the process to develop and establish the principles. This supports the need for a grounded theory approach for this research.

4.2 Research Methodology Framework

The process for conducting this study is divided into 5 main research stages. Figure 4.1 illustrates the Research Methodology Framework for the study, which demonstrates a layering of 'grounded' activities that takes place in the research process. Each stage of the research process will be discussed in the following sections.



4.2.1 Literature Review (Stage 1)

In Stage 1 of the study, a literature review of journal articles, books, and legal documents as well as examination of selected international National Heritage programs provided an in-depth understanding on the issues pertaining to assessment of international cultural heritage for listing. This broadened the author's knowledge base on the subject matter and assisted to facilitate critical thinking on the issues in relation to the Malaysian context. The literature review brought clarity and focus to possible research gaps that could be the focus of this study. The literature review is included in 2 different sections within the thesis. In Chapter 2, a review of National Heritage programs in 5 selected countries was presented; while in Chapter 3 provided a review on the Malaysia legislations related to the protection of immovable heritage and the National Heritage in the country. In addition, literature on the traditional Malay house and Chinese shophouse was also covered in Chapter 3.

4.2.2 Research Development (Stage 2)

Stage 2 of the study was the formulation of the aim, research questions, objectives and methods once the research gaps were clearly defined. The research aim, questions and objectives as mentioned in Chapter 1 guided the research from the outset to its completion.

4.2.3 Data Collection Stage (Stage 3)

Data collection for the study took place in Stage 3. Data was collected for 3 different research components which gathered the evidence to answer the research questions and objectives. The collected data, upon analysis, led to the formulation of draft principles for assessment of cultural significance. The methods in which data was collected in Stage 3 are explained in the following sections.

- Component 1: Critical comparative analysis of criteria for listing National Heritage and its applications between Malaysia and 5 selected countries to answer RO1

Comparative method that focused on the differences and similarities was used as the method to collect data in Component 1. The aforementioned comparison examined 5 aspects, as follows:

- i. Definition of National Heritage
- ii. Criteria for National Heritage listing
- iii. Guidelines for National Heritage listing
- iv. Statement of Significance for buildings listed as National Heritage
- v. Heritage values encompassed by the criteria for listing

The above aspects of 5 countries, namely the UK, Australia, US, Japan, and India, were compared with Malaysia to highlight the similarities and differences

from a global perspective. The outcome is particularly relevant and very important as it provided a holistic understanding for this study. As mentioned in Chapter 2, the selection of these 5 countries for comparison with Malaysia was due to their long-established practises in listing their cultural heritages.

- Component 2 (Phase 1): Formulating of guiding principles to facilitate assessment of immovable cultural heritage for National Heritage listing to answer RO2

Data was collected for this component through in-depth interviews with Malaysian heritage managers. The research instrument used to develop the questions for the interview was the criteria to list National Heritage. Seven of the 9 criteria were used as identified in the outcome of Component 1. The 7 criteria for listing that was used are as follows:

- i. Criterion (b) Good design or aesthetic characteristics
- ii. Criterion (c) Scientific or technological innovations or achievements
- iii. Criterion (d) Social or cultural associations
- iv. Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage
- v. Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features
- vi. Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage
- vii. Criterion (h) The representative nature of a site or object as part of a class or type of a site or object

- Component 3 (Phase 1): Establishing guiding principles which are specific to guide assessment of traditional Malay houses and the traditional Chinese shophouses for listing as National Heritage to answer RO3

In-depth interviews were used to collect data for Component 3. The interview for Component 3 was carried out simultaneously with the interviews for Component 2 and therefore used the same respondents and followed the same interview processes and protocols. Thus, this component utilised the 2 building typology samples, identified as the traditional Malay house and Chinese shophouse, as the research instruments to develop the interview questions.

The research techniques for data collection and analysis that were carried out for Stage 3 will be explained in Sections 4.3 and 4.4 respectively.

4.2.4 Refinement Stage (Stage 4)

Stage 4 is the refinement stage for the study. In this stage, draft principles of assessment that were formulated in Stage 3 were refined in 2 research components. Upon refinement, the draft principles for assessment were developed into the final principles for assessment. The methods in which the draft principles were refined in Stage 4 are explained in the following sections.

- Component 2 (Phase 2): Refinement of the draft principles for assessment of cultural significance for 7 of the 9 criteria for listing

Draft principles for assessment were refined in this component with 2 groups of experts, comprising Malaysian experts in one and international experts in the other, using 2 methods. The 2 methods are as follows:

- i. Semi-structured interview
- ii. Questionnaire survey

The semi-structured interview and questionnaire survey both pursued the following objectives:

- i. To establish, through consensus of a wider audience, the draft principles for assessment of the National Heritage listing criteria
 - ii. To explore additional viewpoints on philosophies and values that emerged from the analysis of Component 2 (Phase 1) and Component 3 (Phase 1) which were perceived to require further clarifications
 - iii. To ascertain if there are any additional perspectives that were not brought up during the Data Collection Stage but which may be of relevance to the study, which is in line with the explorative traits of qualitative research
- Component 3 (Phase 2): Refinement of the draft guiding principles for assessment of the traditional Malay houses and Chinese shophouses

Component 3 (Phase 2) also used semi-structure interviews and questionnaire surveys to refine the draft principles for assessment of the traditional Malay houses and Chinese shophouses in this component. The interviews and questionnaire surveys happened together with those of Component 2 (Phase 2) and therefore followed the same interview processes and protocols.

The research techniques for the data collection will be explained in section 4.3 and the method of analysis explained in section 4.4.

4.2.5 Formulation Stage (Stage 5)

Formulation of the principles for assessment took place in Stage 5 of the study. This is the final stage of the research process and where the research outcomes were written up and disseminated.

4.3 Research techniques for qualitative data collection

There were 2 research techniques used to collect data for the 3 components in this study. The data collection techniques are as follows:

- i. Comparative method, which allowed research instruments to be compared and contrasted
- ii. Interviews (semi-structured)
- iii. Questionnaire surveys

The following sections clarify the data collection techniques used in this study.

4.3.1 Comparative method

A comparative method that compared and contrasted the research instruments was used to collect data in Component 1. The purpose of the data collection was to answer 4 issues raised to address RO1, as follows:

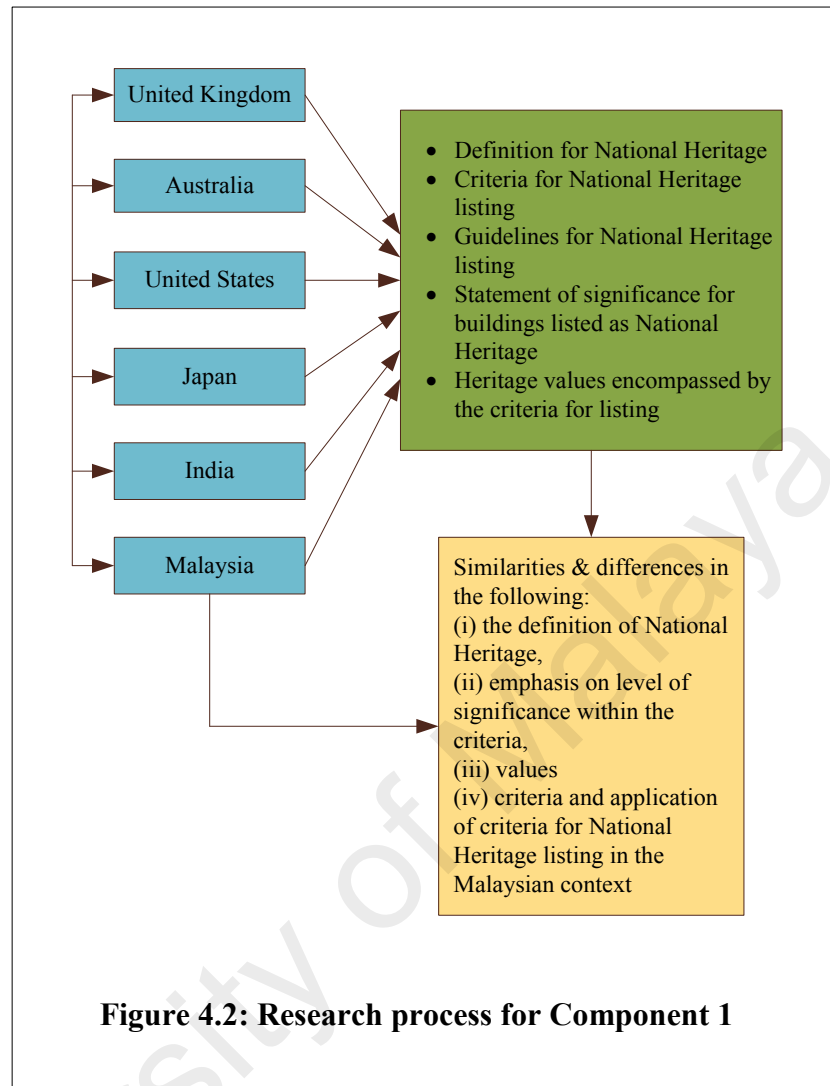
- The difference in how Malaysia expressed the importance of National Heritage in comparison to the 5 selected countries
- The clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries
- The similarities in the values that are encompassed in the criteria for National Heritage listing for Malaysia and the 5 selected countries

- The similarities in the application of a similar criteria for National Heritage listing for Malaysia and the 5 selected countries

Five research instruments were used for this purpose. These instruments are as follows:

- i. Definition of National Heritage
- ii. Criteria for National Heritage listing
- iii. Guidelines for National Heritage listing
- iv. Statement of Significance for buildings listed as National Heritage
- v. Heritage values encompassed by the criteria for listing

For this component, similar research instruments for 6 countries namely the UK, Australia, US, Japan, India and Malaysia was compared and contrasted through an interpretive method to gather data which was relevant to the study. Figure 4.2 summarises the research process for this component.



4.3.2 Interview

The literature review demonstrated that the study requires in-depth knowledge of the phenomenon in Malaysia and is best obtained from respondents with the knowledge and ability to reflect on their experience. Therefore, interviews were used as the data collection technique for the following reasons:

- An opportunity to obtain a rich and in-depth view of the phenomenon under study from the respondents
- Provide a better understanding to the meanings expressed by the respondents as they are able to answer in detail and can immediately clarify responses
- Reveal respondents' logic, thinking processes and frames of reference
- Permit adequate answers to the phenomena which comprises complex issues

4.3.2.1 Semi-structured interviews and its protocols

Semi-structured interviews with open-ended questions were carried out in this research in both Stage 3 (Components 2 & 3[Phase1]) and Stage 4 (Components 2 & 3[Phase 2]). These types of questions are invaluable for investigative research as they provide in-depth views and opinions from the participants (Neuman, 2011). According to Patton (2002), unlike close-ended questions which limited participants' responses only to standardized answers, open-ended interviews enables the participants to provide pertinent responses to queries. Additionally, Creswell (2008) states that this type of data cannot be obtained through quantitative research methods where the focus is to establish results that are predicted by testing of hypothesis.

(a) Stage 3 (Components 2 & 3[Phase1])

The interviews for the Data Collection Stage for Components 2 and 3 (Stage 3[Phase1]) were performed concurrently and involved the same group of heritage managers as respondents. A copy of the interview questionnaire used to guide the interviews is included in Appendix C. The process for the semi-structured interviews can be divided into several stages as follows:

- **Pre-interview:** In the pre-interview stage, pilot testing was carried out on questions to be used in the interview to check for clarity and refinement before they were sent out. The data from the pilot test is not included as part of the data collection for the study.

Subsequently, potential heritage managers were identified and contacted by e-mails to explain the purpose of the study and obtain consent for interviews. A copy of the questions and an informed consent form were also included in the initial e-mails to enable the heritage managers to fully comprehend the

objectives of the study. These e-mails were subsequently followed up by telephone calls to confirm and set the interview appointment.

Nevertheless, one heritage manager was interviewed without an initial contact made through e-mail. The heritage manager had already been identified as a potential respondent when a chance meeting at the office of a mutual acquaintance allowed a spontaneous interview to be conducted. However, all interview protocols and research ethics were observed.

- **Interview:** A total of eleven (11) interviews were conducted from March 2011 to October 2011. All interviews were conducted face-to-face, one-on-one and in person. The length of time spent with each heritage manager in the interviews varied, ranging from the shortest at forty (40) minutes to the longest lasting 3 hours. The interviews were arranged at the heritage managers' convenience and, with the exception of two interviews, were conducted at the heritage managers' own offices. The 2 remaining interviews were held at the office of a mutual acquaintance (the spontaneous interview) and at a restaurant of the heritage manager's choice.

To provide an accurate record of the discussion, the heritage managers' consent were obtained for the use of a digital audio recorder. This also enabled the author to be more attentive to the discussion and interact effectively with the heritage managers during the interviews.

- **Post-interview:** These recordings were transcribed verbatim and the transcripts checked by way of reading while listening to the audio file to ensure trustworthiness. The salient points of the discussions were then extracted from the transcripts and sent back to the heritage managers for confirmation in order

to ensure accuracy of the information. In the process, telephone, additional interviews and e-mail follow-ups were also employed for clarifications at specific points.

(b) Stage 4 (Components 2 & 3[Phase2])

The semi-structured interviews in the Refinement Stage for Components 2 and 3 (Stage 4[Phase2]) were performed concurrently and involved the same group of experts. These interviews happened jointly with the questionnaire survey that will be discussed in the following Section 3.3.2.2. The interview went over the same questions that were asked in the questionnaire survey. A copy of the questionnaire survey that was used is shown in Appendix D. The purpose of the interview is for verification and refinement of the draft principles developed in Stage 3.

Although there were 2 separate experts groups involved as respondents for the questionnaire survey, due to logistical reasons the interviews took place only with the Malaysian experts group. These interviews were carried out in groups of 2 or 3 persons between the months of May and August 2012.

Two of the international experts were interviewed as they happened to be in Malaysia in May 2012. One of the international experts was in Malaysia to facilitate a workshop on heritage planning in Penang, while the other was conducting a series of lectures at a local university in Johor. Both these experts consented to face-to-face interviews. The remaining international experts were not interviewed and only submitted a response for the questionnaire survey through email.

The process for the semi-structured interviews in the Refinement Stage followed the same processes and protocols that were outlined in Section 4.3.2.1 (a) of the research techniques for qualitative data collection.

(c) Selection of respondents

There are 3 groups of respondents involved in this study, summarised in Table 4.1.

Table 4.1: Respondents groups involved the study

Stage	Components	Respondents	Nos.
Stage 3	Components 2 & 3 (Phase 1)	Malaysian heritage managers	11 persons
Stage 4	Components 2 & 3 (Phase 2)	Malaysian experts	11 Malaysian persons
		International experts	12 International persons

The sampling procedures to select the respondents are described in the following sections.

i Respondents for Stage 3 (Components 2&3 [Phase 1])

The research requires an in-depth knowledge of the phenomenon in Malaysia and can only be obtained from respondents who had gained this knowledge and ability to reflect on their experience. As discussed in Chapter 1, heritage is a relatively new area in Malaysia and presently only a limited number of individuals in the country have the necessary expertise and training to contribute to the study.

To develop principles for interpretation that is specific to the Malaysian context, it is necessary to obtain information from respondents, in this instance Malaysian heritage managers, who understand the context. This condition therefore necessitates qualitative sampling methods where the focus is on the quality of the data that is collected. The respondents were purposefully selected to inform on the phenomenon being studied rather than emphasizing the size of the sample itself (Creswell, 2008; Patton, 2002).

The selection of the heritage managers for interview for both Components 2 and 3 was based on purposeful sampling using maximal variation sampling strategy. Purposeful sampling allows selection of respondents with the ability to provide the most comprehensive knowledge of concerns that were being studied (Neuman, 2011; Patton, 1987; Rubin & Babbie, 2011). According to Patton (2002, pp. 234-235) maximal variation sampling strategy in purposeful sampling ‘...aims at capturing and describing the central themes that cut across a great deal of variation’. Data and analysis from this form of sampling would yield high-quality detailed descriptions and provide for the emergence of important common patterns that arise from heterogeneity (Patton, 2002). Creswell (2008) stated that complexity is in-built into the research when respondents are selected through this sampling method.

Additionally, according to Creswell (2008, p. 214) the maximal variation sampling process requires the researcher to ‘...identify the characteristics and then select participants that display different dimensions of that characteristic’. Hence, the researcher first considered the type of knowledge that is necessary for the study and purposefully selected respondents with relevant experience from diverse organizational groups in order to obtain information from various perspectives.

In the author’s opinion, the scope of knowledge necessary to provide rich in-depth information can only be obtained from heritage managers who are in a position of authority within their respective organizations and are required within this capacity to have direct involvement in the decision-making process with regards to the protection of heritage. This is because the research requires specific knowledge that cannot be acquired if the respondents have never been involved with the issues and therefore unable to provide pertinent views.

In the initial selection process several criteria were identified as of key importance for the identification of these heritage managers. These criteria are as follows:

- i. Are in senior or authoritative positions in their respective organizations and able to be decision-makers in the protection of cultural heritage
- ii. Selection from all categories involved in the conservation of immovable cultural heritage
- iii. Work involvement has provided extensive hands-on experience in the identification and protection of immovable cultural heritage

Based on the above criteria, eleven (11) respondents consisting of 8 heritage managers and 3 local experts were selected from a list of potential respondents. These respondents are considered as heritage managers as they are involved in the protection of heritage either through their responsibilities in the government service, or their appointment to important federal or local authority committees (e.g. the National Heritage Listing Committee and State Technical Review Panels which advises on the approvals of submissions made for heritage sensitive areas such as the World Heritage Site of Melaka and the George Town, Historic Cities of the Straits of Malacca). The 3 local experts who are not in the aforementioned category are considered to meet the requirement as heritage managers as they provided advice and consultancy services to local authorities related to heritage projects. Members from both the Architectural and Planning Professions are equally represented within the eleven (11) heritage managers in the group. The sole remaining participant who is not an architect or a planner is from a Cultural Arts background. The composition of the heritage managers' group members is shown in Table 4.2.

Table 4.2: Composition of the Heritage Managers' group

STAGE 3 PHASE 1 Heritage Managers	
<u>11 members</u> 8 federal officers, local authorities & heritage related advisory board members & 3 heritage consultants to local authorities	
<u>Federal Officers</u> SFD01 SFD02 SP01 SSG01 <u>State Officer</u> SLG01	<u>Advisory Committee</u> SHB01 SHB03 SHB02 <u>Heritage Consultants</u> SAI01 SPS01 SP02

The heritage managers' profiles and reference codes are provided in Appendix A.

ii Respondents for Stage 4 (Components 2&3 [Phase 2])

The Stage 4 Phase 2 consists of 2 respondent groups. The details of the sampling procedure are explained in the following section.

- Malaysian experts sampling procedure

The Malaysian experts for Stage 4 Phase 2 were identified based on 2 main criteria as follows:

- i. Respected within the Malaysian heritage community due to their knowledge, experience and involvement in heritage and often invited to contribute at local or national level platforms such as seminars, forums, and technical committees
- ii. Represent at least one of the following groups: NGO, Academia, Practitioner, or Government Heritage Body

The mixed selection of participants from various groups allowed for validation of the principles across fields.

A total of 14 local heritage experts were contacted and invited to participate in this second phase. However, only eleven (11) experts agreed to participate whilst three (3) declined. None of the participants contacted for this phase were involved in the earlier phase.

- International experts sampling procedure

The selection of the international participants were based on the following criteria,

- i. Respected within the international heritage community due to their knowledge, experience and involvement in heritage and often invited to contribute at international level platforms such as seminars, forums, and technical committees
- ii. Working in heritage and have international exposure
- iii. Vast knowledge and experience in heritage
- iv. Affiliation with an international heritage organization

The opinion of the international community is necessary due to Malaysia's position as a signatory to the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage which promotes the safeguarding of cultural heritage through the process of identification and listing (UNESCO, 1972). Thus, although a proposal for principles of interpreting cultural significance for Malaysia is context specific, in principle it must be aligned with international opinions. However, the views of international participants where it relates to traditional Malay houses and Chinese shophouses will be carefully reviewed as they may not be absolutely relevant since they may have limited understanding of Malaysia's cultural context.

A common factor between the 2 participant groups was that both groups consisted of participants who were respected within the local heritage community and international heritage community respectively and due to their involvement in heritage works are often invited to contribute at various seminars, forums and technical committees, amongst others. A comparison of the selection criteria for the 2 experts' groups is shown in Table 4.3.

Table 4.3: Selection criteria for experts' groups for Stage 4 Phase 2

Malaysian Experts Selection Criteria	International Experts Selection Criteria
Are respected within the local heritage community due to their involvement in heritage work or specialisation in an area related to this study and are often invited to contribute at local seminars, forums, etc.	Are respected within the international heritage community due to their involvement in heritage works and are often invited to contribute at international seminars, forums, etc.
Have vast knowledge in heritage works through hands-on experience	Have vast knowledge in heritage works through hands-on experience and are appointed on to various national and international committees
Representing one of the following groups: NGO, Academia, Practitioner or are affiliated with an established international heritage organisation	Affiliated with an established international heritage organisation such as ICOMOS, Getty institute, etc.

4.3.2.2 Questionnaire survey and its protocols

A questionnaire survey with 2 different forms of questions was used to further verify and refine the draft principles. The first section of the questionnaire survey utilised open-ended questions while the second part used both dichotomous questions (with 'Yes/No' response) as well as an additional section that allowed respondents to make comments to the dichotomous questions.

The process for the questionnaire survey for this component can be divided into several stages. These stages are as follows:

- **Preparation:** The planning of the questionnaire took into account both context effect and form of questions in order to acquire best response. According to

Neuman (2011) the manner in which questions are presented may affect the participants' response; and this is known as context effect. Neuman (2011) also suggested that the length of a questionnaire may affect the response success rate. A concern of open-ended interview questions when not conducted through an interview is that it may intimidate participation as they require a lengthy written response which involves thought, time and effort (Neuman, 2011).

Hence, to obtain a better response success rate to questionnaire survey that was sent though through e-mail, the study selected to use a mixed type questionnaire format. The first section of the questionnaire survey had open-ended questions that required the expert to given written response to the questions that were asked. This allowed respondents to give detailed answers to more complex questions that required further in-depth investigation.

The second section was partially open-ended as it used both dichotomous questions with 'Yes/No' response to get consensus on the validity of the draft principles and an additional section that allowed respondents to make comments. The dichotomous questions allowed for easier and quicker responses and formed the majority of the questions as it encouraged participation. The use of a mixed form questionnaire is in line with the recommendation from Neuman (2011) who suggested the use of a mixed type interview questionnaire to assist in overcoming practical limitations that may arise out of the form of the interview questions that are selected.

Interview questions were organized in a funnel sequence, which progressed from general questions to those that are more specific. The purpose of planning the interview questionnaire in this manner is to facilitate the participants in thinking holistically about the topic being researched with the intent to provide

a context that will assist them in giving salient responses to the individual issues covered in the specific questions (Neuman, 2011).

The questionnaire was pilot tested with 2 colleagues in order for the questions to be comprehensible before it was sent out by email. Some of the questions were rephrased for better clarity as a consequence of the pilot testing. As previously mentioned, the results of the pilot tests were not included as part of the Malaysian experts' group response.

- **Distribution process:** The questionnaire survey was emailed out in May 2012 to thirty three (33) international experts and fourteen (14) Malaysian experts. However, only twelve (12) of the international participants agreed to participate, while 3 others declined and the remaining eighteen (18) did not respond although follow-up e-mails were sent. Out of the twelve (12) international participants who participated, 7 are from Asia while the remaining 5 are from western countries. The emails to the Malaysian experts also requested for an interview. A total of eleven (11) Malaysian experts consented to the interview and returned the questionnaire survey.

The research techniques for data collection analysis carried out for this stage will be explained in Section 4.4.

4.4 Research techniques for qualitative data analysis

An essential process in research is for data to be correctly analysed to ensure integrity of the said research. The following section elaborates on the data analysis process in this study.

4.4.1 Comparative method of analysis

Data was analysed by comparing the research instruments to search for patterns of similarities and differences between the units of analysis to understand and explain the 4 issues in RO1. A detailed explanation of the methods used to analyse the 4 issues are as follows:

- The difference in how Malaysia expressed the importance of National Heritage in comparison to the 5 selected countries

Data analysis was carried out by comparing the legal definition given for 'National Heritage' in the 6 countries. In instances where the legal definition of National Heritage could not be ascertained, the description which the country used to describe the significance of National Heritage or the highest listing category which the country applies is used as the research instrument. The rationale for using the description for the highest category of listing for a country is because this would equate to National Heritage status.

- The clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries

Data analysis was carried out by comparing keywords which articulated the values within the phrasing of the criteria for listing with the help of a rubric that gave a range of values (from high to low) as outcome descriptors. A copy of the rubric developed as a tool for this purpose is attached in Appendix F. The use of a scoring rubric, according to Jonsson and Svingby (2007), is increasingly seen as means to provide a credible and fair assessment.

- The similarities in the values that are encompassed in the criteria for National Heritage listing for Malaysia and the 5 selected countries

Data analysis of the values which are encompassed in the criteria for National Heritage listing was carried out by comparing the values focused in the criteria for listing National Heritage in each country. This came from a variety of sources: the legal instruments for protection of heritage were used for Malaysia and Japan, the Burra Charter for Australia, Historic England for the UK, the National Park Service for the US, and the Archaeological Survey of India's draft guidelines for heritage listing was the source of values for India.

- The similarities in the application of the comparable criteria for National Heritage listing for Malaysia and the 5 selected countries

Data analysis was carried out by comparing the application of criteria for listing using the Statement of Significance given for cultural heritage listed on the Malaysian National Heritage list against the following research instruments in the 5 selected countries:

- i. Guidelines for National Heritage listing
- ii. Application of the Criteria in the listing of cultural heritage for National Heritage
- iii. Justification given in the Statement of Significance for the listing of properties

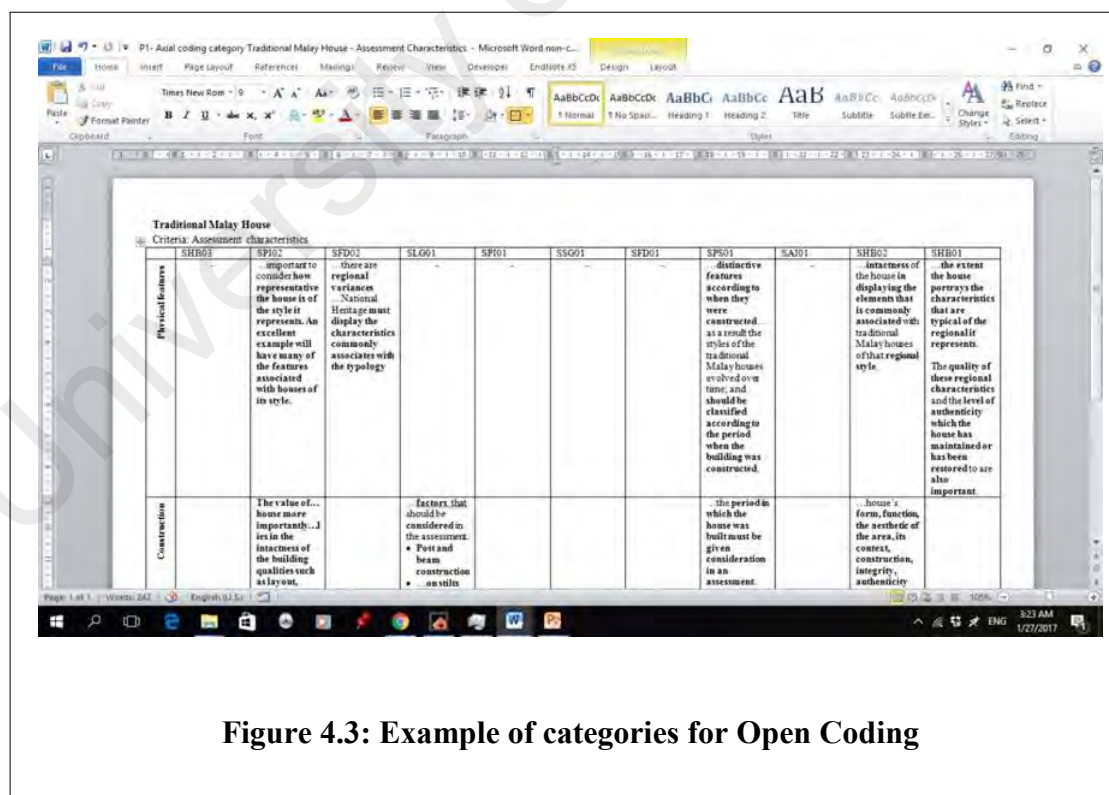
4.4.2 Content analysis for semi-structured interviews

Data analysis began once the interviews were transcribed, reviewed for trustworthiness and the salient points confirmed. The coding and analysis process was

carried out manually without the use of any software programmes following a systematic sequence that is in line with grounded theory.

In the initial open coding process, key words such as ‘aesthetic value’, ‘Malay house’, ‘shophouse’, etc. were used to identify and sort data into categories. Once categorised, the data was subsequently examined for themes and a core category was identified in which others were organised around in the subsequent axial coding process. An example of the categories that were derived in the analysis from the open coding process and subsequently used in the axial coding is shown in Figure 4.3.

In the third and final process of coding, in which the categories were cross analysed and further refined to develop theories for assessing cultural heritage comprising indicators of significance, considerations, applications, explanatory notes, eligibility and ineligibility considerations and relevant criteria.



	SHB03	SP02	SP03	SL01	SP01	SS01	SP01	SA01	SHB02	SHB01
Physical Features		important to consider how representative the house is of the style it represents. An excellent example will have many of the features associated with houses of its style.	there are regional variances. National Heritage must display the characteristics commonly associated with the typology				distinctive features according to when they were constructed as a result of the traditional Malay houses evolved over time, and should be classified according to the period when the building was constructed.		intactness of the house in displaying the elements that are commonly associated with traditional Malay houses of that regional style.	the extent the house portrays the characteristics that are typical of the regional it represents. The quality of these regional characteristics and the level of authenticity which the house has maintained or has been restored to are also important.
Construction		The value of... home more importantly... lies in the intactness of the building, qualities such as layout,	Factors that should be considered in the assessment: • Post and beam construction • on-site				the period in which the house was built must be given consideration in an assessment.		house's form, function, the aesthetic of the area, its context, construction, integrity, authenticity	

Figure 4.3: Example of categories for Open Coding

Qualitative research allows for flexibility in approach for circumstances that arises in the study. As such, new data that emerged in Components 3 and 4 were cross-referenced against established literature and precedence for reliability. The types of literature identified for this purpose include journal articles and books; while World Heritage Sites and other universally established sites are some of the precedents that were referred.

Based on the cross-referencing with established literature and precedents, 3 outcomes emerged with regards to the new data. New data that corresponded with established literature or precedence were accepted as principles. In cases where cross-referenced new data were found to be correct in principle but required refinement to provide better accuracy and interpretation, were subsequently reviewed, refined and accepted as principles. New data that could not be substantiated with either established literature or precedence were not accepted in this study.

4.4.3 Cross-group card sort analysis

The second part of the questionnaire survey which was emailed out to experts in Stage 4 had dichotomous questions. The purpose of the questionnaire survey was to determine by consensus whether the draft principles were to be accepted, refined or omitted. The details of the results are explained in Chapters 6 and 7. The questionnaire survey was analysed qualitatively using mathematical calculation on the frequency of responses given to each question and determining the percentage of respondents who agreed or disagreed with the suggested principles.

The results for the local experts and the international experts groups were calculated separately and then compared between the 2 groups. The comparisons were analysed and the results distributed into 5 categories using a 'closed card sort' system. The 5 categories were established based on percentage score as measurement threshold.

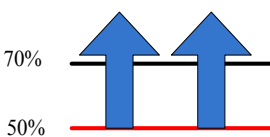
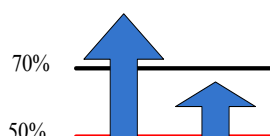

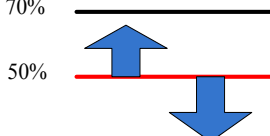
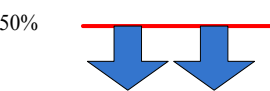
The score of fifty percent (50%) and seventy (70%) were used as thresholds or points of references in the analysis. The decision to use fifty (50%) as a critical threshold is in line with the norm given for a pass in a standard assessment practise. A fifty percent (50%) score equates to having half (1/2) of the participants agreeing with the proposed principle; while a seventy percent (70%) score would correlate to two-thirds (2/3) of the number of respondents within the group as the threshold to define majority vote. World Heritage Centre UNESCO (2012, p. 13) clarified in a single category, an agreement weight based on the following formula is a way to describe the strength of a card. This is used instead of correlations because correlations are suitable when there are multiple variables.

$$\text{Agreement weight} = \frac{\text{number of cards in category}}{\text{total number of cards}}$$

To ascertain credibility of the results, the study took the approach to check for abnormalities in the response using these thresholds as indicators. In qualitative research, inconsistencies do not indicate that the results are unreliable; instead it reflects that there are multiple realities (Rubin & Babbie, 2011). In this study, results could possibly be a consequence of the practise or context related to the respondents' individual backgrounds, and therefore contrary to the Malaysian context, and would require further investigation.

The categories and subsequent corresponding actions that were taken are demonstrated in Table 4.4. Each category indicates a particular 'condition' that arose when the results of the 2 participant groups were compared.

Table 4.4: Thresholds for card sort analysis

Results		Action
	Results which attained a majority of more than 70% by both Experts Groups	Accept
	Results which exceeds the 50% benchmark but only achieved a majority of 70% or more by one Experts Group while the other group recorded a score lower than 70%	Review and accept (with or without refinement)
	Results which exceeds the 50% benchmark but recorded scores below 70% by both Experts Groups	Review and accept (with or without refinement)
	Results where one Experts Group exceeds the 50% benchmark while the other had scored below the mark.	Review and accept (with or without refinement) OR review and omit
	Results where both Experts Groups failed to obtain the 50% benchmark	Omit

The cross group analysis also provides for data triangulation in this study. According to Denzin (1978), triangulation is attained through cross verification with 2 or more sources obtained across time, space or people. This was carried out in the study through the comparison of information between the heritage managers, local experts and international experts' groups. According to Fielding (1986), similarities in findings in data triangulation will provide confidence to the validity of the data.

4.4.3.1 Missing data

The total number of respondents who answered each question varied in some instances. Where there are missing data, the analysis of the results is based on the total number of respondents in the group. The absent responses were recorded as abstained.

The incomplete or missing data in the questionnaire survey are due to the following 2 reasons:

- i. One of the international experts chose not to complete the section on traditional Malay houses in the questionnaire on the basis that he does not have sufficient knowledge on the subject matter. The expert's response in this instance was treated as 'abstained'.
- ii. Both local and international experts intermittently opted not to answer specific questions. When this occurs, the response was treated as 'abstained'.

4.4.3.2 New data

New data that emerged in Stage 4 Phase 2 as a result of the open and partially open-ended sections in the questionnaire survey was cross-referenced against established literature and precedence for reliability. This was carried out in a manner similar to how new data from the semi-structured interview as explanation in Section 4.4.2, was verified. A summary of the main research process for the study is shown in Table 4.5, while Figure 4.4, demonstrates the research process in a diagrammatic manner.

Table 4.5: Summary of the research processes

Stage	Research Question	Approach for Analysis			Purpose	Chapter
		Instruments	Method/Activates	Tools/Technique for Analysis		
Stage 1		Literature Review			<ul style="list-style-type: none"> Identify gaps in research 	Chapter 2
Stage 2		Literature Review			<ul style="list-style-type: none"> Establish gaps in research, research questions, aim and objectives. Establish research methodology 	Chapter 2
Stage 3	<p>RO 1: To critically analyse how the Malaysian criteria for listing National Heritage compares against those of other countries</p> <p>RQ 1: How does the Malaysian criteria for listing of National Heritage compare against those of other countries?</p>	<p>Definition of National Heritage</p> <p>Criteria for National Heritage listing of 6 countries – UK, Australia, US, Japan, India & Malaysia</p> <p>Application of criteria for listing and Statement of significance for listed buildings</p>	Comparative method.	Comparative analysis/ Interpretive	<ul style="list-style-type: none"> To establish differences and similarities between the Malaysian criteria for listing and application with those of other countries To understand how other countries use similar criteria 	Chapter 4
Stage 3 Phase 1	<p>RO 2: To formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing.</p> <p>RQ 2: What are the principles to facilitate the assessment of immovable cultural heritage in Malaysia for National Heritage listing?</p> <p>RO 3: To establish guiding principles that are specific to guide assessment of traditional Malay houses & Chinese shophouses for National Heritage listing</p> <p>RQ 3: What are the principles to guide the assessment of the traditional Malay house and Chinese shophouse for National Heritage listing?</p>	<p>7 out of 9 criteria for National Heritage listing</p> <p>The physical examples of 2 building samples, the traditional Malay house & the traditional Chinese shophouse</p>	<p>Pilot test</p> <p>Semi-structured in-depth face-to face interview</p>	Manual coding/ Categories	<ul style="list-style-type: none"> Establish appropriateness of instrument Establish draft principles to guide assessment of cultural heritage using 7 of 9 criteria for National Heritage listing Establish draft principles to guide assessment of the traditional Malay house and Chinese shophouse using the criteria for National Heritage listing 	<p>Chapter 5 (RO2)</p> <p>Chapter 6 (RO3)</p>

Table 4.5 continued

<p>Stage 4 Phase 2</p>		<p>Draft principles for assessment to guide assessment of cultural heritage using 7 of 9 criteria for National Heritage listing</p> <p>Draft principles to guide assessment of the traditional Malay house and the traditional Chinese shophouse using the criteria for National Heritage listing</p>	<p>Interview/Questionnaire survey</p> <p>↓</p> <p>New data (From Phase 2 Part A)</p>	<p>Mathematical calculation/closed card sort</p> <p>Manual coding/Themes</p> <p>Literature</p> <p>Established precedents</p>	<ul style="list-style-type: none"> • Refine the draft principles of assessment established in Stage 3 Phase 1 • Validate the draft principles established in Stage 3 Phase 1 • Test whether there are additional principles that could be included <ul style="list-style-type: none"> • Validate new principles identified in Stage 4 Phase 2 	
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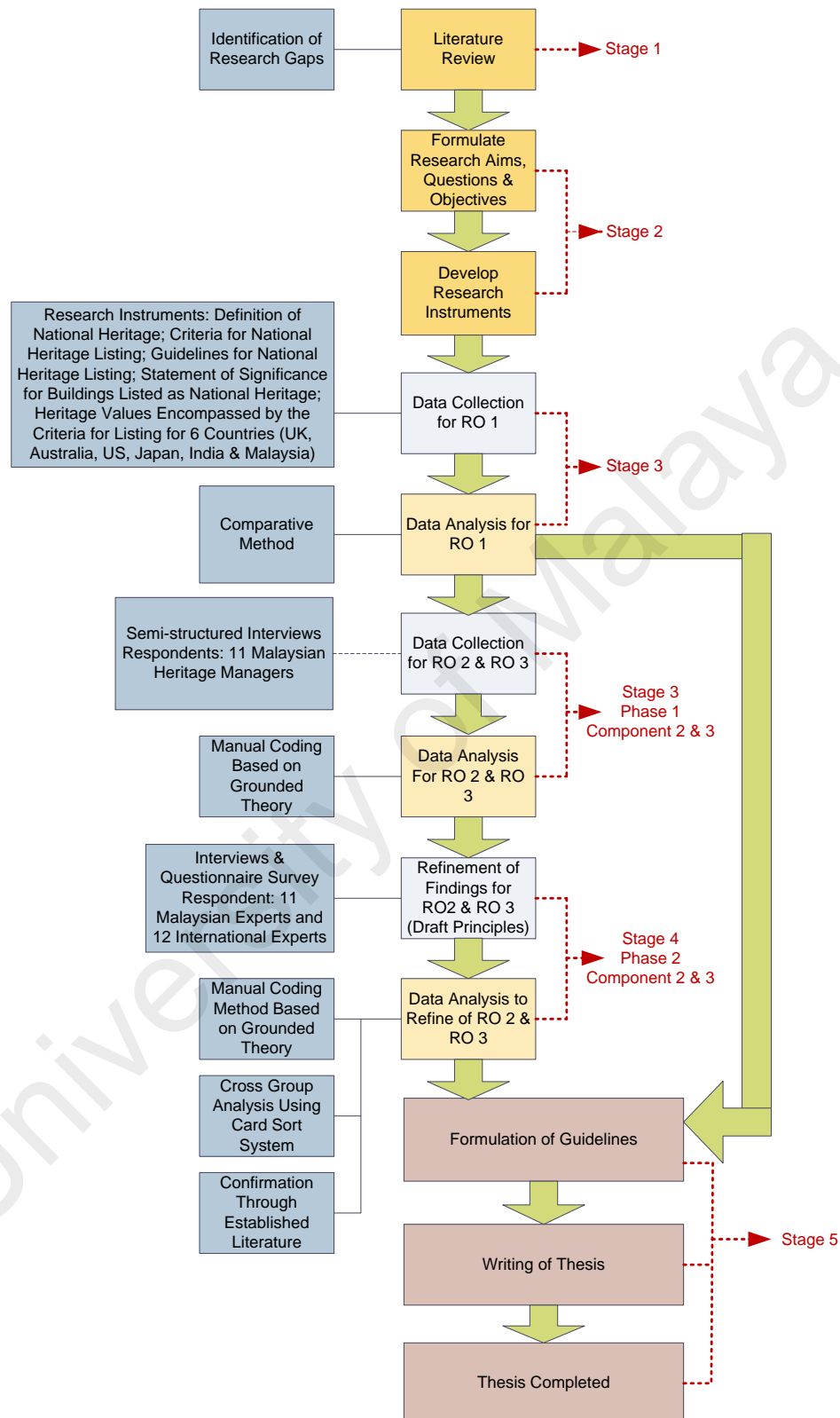


Figure 4.4: Research Process Diagram

4.5 Ethical Issues

The use of ethical research methods is critical in academic research. This extends to the safeguarding of respondents' rights where informed consent, confidentiality and protection of data are issues of particular concern. To comply with scholastic standards and rigour necessary in research, this study has taken the following measures to safeguard the respondents with regards to the aforementioned areas.

4.5.1 Informed consent

Respondents' consents were obtained through the completion of an informed consent form. The form along, with a write-up explaining the purpose of the research and interview questionnaire, was sent to the respondents during the initial e-mail contact for both (Stage 3) Phase 1 and (Stage 4) Phase 2. A copy of the same consent form were given to the respondents and collected at the close of the actual interviews. The consent form stated the voluntary nature of the interview and assured respondents' the right to withdraw consent or refuse in participating in the interview at any time. A copy of the form is attached in Appendix B for reference.

4.5.2 Participant confidentiality

Creswell (2009) stressed the importance of respondent's confidentiality. Hence to provide anonymity to the respondent, each respondent was assigned a code in the reporting of data. The code allows the reader to gain an understanding of the respondents through his or her affiliation and background while keeping the actual identity confidential.

4.5.3 Storage of collected data

Audio recording of the interviews are kept in a digital format and stored separately from the transcripts and the analysis. All data collected will be archived for at least 5 – 10 years and when subsequently discarded, will be carried out in a proper manner.

4.6 Limitation of the research methods

The rubric in Stage 3 Component 1, which was used to analyse the clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries, was developed using an interpretive method. Key words that defined the significance in the criteria for listing was matched with definitions in 2 dictionaries to determine the level of significance in order to develop the outcome descriptors (refer to Appendix F). The dictionaries used for this purpose are as follows:

- i. Oxford Advanced Learner's Dictionary: International Student's Edition (8th ed.). Oxford: Oxford University Press. (Oxford University Press, 2010).
- ii. Chambers 2-in-1 Dictionary & Thesaurus. Edinburgh: Chambers Harrap Publishers Ltd 2008. (Chambers, 2008).

This method was employed as there was no standard tool to measure the clarity of the required level of significance.

4.7 Summary

In summary, this chapter provides a detailed description of the methodology used in this study. Qualitative research methodology within a grounded theory methodology was used to establish principles for assessment of cultural heritage for listing as Malaysian National Heritage. A grounded theory methodology was identified as suitable for this study as shown in the literature review in Chapter 2, whereby principles for assessment of cultural heritage must be grounded within the local context. Therefore, the views for heritage managers who are the most familiar with Malaysian cultural heritage must be obtained to facilitate development of these principles. This study is divided into 5 research stages. In Stage 1, literature review and analysis of National

Heritage programs in 5 countries identified potential gaps in the area; Stage 2 established the research gaps as well as the research questions, aim, objectives and methodology; Stage 3 is the data collection that led to the formation of draft principles to guide assessment of cultural heritage, the traditional Malay house and the traditional Chinese shophouse for listing; Stage 4 refined and verified the draft principles; and finally in Stage 5 the research formulated the principles to guide assessments of cultural heritage as set out in the research objectives.

There are 3 groups of respondents in this study. In Stage 3, the respondents consisted of eleven (11) purposefully selected heritage managers while 2 groups of experts, consisting of eleven (11) Malaysian experts and twelve (12) international experts are the respondents for Stage 4. The primary means of data collection in this study is through semi-structured interviews and questionnaire survey for verification. In Stage 3, data that were collected through semi-structured interviews were coded and analysed in a grounded theory manner to develop the draft principles of assessment. The results were then presented to experts in the second research phase (Stage 4) for refinement and verification through consensus. Subsequently, new data that emerged from the second phase in Stage 4 was compared against literature for reliability. Credibility and trustworthiness were accounted for through various strategies including data triangulation and internal validity.

CHAPTER 5: THE DIFFERENCES BETWEEN THE MALAYSIAN CRITERIA FOR NATIONAL HERITAGE LISTING AND THOSE OF FIVE SELECTED COUNTRIES

The previous Chapter 4 explained the research methods and techniques undertaken in this study. Chapter 2 before it gave an overview of the criteria and its application for National Heritage listing in 5 selected countries; while Chapter 3 looked at legislations related to heritage in Malaysia and the criteria for National Heritage listing has been applied in the gazettal of cultural properties. The listing criteria and its application both in Malaysia and internationally were reviewed to gain an insight into how they are interpreted and for greater understanding of the phenomenon.

From the literature review in Chapters 2 and 3 patterns have emerged which demonstrated that while criteria for listing may appear similar, the interpretations and applications of these criteria are unique to each country. Based on the material established in these 2 chapters, this chapter proceeds to analyse and present the findings for RO1 which was articulated to achieve RQ1. Both RQ1 and RO1 shown below are in turn connected to the overall aim of this research.

RQ 1: How does the Malaysian criteria for listing of National Heritage compare against those of other countries?

RO1: To critically analyse how the Malaysian criteria for listing National Heritage compares against those of other countries.

The next section begins the discussion on the analysis and findings for RO1 by presenting the issues that were investigated for this purpose.

5.1 Analysing the differences and similarities of the Malaysian criteria for listing National Heritage against criteria used in other countries (RO1)

Legal protection of cultural heritage can only begin through a process of nomination, assessment and gazettal based on a given set of criteria. At the centre of the process is the assessment of the cultural significance for values which are identified in the criteria for listing. Therefore it can be argued that the scope covered by the criteria for listing will control the types of cultural heritage that will be considered for protection. This brings about the Research Objective 1: To analyse how the Malaysian criteria for listing National Heritage compare against those of other countries.

In order to answer Research Objective 1 (RO1), the following issues were investigated:

- The difference in how Malaysia expressed the importance of National Heritage in comparison to the 5 selected countries.
- The clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries.
- The similarities in the values that are encompassed in the criteria for National Heritage listing for Malaysia and the 5 selected countries.
- The similarities in the application of the similar criteria for National Heritage listing for Malaysia and the 5 selected countries.

The above issues are intended to address the different aspects of the criteria for listing in order to obtain a better understanding on the difference between the Malaysia criteria for listing and those which are applicable in other countries.

5.1.1 Comparative method research technique

In order to answer the above issues, this research is guided by quantitative methods using a comparative method research technique for data collection and analysis. A summary of the methods used to address the different issues are as follows:

- The difference in how Malaysia expressed the importance of National Heritage in comparison to the 5 selected countries.

The difference in how Malaysia expresses the importance of National Heritage in comparison to the 5 selected countries were investigated using the legal definition given for 'National Heritage' or the articulation of significance used to describe the highest category for listing cultural heritage in countries where definition of National Heritage could not be ascertained as research instruments. The justification to use the articulation of significance for the highest category for listing cultural heritage is because this would be the category where cultural heritages which are nationally important are listed. Data is compared and analysed interpretively to understand the difference in the definition.

- The clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries.

The assessment for the above issue was carried out with the use of a rubric which gave a range of values from high to low as outcome descriptors was developed as a research tool for this purpose. A copy of the rubric is shown in Appendix F. Key words which articulated the level of significance within the phrasing of the criteria for listing was ascertained and compared against the

rubric. The results of the comparison indicated the clarity in which the criterion conveyed the level of significance required for National Heritage for the values for which it is assessed.

- The similarities in the values that are encompassed in the criteria for National Heritage listing for Malaysia and the 5 selected countries.

A matrix is used as a tool to compare of the heritage values encompassed by the criteria for listing which the 6 countries focused on for listing of cultural heritage. Data is collected from several comparable sources as it was not possible to obtain from similar sources for the 6 countries. The comparative method used the legal instruments for protection of heritage which namely are the NHA and the Legislation for the Protection of Cultural Property as the source of values for Malaysia and Japan respectively. The Burra Charter provided the values for Australia, while Historic England provided information for the UK, the National Park Service for the US and the Archaeological Survey of India's draft guidelines for heritage listing was the source of values for India.

- The similarities in the application of the comparable criteria for National Heritage listing for Malaysia and the 5 selected countries.

The investigation into the issue is carried out, compared and analysed of the Statement of Significance for properties listed on the Malaysian National Heritage list against 3 research instruments for the 5 selected countries. The 3 research components are as follows:

- i. Guidelines for National Heritage listing
- ii. Application of the Criteria in the listing of cultural heritage for National Heritage.

- iii. Justification given in the Statement of Significance for the listing of properties.

5.1.2 Analysis and findings for RO1

The following section will present the analysis and finding for RO1. The investigation will critically analyse the 4 issues mentioned in section 4.5 in order to answer RO1.

5.1.2.1 Expression of the importance of National Heritage

Cultural heritages are listed as National Heritage based on an assessment of their cultural significance. Clear articulation of the expected standard or ‘significant value’ of National Heritage sets a context that enables a measure for benchmarking of cultural significance in an assessment. This will facilitate consistency in decision making when considering properties for listing as there is a point of reference for which the level of cultural significance can be compared with.

Analysis of the data which was compared demonstrated that words used to describe the meaning of ‘National Heritage’ in the 5 selected countries conveyed that cultural heritages listed as National Heritage are those that are of outmost importance to the nation (refer to Table 5.1)

In the UK ‘**Exceptional interest**’ is used to describe Grade 1 listed buildings (Department for Culture Media and Sports, 2010, p. 4), Australia describes cultural heritage listed as National Heritage as having ‘...**outstanding heritage value to the nation...**’ (Australian Heritage Council, 2009b, p. 9), the US uses ‘...**possess exceptional value or quality** in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possess a **high degree of integrity** of location, design, setting, materials, workmanship, feeling,

and association,...’ to describe National Historic Landmarks (National Park Service, 1997, p. 50), National Treasure in Japan are described as ‘...**one of high value** from the viewpoint of world culture as **irreplaceable treasures** of the nation.’ ("Law for the Protection of Cultural Properties," 1950, p. Article 28(21)) and India refers to National Cultural Heritage Sites as “...cultural significance which is **so exceptional as to transcend** the boundaries of the place in which it is located and is of great importance for the present and future generations of the country” (Archaeological Survey of India, 2015 Sect III).

In comparison, Malaysia describes National Heritage as ‘...**any heritage site, heritage object, underwater cultural heritage or any living person declared** as a National Heritage under section 67’ ("National Heritage Act 2005," 2005). The analysis demonstrated that in comparison to Malaysia, the value of national heritage is clearly articulated by the 5 countries. These 5 countries describe properties on the National Heritage as having exceptional or outstanding importance to the country. The definition given by Malaysia on the other hand is not comprehensive enough to convey the value or importance of National Heritage. The lack of clear definitive values or definition for National Heritage will make it impossible to make a value judgement whether the cultural heritage which is assessed is worthy of national listing as there is a lack in values for which to benchmark the significance in an assessment.

Table 5.1: Articulation of significant value for National Heritage

Country	Designation title	Heritage value or definition	Synthesis
UK	Listed Building – Grade 1	Exceptional interest (Department for Culture Media and Sports, 2010)	Statement describes National Heritage as having outstanding values.
Australia	National Heritage	“...outstanding .heritage value to the nation...” (Australian Heritage Council, 2009b, p. 9)	Statement describes National Heritage as having outstanding values.
US	National Historic Landmark	“...possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association,...” (National Park Service, 1997)	Statement describes National Heritage as having outstanding values and a significant degree of integrity. The statement also gives matters which merit listing.
Japan	National Treasure	“...one of high value from the viewpoint of world culture as irreplaceable treasures of the nation.” (“Law for the Protection of Cultural Property,” 1950 Article 28(1))	Statement describes National Heritage as having values which are important.
India	National Cultural Heritage Site	“...cultural significance which is so exceptional as to transcend the boundaries of the place in which it is located and is of great importance for the present and future generations of the country.” (Archaeological Survey of India, 2015)	Statement describes National Heritage as having outstanding values
Malaysia	National Heritage	“National Heritage means any heritage site, heritage object, underwater cultural heritage or any living person declared as a National Heritage under section 67” (“National Heritage Act 2005,” 2005 Section 2(1)) Section 67 provides a list of 9 criteria for national heritage nomination.	There is no clear explanation as to the value or significance expected of ‘National Heritage’. ‘National Heritage’ is cultural heritage that has been affirmed based on a set of criteria given in Section 67.

5.1.2.2 Clarity in conveying the level of significance required for National Heritage.

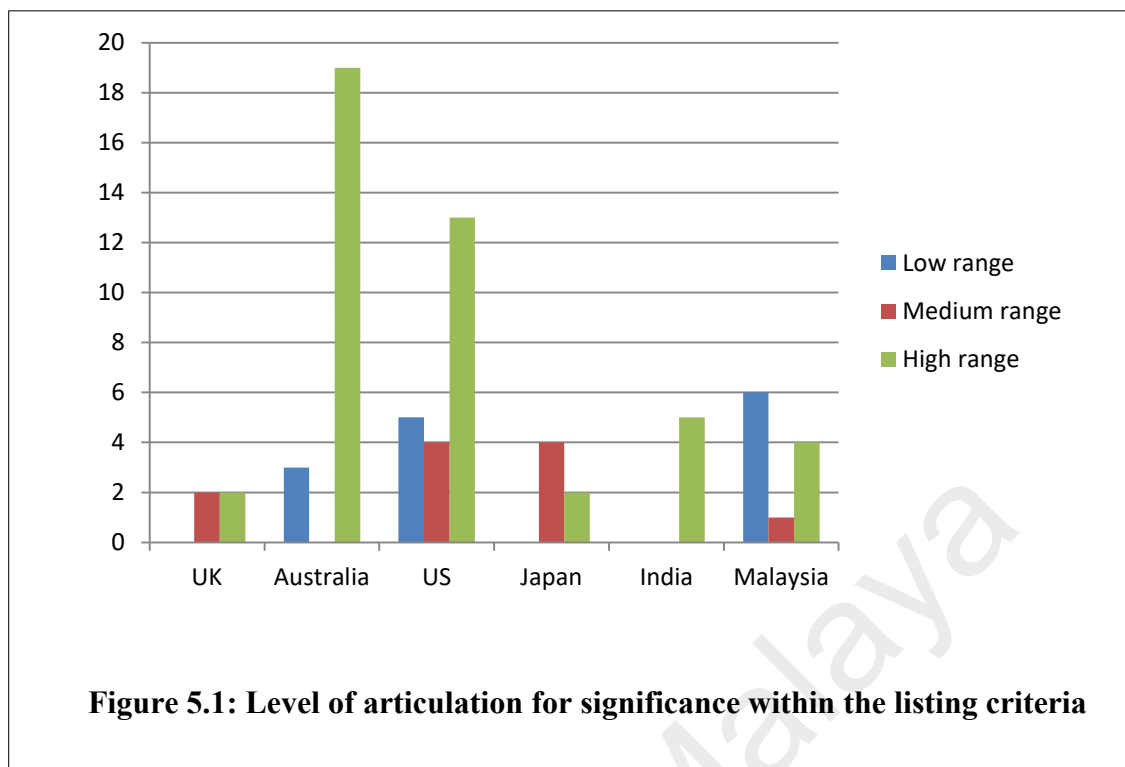
The Oxford University Press (2010, p. 348) defines criterion (criteria plural) as ‘a standard or principle by which something is judged, or with the help of which a decision is made’. Criteria in the context of listing National Heritage provide standards by which the cultural significance of properties is established and assessed. Clarity in the level of significance that is necessary for listing is important as clear requirements allows for formative assessment that does not leave room for multiple interpretations.

The results of the data analysis demonstrated that for the Malaysian National Heritage criteria, words that fall within the range that conveys significance of higher value appear in just over one third (4 out of 11 times [36%]) of the 9 criteria, while those that convey medium emphasis for significance appear once and low emphasis appears 6 times (55%).

Strong key words are used in all 5 (100%) of India's National Heritage criteria. Words that convey high emphasis on significance appear in the majority Australian's 9 National Heritage criteria (19 out of 22 times [86%]) and only thrice (14%) in the lower emphasis range. The US criteria uses words that highly convey on significance appear in over half of the 6 NHL criteria (13 out of 22 times [59%]), medium range emphasis on significance in 4 out of 22 times (18%) while low emphasis words appear in 5 out of 22 time (23%).

Words that convey a high range of significance appear in 2 out of 4 times (50%) in both of the UK's criteria for listing places high emphasis on significance, while 2 other words conveys a medium level of emphasis for significance. In the case of Japan, the majority of the words convey medium emphasis on significance (4 out of 6 times [67%]), while those that convey high emphasis appears twice (2 out of 6 times [33%]) within the 5 criteria for National Treasure.

The analysis demonstrated that there is a tendency to provide words that illustrates emphasis within the criteria for listing in most countries. Nevertheless, Malaysia's criteria for listing do not provide sufficient emphasis on the level of significance required for National Heritage within most of its wording. Figure 5.1 shown below summarises the range in level of significance articulated within the wording of the criteria for the 6 countries. A copy of the rubric used to map the level of significance is shown in Appendix F.



5.1.2.3 Similarities in the values that are covered in the criteria for listing National Heritage

It is possible to deduce from the data analysis in Table 5.2 (shown on the following page) that the Malaysian criteria for National Heritage have values that are similar to those which are commonly used by the 5 selected countries.

Table 5.2: Summary of heritage values in UK, Australia, US, Japan, India and Malaysia listing criteria

Values	UK	Australia	US	Japan	India	Malaysia
Architectural	•		•			•
Aesthetic	•	•			•	•
Historical	•	•	•	•	•	•
Technological			•		•	•
Social		•				•
Cultural			•		•	•
Spiritual		•				•
Scientific		•	•	•	•	•
Artistic				•		
Linguistic						•
Archaeological				•	•	•
Evidential	•					
Communal	•					
Anthropological					•	

Table 5.2 demonstrates that while the Malaysian nomination criteria share common values with other countries, there are several values which have not been included. These values are as follows:

- i. Artistic
- ii. Evidential
- iii. Communal
- iv. Anthropological

Results also demonstrated several values are sometimes combined within single criteria in one country while another country would have individual criterion to address each of these values. The nomination criterion for the UK, Australia and the US is one such example. In the UK, the criterion 'Architectural interest' is wide ranging and a variety of values. The criterion includes among others cultural heritages which are important for their association with significant persons. The association with significant person is a separate criterion for Australian and the US. The Australian 'Criterion (h) Place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history' and the 'US Criterion 2 "That are associated importantly with the lives of persons nationally significant in the history of the United States' are the criteria which specifically relates to the same matter.

An example of this occurrence in the Malaysian criteria is the combination of both design and aesthetic values under 'Criteria (b) Good design or aesthetic characteristics' while the same values are under separate criteria in 'Australia Criterion (e) The place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group', and in the UK where it is subsumed under 'Architectural interest'.

5.1.2.4 Similarities in the way comparable criteria is used for listing National Heritage

Analysis and findings of the results demonstrate that Malaysia has only used the criteria for listing in limited ways when compared to the manner in which similar criteria is used by the 5 selected countries. There is however a limitation to the method of analysis that was carried out as although there are (as of June 2016) 51 cultural heritages which are presently listed on the National Heritage list, only 20 of these cultural heritages have had their Statement of Significance and the Criteria for which they are listed under identified. Properties which were listed prior to 2012 could not be analysed as there are no nomination criteria specified in their dossiers. In addition 3 out of the 9 Malaysian criteria (33%) for listing National Heritage have not been used for National Heritage listing. Hence these also could not be analysed. The criteria which have never been use for National Heritage listing are as follows:

- Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage
- Criterion (h) The representative nature of a site or object as part of a class or type of a site of a site or object
- Criterion (i) any other matter which is relevant to the determination of cultural heritage significance

The results of the data analysis also demonstrated that 2 of the Malaysia criteria are unique only to the country and are not comparable with any criteria used for listing cultural heritage at the National level in the 5 nations. The 2 criteria which have no similarities with any of the other criteria are:

- Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features

- Criterion (i) any other matter which is relevant to the determination of cultural heritage significance

The following sections describes the findings of the comparative method of analysis on the use of the criteria for listing National Heritage for Criterion (a), Criterion (b), Criterion (c), Criterion (d), and Criterion (e). The list of criteria which are comparable with the Malaysia criteria for National Heritage listing is shown in Appendix H.

(a) Similarities with Criterion (a) The historical importance, association with or relationship to Malaysian history

The analysis in section 3.2.1.1 of Chapter 3, showed that there are 2 ways which Malaysia has applied ‘Criterion (a) The historical importance, association with or relationship to Malaysian history’ to list cultural heritage. The ways in which criterion (a) has been applied in Malaysia are as follows:

- Are associated with events that are of national importance
- Have an important place or significant functions that are linked to political or cultural system in the development or history of the nation.

Analysis of these 2 uses with international application of similar criteria indicated that their applications are similar to international use.

In the US, listing of Lyceum-The Historic District Circle as a National Historic Landmark in 2000 for the place’s association with events that are of national importance is similar to the use of Criterion (a) in Malaysia. Lyceum is significant for demonstration riots in 1962 that led to the American Federal Government’s enforcement of the earlier 1954 US Supreme Court decision to outlaw racial desegregation in public education (National Park Service, 2000). Malaysia has used Criterion (a) to list Fort

Santiago in Melaka which is historically significant for its role in the defence of Melaka in the Portuguese period (Jabatan Warisan Negara, 2012).

The Port Arthur Historic Site in Tasmania is an example where a criterion similar to Criterion (a) is applied to list a site which is historically significant for its demonstration of a colonial political process. Criterion (a) was used to list Taiping Prison in this manner (Jabatan Warisan Negara, 2012).

Although the above applications are similar to the way in which the Criterion (a) has been used internationally, some of the other ways in which similar criteria has been applied by other countries are as follows (refer to Table 5.3):

- i. Demonstrates a past way of life or period in history.
- ii. Association with persons of importance.

An example where the criterion is used to demonstrate a past way of life is through the application of the criterion in the US for the Canterbury Shaker Village New Hampshire. The village which is listed for NHL Criterion 1 and 4, according to the Nomination Dossier is listed for its architectural, religious and social historical importance and states among other reasons that the place demonstrates the way of life of the 19th century communal utopian society (National Park Service, 1992).

In the UK, the criterion is used to list cultural heritages that are linked with persons who have made an important contribution to their country in the past. The contribution could be for different reasons including political, scientific involvement, architectural, etc. An example where this criterion has been used in the UK is for 10 Firwood Fold, Bolton. The Grade 1 listed house is the birthplace of Samuel Crompton (Historic England, 1952), who was a pioneer in the spinning industry in England. Similarly the Johnson Birthplace Museum in Lichfield where Dr Johnson who compiled 'A

Dictionary of the English Language’ lived until 1735 is another Grade 1 listed building (English Heritage, 1952)

Table 5.3: Summary of criteria similar to Criterion (a) The historical importance, association with or relationship to Malaysian history

Criteria (a) The historical importance, association with or relationship to Malaysian history		
International application within the historical related value:	Current Malaysian application	Synthesis
Linked to events (landmark events and moments of importance – example demonstrates key economic political or social processes)	<ul style="list-style-type: none"> Associated with events that are of National importance 	Similar application of the criterion
Demonstrates a past way of life or period in history (life in the past)	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
Represents a political or cultural system (example convict penal system, communication network, federal capital, defence of the nation)	<ul style="list-style-type: none"> Have an important place or significant functions that are linked to political or cultural system in the development or history of the nation. 	Similar application of the criterion
Association with persons of importance	No similar application of the criterion at present in Malaysia	Unable to carry out comparison

(b) Similarities with Criterion (b) Good design and aesthetic characteristics

Analysis of the application of the Malaysia criterion in section 3.2.1.2 demonstrated that ‘Criterion (b) The historical importance, association with or relationship to Malaysian history’ has been applied to list cultural heritage in 4 ways.

Results of the analysis for the 4 applications identified in section 3.2.1.2 against international application of similar criteria demonstrated that all 4 of these ways are used internationally (refer to Table 5.4). However, in addition to the 4 ways in which the criterion is used, there are other ways in which similar criteria are used internationally to list cultural heritages. The ways in which similar criteria are also used internationally are as follows:

- i. Represent the work of a master. The technical or aesthetic achievements of an architect or craftsman.
- ii. Represent a significant and distinguishable entity whose components may lack individual distinction.

- iii. Groups of buildings that form important examples of architectural or historic unity or fine examples of planning (squares, terraces or model villages)
- iv. The aesthetic quality of the overall setting from visual and non-visual stimuli prompts an emotional response.

The UK and US applies this criterion to list technical or aesthetic achievements of master architects. The US National Historic Landmarks has a special interest in works designed by Frank Lloyd Wright and have listed a total of 26 of these properties. Among the buildings which are listed are Unity Temple in Oak Park Illinois designated in 1970, Edgar Kaufmann House, Mill Run Pennsylvania designated in 1976 and the S.C. Johnson Wax Administration Building and Research Tower in Racine, Wisconsin designated in 1976. These buildings are listed as National Historic Landmarks under 'Criterion 4. That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction' for their architectural contribution to American culture (National Park Service, 2014b).

The NHL Criterion 4 is also used to list districts where the collection of the architectural styles of the buildings in the area has lent interest to the area. These buildings on the whole may not be significant but the total collective numbers makes the district of value. The Skidmore/Old Town Historic District in Portland, Oregon is an example where this criterion has been used to list the area for this purpose (National Park Service, 1877).

The UK criterion 'Architectural Interest' includes the application for groups of buildings that are important examples of architectural or historical unity or fine planning

examples of planning. The listing of the No 1 – 30, Royal Crescent in Bath, England is a Grade 1 Listed Building is an example where this has been applied. The listing entry on Historic England website for its submission states that it's 'the most famous architectural set-piece in Georgian town architecture and a mile-stone in town planning'. (Historic England, 2011b)

One of the ways in which the criterion is applied is to demonstrate aesthetic significance. The dossier submitted for listing of the Sydney Harbour bridge states that the bridge has outstanding values to Australia for 'Criterion (e) The place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group'. The majestic beauty the man-made bridge and its picturesque blending with the natural surrounding area have proven to inspire many artist and writers (Department of Environment and Heritage, 2007)

Table 5.4: Summary of application for criteria similar to Criterion (b) Good design and aesthetic characteristics

Criteria (b) The good design or aesthetic characteristics		
International application within the architectural related value	Current Malaysia application	Synthesis
Important for examples of particular building types, period, or method of construction – the way the property was conceived, designed, or fabricated	<ul style="list-style-type: none"> • Examples of remarkable early structures • Physical design of the architectural style, form or characteristics 	Similar application of the criterion
Represent the work of a master – technical or aesthetic achievements of an architect or craftsman	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
Represent a significant and distinguishable entity whose components may lack individual distinction	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
Important for the interest in their architectural design, decoration and craftsmanship	<ul style="list-style-type: none"> • Aesthetic value of fine craftsmanship • A comprehensive example of artistic work in decorative arts. 	Similar application of the criterion
Groups of buildings that form important examples of architectural or historic unity or fine examples of planning (squares, terraces or model villages)	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
The aesthetic quality of the overall setting from visual and non-visual stimuli prompts an emotional response	No similar application of the criterion at present in Malaysia	Unable to carry out comparison

(c) Similarities with Criterion (c) The scientific or technical innovations or achievements

The analysis in section 3.2.1.3 indicated that Criterion (c) The scientific or technical innovations or achievement in Malaysia was applied to list a cultural heritage that used a prevailing construction system at the period when it was constructed. This application is different from how the criterion is used internationally as the significance identified in the Statement of Significance is for an existing traditional construction system, hence did not involve a development or improvement in technology.

The results of the comparative method of analysis indicated that criteria similar to criterion (c) are used in several ways internationally. However, none of these applications has been used to list cultural heritage in Malaysia at present (refer to Table 5.5). The manner in which similar criteria has been used internationally are as follows:

- i. Exemplars of buildings which houses an industrial or technical process (industrial complexes - water harvesting complex, railway workshop complex)
- ii. Use of significant newly developed construction materials or technology in or within the construction of the building (early fire-proofing system, metal windows)
- iii. Use of construction or materials that changes (innovation or adaptation) the paradigm in doing similar work processes from that time onwards.

In the UK, an interpretation of the criterion is to list cultural heritage which are associated with important engineering accomplishments. The Battersea Power Station was listed in 1980 as a Grade 2* Listed Building for this reason. The listing entry summary given on Historic England' website summarises its significance as '...an

outstanding interest on architectural grounds as a monumental example of an inter-war utilities building' (English Heritage, 1980)

Exemplars of the use of new technology is seen in the US listed the Brooklyn Bridge which crosses across the East river in New York in 1964. The bridge which completed in 1883 was the first steel wire suspension bridge and an engineering achievement at the time it was built. More recently the Humpback Bridge in Alleghany, Virginia a covered bridge constructed in the nineteenth century was listed in 2012 under Criterion 4 for outstanding engineering example using timber multiple kingpost truss (National Park Service, 2012)

Another way in which similar criterion is used is to demonstrate innovation or adaptation of an existing construction method or material which then revolutionised the way construction was implemented from that point onwards. The wooden Leap-the-Dips roller coaster in Altoona, Pennsylvania is the last known Side-Friction Figure Eight roller coaster in existence. The technology was a significance development as it changed the way roller coasters were designed in the late 19th and early 20th century (National Park Service, 1999). The roller coaster was listed on the National Historic Landmark list in 1996. In India a similar application of the criterion in this way is the construction of 3 mountain railways comprising of the Darjeeling Himalayan Railway, Nilgiri Mountain Railway and Kalka Shima Railway. These 3 railway lines are feats of engineering for their solution in building across mountainous terrain at the time of their construction. These railway lines were listed on the World Heritage List in 1999 under Criteria (ii) and (iv). The listing under criterion (ii) acknowledges the importance of their Outstanding Universal Value as '...important cultural and technological transfer of in the colonial setting of the period of its construction...' (W. H. C. UNESCO, 1999 Criterion (ii)).

Table 5.5: Summary of application for criteria similar to Criterion (c) The scientific or technical innovations or achievement.

Criteria (c) The scientific or technical innovations or achievements.		
International application within the innovation related value	Current Malaysia application	Synthesis
Exemplars of an industrial or technical process (industrial complexes - water harvesting complex, railway workshop complex)	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
Use of significant newly developed construction materials or technology in or within the construction of the building (early fire-proofing system, metal windows)	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
Use of construction or materials that changes the paradigm in doing similar work processes from that time onwards.	No similar application of the criterion at present in Malaysia	Unable to carry out comparison
No similar application of the criterion at present internationally	Use of a prevailing construction system during the period when the cultural heritage was built.	The application of the criterion in the Malaysian context differs from that which is applied internationally as it is applied to an existing traditional construction system The criterion has only been used once, hence similar application of the criterion as practised internationally may arise in the future.

(d) Similarities with Criterion (d) The social or cultural associations

Results of the analysis in section 3.2.1.4 demonstrated that criterion (d) has been applied in 4 different ways. Analysis of these 4 applications indicated that 2 of the ways in which the criterion has been applied are similar to how it is used internationally; while the other 2 ways have no similar applications (refer to Table 5.6).

Applications which are similar to international use are as follows:

- i. A place that has a strong or special attachment to an existing community.
- ii. A place that formerly had strong or special attachment to a community (a community that no longer exist)

Malaysian applications for the criterion (d) which appears to have no other similar application are:

- i. Association of the building design with the cultural influence of specific ethnic groups.
- ii. Association of the building with culture through its present use in archiving and keeping an invaluable record of Malaysian social culture materials.

Table 5.6: Summary of criteria similar to Criterion (d) The social or cultural association

Criteria (d) The social or cultural associations		
International application within the social and cultural related value	Current Malaysia application	Synthesis
Places that have strong or special attachment to an existing community	A place that has a strong or special attachment to an existing community.	Similar application of the criterion
Places that formerly had strong or special attachment to a community (a community that no longer exist)	A place that formerly had strong or special attachment to a community (a community that no longer exist)	Similar application of the criterion
-	Association of the building through design with cultural groups.	Unable to carry out comparison
-	Association of the building with culture through its function	Unable to carry out comparison

(e) Similarities with Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage

The application of the criterion as discussed in section 4.3.1.5 as a component which informs on the historical development of the town. The results of the analysis shows that different applications for the criterion other than the way in which it is used in Malaysia are as follows (refer to Table 5.7):

- i. Non-archaeological sites which have proven potential to yield new information.
- ii. Archaeological sites with proven potential to yield new information.

The use of this criterion in Australia and the US is for sites where there are proven potential to gain new information through testing and research. An example of where this criterion is used in the US is the listing of Huff Archaeological Site, Morton

County, North Dakota which is one of the best preserved sites of the Mandan people (National Park Service, 1999). The application of the criterion for US is strictly for archaeological sites which are outside the scope of this study. The criterion for Australia is not strictly for archaeological sites only. What is essential is that the site has the proven potential to yield new information. Educational value from non-testing or research but through site interpretation is not considered a significance by Australia. The criterion has been applied in Australia to list the Australian War Memorial and the Memorial Parade where objects and records of Australia's war experience are displayed and kept (Australian Heritage Council, 2009b).

Table 5.7: Summary of application for criteria similar to Criteria (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage

Criteria (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.		
International application within the scholarly related value	Current Malaysia application	Synthesis
Non-archaeological sites which have proven potential to yield new information.	The scope of archaeological sites is not included in this study.	Use of this criterion in Australia for sites where there is proven potential to gain new information through testing and research.
Archaeological sites with proven potential to yield new information.	The scope of archaeological sites is not included in this study.	Use of this criterion in Australia and the US is for sites where there is proven potential to gain new information through testing and research. The criterion is not used for non-archaeological sites in the US.
No comparable criteria	Component which informs on the historical development of the town through buildings which share a common historical connection.	Similar application of the criterion with Japan. Educational value from non-testing or research is not considered a significance by Australia

5.2 Discussion

This chapter presents the analysis and findings for RO1, which is to analyse how the Malaysian criteria for listing National Heritage compares against those of other countries. This analysis is significant because it provides the contextual background for Research Objective 2, which is to formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing, as well as for

Research Objective 3, which is to establish guiding principles which are specific to guide assessment of traditional Malay houses and Chinese shophouses for listing as National Heritage. The analysis and finding for these 2 ROs are discussed in Chapter 5 and Chapter 6.

To answer RO1, the following issues were investigated:

- The difference in how Malaysia expressed the importance of National Heritage in comparison to the 5 selected countries.
- The clarity in the level of significance required for National Heritage conveyed in the phrasing of the Malaysian National Heritage criteria in comparison with the 5 selected countries.
- The similarities in the values that are encompassed in the criteria for National Heritage listing for Malaysia and the 5 selected countries.
- The similarities in the application of the similar criteria for National Heritage listing for Malaysia and the 5 selected countries.

The results demonstrated that the definition for National Heritage in the NHA is not comprehensive enough to convey the importance that should commensurate with National Heritage listing. In contrast with Malaysia, the other 5 countries articulate the importance of National Heritage concisely using phrases such as ‘exceptional interest’ for the UK (Department for Culture Media and Sports, 2010), ‘outstanding heritage value to the nation’ for Australia (Australian Heritage Council, 2009b), ‘possess exceptional value or quality’ for the US (National Park Service, 1997), ‘one of high value’ and ‘irreplaceable treasure’ for Japan ("Law for the Protection of Cultural Properties," 1950) and ‘so exceptional as to transcend the boundaries’ for India (Archaeological Survey of India, 2015).

It should be noted that section 4.3.1.2 (a) pointed out that the definition for ‘building’, ‘archaeological sites’, and ‘natural heritage’ in the NHA communicated that the significance of these cultural heritages should commensurate with Outstanding Universal Value. However, the same has not been included in the definition for National Heritage. In addition some of the values identified in the definition for ‘building’, ‘archaeological sites’ and ‘natural heritage’ are not included in the definition of cultural significance in the NHA.

The result of the comparative method of analysis also demonstrated that the level of significance that commensurate with National Heritage listing is not conveyed in more than half of the Malaysian criteria. In contrast Australia, US and India have high clarity in conveying the level of significance within all of their criteria, while the same appears in half of the UK’s criteria. Japan has on the other hand places medium emphasis on significance in the majority of the criteria for National Treasure. Clarity in the level of significance required for National listing is important to prevent ambiguity and confusion. Clear requirements allows for assessment of cultural significance that does not leave room for multiple interpretations. In addition the UK, Australia, and the US have supported their listing process with clear policy and guidelines to guide assessment of cultural significance. Similar guidelines are presently unavailable in Malaysia.

The lack of emphasis for the level of significance required for listing is also apparent in the Malaysian criteria for listing National Heritage when it is compared with similar criteria used by the 5 selected countries. For example, strong key words such as ‘strong or special association’, stresses the strength in connection that is expected with the community in order to qualify for listing under the Australian ‘Criterion (g), The place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual

reasons'. This contrasts with the use of 'association' in the Malaysian 'Criterion (d), Social and cultural associations'.

Another example is the use of 'major scientific importance' for the 'US Criterion 6 That have yielded, or may be likely to yield, information of major scientific importance by revealing new cultures, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree', in comparison with the Malaysia 'Criterion (c) Scientific or technological innovations or achievements', which describes the connection only as 'further scientific investigation'.

The findings of the analysis for the mapping of values demonstrated all of the Malaysian criteria share similar values with those of other countries. Nevertheless how these values are reflected within the criteria differs from country to country with some countries combining several values within a single criterion and other using them separately. The combination of values within a single criterion clearly demonstrates that the interpretation and application of criteria for listing are unique to each country. This evidence supports the need for the development of a guideline to interpret the criteria and guide assessment of cultural significance for listing Malaysia National Heritage.

Results of the analysis on the use of the criteria for listing cultural heritage demonstrated that in general the manner in which Malaysia has applied criteria for the listing of cultural heritage is comparable to how similar criteria is used in other countries. Nevertheless there are also several instances where the application has been unusual. For instance, Malaysia relates 'cultural association' for Criterion (d) with architectural design and building use. This is different from the international practise to associate the criterion with intangible values; namely one that connects the cultural heritage with strong or special attachment with existing or past communities. The lack of clarity in the criteria as discussed earlier, coupled with the absence of principles to

guide assessment of cultural heritage could be a reason why the applications of the criteria in the listing of cultural heritage as shown have been unusual.

The results also demonstrate that the use of criteria (a) which relates to historical values, fall within the scope of intangible value, and is therefore unrelated to the physical characteristics of the cultural heritage.

The analysis also revealed that both 'Criterion (i) Any other matters which is relevant to the determination of cultural heritage significance' and 'Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features', are unique to Malaysia and there are no similar criteria in any of the 5 countries. The Oxford University Press (2010, p. 54) defines 'any' as 'refers to one or a number of things', while Chambers (2008, p. 37) describes it as 'every, no matter which'. Therefore, the concern for Criterion (i) is that it is open to interpretation and it is unclear what limitations will be imposed to ensure that gazettal under this criterion meets national significance. The danger is that the criterion is vulnerable to political abuse and will allow the gazettal of properties that are not of national importance.

The above discussion has shown the similarities and differences of the Malaysian criteria for national heritage listing to comprehensively answer RO1. In addition, the data analysis has also shown to support the argument that Criterion (a), is related to history and thus is an intangible and also Criterion (i) which is open to interpretation should not be included in the further research in this study.

5.3 Summary

This chapter has presented the results of the analysis and findings for RO1 which was to critically analyse how the Malaysian criteria for listing National Heritage compared against those of other countries. At the beginning of the chapter the legal aspects and the application of National Heritage in Malaysia was explained to provide a background context before the discussion on the findings for RO1 was introduced.

The results of RO1 demonstrated that the definition for 'National Heritage' in the NHA unlike that of the UK, Australia, US, Japan and India is not comprehensive enough to provide a clear understanding of the significance required for national heritage listing. The results also demonstrated that almost half of the Malaysian criteria for National Heritage listing do not clearly state the level of significance expected of national heritage listing. In addition although all the Malaysian criteria have similar heritage values with those used by other countries, the grouping of the values within the criteria is based on the individual country.

The results also demonstrate that the use of criteria which are related to historical values are within the scope of intangible value and are not related to physical characteristics of the cultural heritage. Criterion (i) Any other matter which is relevant to the determination of cultural heritage significance, is unspecific and is all encompassing. Therefore this supports and strengthens the point that Criterion (a) The historical importance, association with or relationship to Malaysian history and Criterion (i) Any other matter which is relevant to the determination of cultural heritage significance, should not be included in the study as they are not confined to architectural related features.

Results of the analysis on the application of the criteria to list cultural heritage demonstrated that several of the ways in which Malaysia has applied the criteria is

unusual to the way in which similar criteria is used internationally. This supports the need to develop principles to guide the assessment of cultural significance which will be explored in the subsequent Chapter 5.

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CHAPTER 6: FORMULATING THE PRINCIPLES FOR ASSESSMENT

This chapter presents the analysis, findings and discussion for Research Objective 2 (RO2): To formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing. RO2 is in response to RQ 2 which asks the following question.

RQ2: What are the principles to facilitate the assessment of immovable cultural heritage in Malaysia for National Heritage listing?

In response to the research question and objective, the following issues were investigated:

- With reference to the criteria in section 67 of the NHA 2005, what are the principles for assessment of immovable cultural heritage for inclusion on the National Heritage list?
- What are the circumstances which allow for application of the criterion?
- Based on the cultural significance identified, what is an appropriate method to assess the best cultural heritages to list?

To answer the above queries, this research applied a grounded theory approach using a 2-phase investigative process. In (Stage 3) Phase 1, in-depth interviews were carried out with 11 heritage managers to collect data-rich information. Draft principles to guide assessment of cultural heritage were developed from the results of the analysis and findings of (Stage 3) Phase 1. These draft principles were subsequently refined and confirmed in the second phase (Stage 4) Phase 2 by 2 groups of experts.

This chapter covers both the investigative process carried in (Stage 3) Phase 1 and (Stage 4) Phase 2 to answer the above research objective and questions. The

investigative process addressed 7 out of the 9 criteria for listing National Heritage stated in section 67 of the NHA 2005. The 7 criteria that are investigated are as follows:

- i. Criterion (b) The good design or aesthetic characteristics.
- ii. Criterion (c) The scientific or technical innovations or achievements.
- iii. Criterion (d) The social or cultural associations.
- iv. Criterion (e) The potential to educate, illustrate or provide further scientific investigation in relation to Malaysian cultural heritage.
- v. Criterion (f) The importance in exhibiting a richness, diversity or unusual integration of features.
- vi. Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural property.
- vii. Criterion (h) The representative nature of a site or object as part of a class or type of a site or object.

A total of 7 major themes emerged as a result of the investigative process, although not all of the themes were applicable to each criterion. The 7 identified themes are:

- i. Indicators of significance
- ii. Considerations
- iii. Explanatory notes
- iv. Application
- v. Eligibility and ineligibility conditions
- vi. State of conservation
- vii. Comparative assessment

The following Section 5.1 explains the structure of the chapter.

6.1 Chapter Structure

The chapter is structured to explain the findings for each of the 7 criteria individually. Each criterion is allocated their own separate section where the analysis and findings of the investigative processed is discussed. The themes which are relevant to the criterion are explained in that section. The presentation of the results for each criterion begins with the analysis and findings for (Stage 3) Phase 1, and is followed immediately by the findings for (Stage 4) Phase 2.

The results are presented in this manner because the phenomenon of assessment happens for each criterion and needs be examined on its own before it can be discussed across other criteria. In addition, the numerous criteria investigated in this study also necessitated a clear and structured guide for each criterion.

In order to simplify the reporting of the findings and to enable the reader to track the information easily, the number and percentages of respondents who gave responses for each finding are indicated while those who did not respond are not presented.

Two themes, namely the state of conservation and comparative assessment, will be discussed under the aspects of assessment section as their application are not specific to individual criterion but is instead general to all criteria. Figure 6.1 illustrates how the results of the investigative process are presented in this chapter. The next section presents the themes that emerged and subsequently discussed in each criterion.

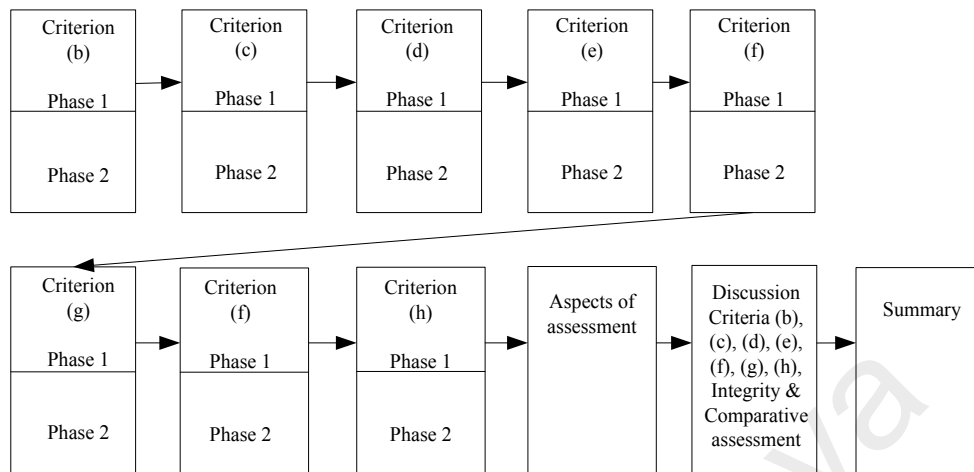


Figure 6.1: Structure for reporting the results of the investigative process in Chapter 6

6.1.1 Emerging Themes

The results that are presented in this chapter arose out of a process of investigation, data immersion, coding, analysing and interpreting ‘thick rich data’ on the phenomenon of assessment of cultural significance. Seven themes arose out of the data analysis process through a deductive process that was guided by existing patterns in guidelines for assessment of cultural heritage used in other countries. These themes covered an aspect of assessing cultural significance for the individual criterion under investigation.

The themes are:

- i. Indicators of significance: These are information that demonstrates the evidence of significance in a cultural heritage. They are assessed to measure the value of the cultural heritage.
- ii. Considerations: These are matters that ought to be weighed and taken into account when formulating an opinion on an assessment of the cultural heritage.

- iii. Explanatory notes: These are explanatory notes that serve to explain on matters. They are necessary to give a better understanding of the situation.
- iv. Application: These explain ways in which the criterion is applicable.
- v. Eligibility and non-eligibility conditions: These are explanations that are related to conditions that – if present – will qualify or disqualify a cultural heritage's eligibility for listing.
- vi. State of conservation: The existing state of the cultural heritage.
- vii. Comparative assessment: Process of comparison to determine which cultural heritage demonstrates the most appropriate significance for listing.

In order to support the objective of this study which is to develop guiding principles to facilitate the assessment of immovable cultural heritage, the findings for each theme will be referred to as 'principles'. The definition of 'principles' according to Oxford University Press (2010, p. 1164) dictionary as 'a law, a rule or a theory that something is based on; the most basic rule; a belief that is accepted as a reason for thinking or acting in a particular way'. While Chambers (2008, p. 723) dictionary defines 'principles' as 'a general truth or assumption from which to argue; one that explains a natural phenomenon or the way a machine works, rule, formula, standard.'

The definition in both dictionary indicates that the term 'principles' refer to a set of rules, therefore, in the context of this study, the term 'principle' is understood as a set of rules or theory' to guide assessment.

6.2 Criterion (b) Good design or aesthetic characteristics

From data collected via the interview, heritage managers and experts groups strongly suggested that criterion (b) relates to listing of cultural heritage for their architectural and aesthetic significance.

6.2.1 Criterion (b) Good design or aesthetic characteristics: Phase 1

Two themes that relate to the assessment of cultural significance emerged from the data analysis for criterion (b). These themes are ‘indicators of significance’ and ‘considerations’. A total of 6 principles were identified for these 2 themes. The analysis and findings for criterion (b) are described in the following sections.

6.2.1.1 Indicators of significance

- Principle 1: The cultural heritage exhibits character defining principles that are typical of the particular architectural style it is built in

More than half of the heritage managers (6 of 11 [55%]) mentioned that the assessment of cultural heritage must be based on how well the cultural property conforms to the character-defining principles that are typical of the particular architectural style it is built in. This was expressed by one of the heritage managers in the following way:

“...I think our point of reference would be let’s say in terms of colonial, the point of reference would be the first original prototype ... If you want to say good design your criteria would be to evaluate according to ‘wow, this is a beautiful classical building, respecting all the classical proportions and all that.” (Heritage Manager SPI02)

- Principle 2: The cultural heritage complies with principles for good design that are commonly associated with the architectural discipline e.g. proportions, form, function, space, and climatic considerations.

Principles of good design as taught in schools of architecture with reference to environment and climate responsive buildings, forms and function are recognised as indicators for good design. Some of the heritage managers (4 of 11 [36%]) commented that good design should respond to the environment and local climate, while a few (3 of

11 [27%]) perceived that the assessment must take into account the original intent of the building from the aspect of functions as well aesthetics. Two of the heritage managers conveyed this in the following way:

“I think all the criteria about good design which you would generally apply when you go and critique a project. Then you look at it from all the different requirements of being a plan and the design, layout organization, circulation almost all of that. All of that which you would find in a standard text book design say in an architectural school for example, with your own variation. But all those things come together to make good design”. (Heritage Manager SHB03)

“From a functional perspective, a building must fulfil the set of purpose it was designed for. From an aesthetic perspective, you have to understand where and how the particular building form originated and consider whether the application of the form is appropriate in relation to the function of the building...the inclination for Malaysian architects in the ‘70s and ‘80s who were in search of a Malaysian architectural identity was to utilise traditional domestic buildings forms for public structures. This architectural philosophy may not be appropriate.” (Heritage Manager SHB02)

- Principle 3: The aesthetics of the cultural heritage is able to induce an emotional response in the observer.

Evidence of good design or aesthetic value can be determined through an emotionally expressive response. Two of the heritage managers (18%) described experiencing a positive emotional response when viewing a cultural heritage is a good indicator of aesthetic value that is worthy of National Heritage. This is expressed by Heritage Manager SLG01 who said:

“...the Taiping Lake Gardens as an example...[in which] the profound beauty of the scenery can have a moving effect in its visitors and that this form of expressive response is an indicator of its high aesthetics...that the aesthetic beauty of buildings should also induce similar emotions.” (Heritage Manager SLG01)

6.2.1.2 Considerations

- Principle 4: Take into account the relationship of the cultural heritage to the setting.

The integrity of the overall setting of a building is also important in creating an ambiance that generates a feeling of good design and aesthetics. Two heritage managers (18%) expressed that integrity of the overall setting in which the cultural property is situated in is an important factor to contemplate. These heritage managers are of the view that the setting in which the building is presently in will impart a general sentiment to the place and should be considered when assessing this criterion. A comparison between of the original context and the current context surrounding the cultural heritage should be carried out in order to distinguish how much has changed or has been compromised.

- Principle 5: The cultural heritage must be based on the cultural values of the community to which the heritage belongs.

The majority of the heritage managers (7 of 11 [64%]) are of the view that an assessment of ‘good design and aesthetic characteristics’ for National Heritage must be based on the perception of aesthetic of community which owns the cultural heritage. The assessment of these cultural heritages must be made within the context of the community’s own ideals as specific forms, functions as well as architectural aesthetic values will only be appropriate to that community. There is also a need to understand

that ideals may change or evolve; hence the perception of good design is bound by both time and culture. This is expressed by heritage managers in the following manner:

“...the racial groups in Malaysia observe different customs and practices. As such the aesthetics characteristics of their houses differ as a result of the social and cultural preferences of the owners.” (Heritage Manager SHB01)

“.....the perception of good design and aesthetics is bounded by time and culture as the notion of ideals changes over time and according to society.” (Heritage Manager SHB02)

- Principle 6: A comparative assessment of the cultural heritage against others of a similar typology, period, and style as part of the evaluation process.

Two heritage managers (18%) are of the opinion that the use of a comparative analysis against other of a similar typology, period, and style as part of the evaluation process is an appropriate method to determine whether a cultural heritage under consideration is of merit.

6.2.2 Criterion (b) Good design or aesthetic characteristics: Phase 2

Cross group analysis revealed that 4 out of 6 principles that were proposed in Phase 1 were accepted by both experts groups by a majority of more than 70%. Two principles, Principles 5 and 6, although were accepted by both experts groups received more than 70% majority only from the Local Experts Group (refer to Figure 6.2). Both Principles 5 and 6 were reviewed and upon examination of the issues that were raised and validated against international practice, were subsequently accepted.

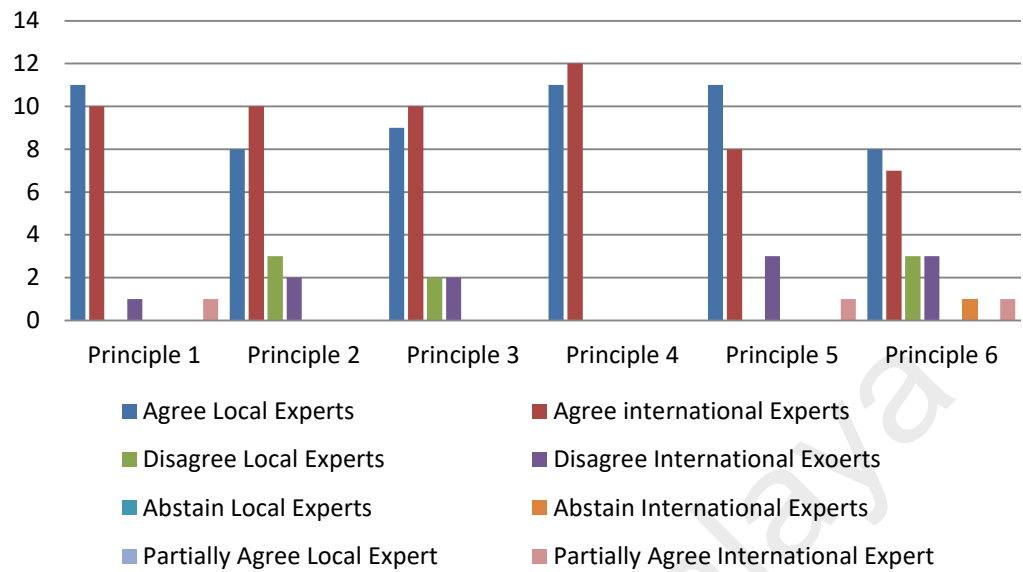


Figure 6.2: Results of survey for criterion (b) Good design and aesthetic characteristics

The 4 principles which are accepted are:

Indicators of significance

- Principle 1: The cultural heritage exhibits character defining principles that are typical of the particular architectural style it is built in.
- Principle 2: The cultural heritage complies with principles for good design that are commonly associated with the architectural discipline e.g. proportions, form, function, space, and climatic considerations.
- Principle 3: The aesthetics of the cultural heritage is able to induce an emotional response in the observer.

Consideration

- Principle 4: Take into account the relationship of the cultural heritage to the setting.

Principles 5 and 6 that did not achieve a majority of above 70% acceptance by both experts groups are as follows:

Considerations

- Principle 5: The cultural heritage must be based on the cultural values of the community to which the heritage belongs.
- Principle 6: A comparative assessment of the cultural heritage against others of a similar typology, period, and style as part of the evaluation process.

The justification in support of Principle 5 and 6 are as follows:

Justification in support of Principle 5:

Three issues that dealt with level of significance, the approach to values and perception of aesthetics were raised by the international experts as reasons for disagreeing with the Principle 5. With regards to level of significance, the concern was that the overarching emphasis in an assessment for National Heritage is to address whether the intrinsic value of the cultural heritage is of national importance. According to the experts, even though a cultural heritage is important to a community its intrinsic significance must be of National interest for it to be listed as a National Heritage. A crucial expectation for national heritage listing is to ensure that the values of the cultural heritages that are selected are of national significance; this fundamental concept is similar to how many countries select their National Heritages (Archaeological Survey of India, 2015; Australian Heritage Council, 2009b; Department for Culture Media and Sports, 2010; "Law for the Protection of Cultural Properties," 1950; National Park Service, 1997). The values of National Heritage used by the UK, Australia, US, Japan and India as a premise for selection of National Heritage, which were demonstrated in Chapter 4 (Table 4.12), reflects the same concepts.

Another concern raised is that the cultural values within a community may change or evolve over time and as a result, the present community may no longer appreciate or relate to past values that may have made a cultural asset significant. Hence, there is a possibility for these heritage sites that were significant to the community in the past to be disregarded and consequently vulnerable to pressures. This argument is in line with Zancheti et al. (2009) who contends that cultural significance should include both past and present values that remain in the collective or recorded memory; these should include both that are in dispute as well as those that no longer has meaning to the present. The lack of recognition for past values would potentially deny future generations from appreciating the cultural heritage.

In addition, the experts raised concerns that an assessment based on the cultural values of a community may not correspond with conventional 'aesthetic value' that is perceived under 'Criterion (b) Good design or aesthetic characteristics'. The objective is not to homogenize aesthetics to conform to accepted western values of aesthetics but instead to focus on the local cultural heritages.

The nature of the above comments does not nullify the objective of the principle but rather indicates that there is a need for the principle to be elaborated in order to appropriately capture these concerns (Refer to Explanatory Notes: Principle 9). Hence, the principle is accepted.

Justification in support of Principle 6:

The objective of a comparative assessment is to ensure that consistency in judgement is achieved using established examples as points of reference. The experts who object to the principles are of the opinion that the individuality of each cultural heritage does not allow for a comparison to be possible.

The dissent to the principle lies in a difference of opinions; although the intention for the comparative analysis is as an instrument to facilitate judicious review, experts that disagreed believe that a comparative assessment cannot be carried out because the substances to be compared are not comparable, and therefore a comparison would not be beneficial and difficult to undertake. An international expert commented that the principle is partially applicable since a comparative analysis would be helpful. However, to be effective the examples have to be periodically reviewed for the absence of such a mechanism would limit the effectiveness of the comparative exercise.

While comparative analyses are complex, it is implemented today as part of several assessment processes for cultural heritage listing. Since 1996, UNESCO have included comparative studies as part of the World Heritage nomination assessment with the specific objective of provide the assessors ‘a context for their evaluation’ (UNESCO, 2015, p. 94). Additionally, Australia uses comparative analysis as a threshold to determine eligibility for listing on to the National Heritage list, while English Heritage recommends the implementation of a comparative assessment with other places that share similar values to help understand the importance of a place (English Heritage, 2008). The wide international use of this methodology indicates that this principle should be included as part of the assessment process.

6.2.2.1 New principles

The findings and analysis from the data collected from the experts groups revealed 3 new principles in Phase 2. These new principles consisted of 1 principle under the theme of ‘indicator of significance’ and 2 principles under ‘explanatory notes’.

(a) Indicator of significance

- Principle 7: A cultural heritage which exhibits an exceptional level of ornamentation or craftsmanship can qualify as a National Heritage even when it

exhibits commonplace forms and spatial quality. Criterion (b) Good design or aesthetic characteristics, is not limited to assessment of forms and spatial quality.

Two experts, one local and the other international, expressed that the criterion is not limited only to the assessment of forms and the quality of spaces. It is also relevant to the assessment of ornamentation or craftsmanship e.g. carvings, tile work, and woodwork of a cultural heritage which may have mundane forms and spaces. This is in line with Noor and Khoo (2003) and Yahya (1995) who discusses the use of intricate Malay wood carving and motifs in their respective publications.

(b) Explanatory notes

- Principle 8: There are building materials, construction systems or characteristic motifs that are endemic to certain architectural styles or typologies which although not related to design principles or aesthetic value, should be considered as part of the character defining principles in an assessment of these architectural styles and typologies under this criterion.

Two international experts commented that there are some character defining principles such as traditional building materials, construction systems and characteristics motifs that are not related to design principles or aesthetics. This is conveyed by one of the experts in the following way:

‘The “character defining principles” principles may not always be visual. It may just be use of a typical material or construction system, or a characteristic motif which may not be ‘good design’ or have “aesthetic value”.’ (International Expert AIE9)

This interpretation is echoed by J. Y. Lim (1991) who included materials, construction method and detailing as part of the character defining principles of

traditional Malay houses. Furthermore, the inclusion of non-design or aesthetic related matters as part of the assessment for architectural specimen is in-line with National Park Service (1997). National Park Services perceived these elements to form part of the character defining principles that included, amongst others, structures, materials and styles when assessing Criterion 4 of the National Historic Landmarks for identification of architectural specimens.

- Principle 9: A cultural heritage may qualify as a National Heritage even though changing values resulted in its current community to no longer appreciate or relate to the past values that had initially made the cultural heritage significant.

Principle 9 is introduced to address the concerns raised in the earlier discussion on the results for Principle 5 shown below.

- Principle 5: The cultural heritage must be based on the cultural values of the community to which the heritage belongs.

In response to Principle 5, International Experts WIE4 and AIE6 both cautioned that changing values may result in the existing community to evolve over time and as a result, the present community may no longer appreciate or relate to past values that may have made a cultural asset significant. Hence, there is a possibility for these heritage sites which were significant to the community in the past to be disregarded and consequently vulnerable to pressures. This argument is in line with Zancheti et al. (2009) who contends that cultural significance should include both past and present values that remain in the collective or recorded memory; and these should include both that are in dispute as well as those that are no longer has meaning to the present. The lack of recognition for past values would potentially deny future generations from appreciating the cultural heritage.

6.3 Criteria (c) Scientific or technological innovations or achievements

The analysis and findings indicate that heritage managers and experts groups strongly suggest that criterion (c) relates to listing of cultural heritage that demonstrates the application of new technology, the successful adaptation of existing technology and the use of technology to innovatively mechanise and transform buildings.

6.3.1 Criterion (c) Scientific or technological innovations or achievements:

Phase 1

Three themes, namely ‘indicators of significance’, ‘considerations’ and ‘explanatory notes’ emerged from the analysis of the data collected in Phase 1 for criterion (c). A total of 5 principles were identified for these 3 themes. The following sections describe the analysis and findings for criterion (c).

6.3.1.1 Indicators of significance

- Principle 1: The successful pioneering and adaptive utilization of existing or imported technology to suit vernacular conditions.

Six heritage managers (6 of 11 [55%]) suggested that the criterion is relevant to the first successful use of an existing technology which has been adapted to suit local conditions. This was conveyed by one of the heritage managers who gave the following example:

“...John Ting’s article which explained that Brooke drew upon the knock down technology of the Iban longhouses in building the forts, and that this was an example of an innovation of an existing technology that was traditionally used in the construction of longhouses that enabled forts to be transportable as well as facilitated the protection of the land.” (Heritage Manager SPS01)

- Principle 2: New innovation or technology developed in Malaysia.

A few heritage managers (3 of 11 [27%]) put forward that the use of new technology which was developed locally as relevant to the criterion.

- Principle 3: Buildings that when combined with certain other elements become automated to provide additional uses.

One of the heritage managers (1 of 11 [9%]) suggested that the criterion is applicable to buildings which when combined with other components become mechanised and as a result are able to perform other functions. These types of buildings according to the heritage manager are however rare in Malaysia and are more commonly found in western countries. The heritage manager cited windmills which harnesses wind power with the use of sails to generate energy as an example.

6.3.1.2 Ineligible condition for National Heritage listing:

The following condition was deemed not eligible for listing as National Heritage:

- Principle 4: Technology that has been developed and imported from another country and was used for the first time in Malaysia without any innovation. This cannot be considered for National status but may be placed on a State list.

Indication that innovation has transpired is a critical factor in the appraisal. A few of the heritage managers (3 of 11 [27%]) are of the view that it is inappropriate to list cultural heritage with the distinction of being the first building to use a new foreign technology but without having made any modified in its construction system to suit the local conditions as a National Heritage under this criterion. The direct use of curtain walling technology on to buildings when it was first introduced in Malaysia in the

1980s is an example which would not be eligible for listing under this criterion at the National level but may instead qualify for listing under a State Heritage List.

6.3.1.3 Consideration:

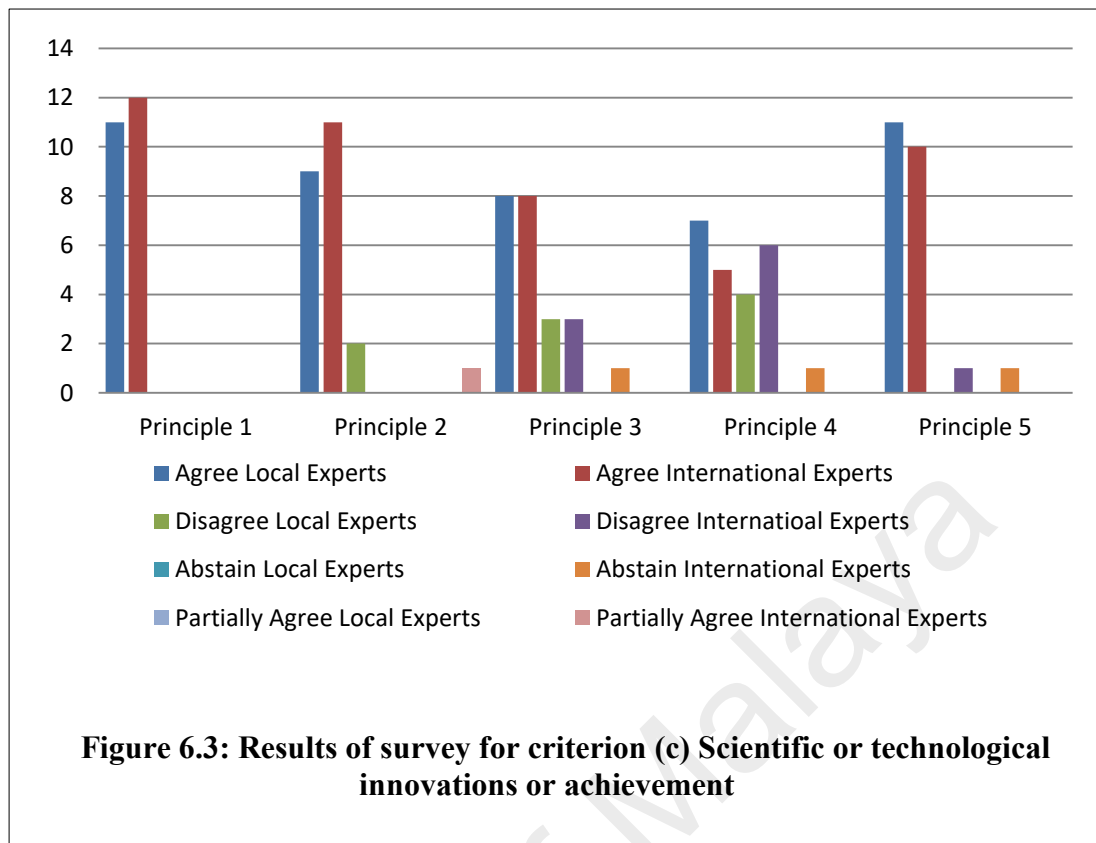
- Principle 5: An assessment of this criterion must consider the purpose, knowledge, technology and equipment that are available at the time the cultural heritage was built.

The majority (7 of 11 [64%]) of the heritage managers' responses indicated that a holistic understanding of the local state of affairs is necessary when assessing the significance of the achievement under this criterion. This includes purpose of the innovation, as well as knowledge, tools and building materials that were available locally to the community at the point in time when the building was constructed, or application of technology.

6.3.2 Criterion (c) Scientific or technological innovations or achievements:

Phase 2

Cross group analysis demonstrated that only 3 of the principles proposed in Phase 1 for criterion (c) was accepted by both experts groups with a majority of more than 70%. The results of the cross group analysis however raised questions on 2 principles namely Principles 3 and 4 (refer to Figure 6.3). Nevertheless, upon review and examination of the issues and validated with literature, both principles were accepted.



The principles that are accepted by the experts groups are:

Indicators of significance

- Principle 1: The successful pioneering and adaptive utilization of existing or imported technology to suit vernacular conditions.
- Principle 2: New innovation or technology developed in Malaysia.

Consideration

- Principle 5: An assessment of this criterion must consider the purpose, knowledge, technology and equipment that are available at the time the cultural heritage was built.

Principles 3 and 4 which raised questions in the cross-analysis are:

Indicators of significance

- Principle 3: Buildings that when combined with certain other elements become automated to provide additional uses.

Ineligible condition for National Heritage listing

- Principle 4: Technology that has been developed and imported in from another country, which is used for the first time in Malaysia without any innovation.

This cannot be considered for National status but may be placed on a State list

Analysis and findings show that Principle 3 was accepted by both experts groups. However, the results of the cross analysis raised questions as it received a majority from only one group of experts. The principle was accepted by 73% of the local experts while only 67% of the international experts groups did the same. As the principle did not achieve 70% acceptance by both experts groups, it had to be reviewed. Principle 4 on the other hand obtained a disparity in responses between the local experts and international experts. The principle obtained 64% acceptance by local experts while less than half (42%) of the international experts accepted it.

The justification in support Principle 3 and 4 are as follows:

Justification in support of Principle 3:

Principle 3 suggested the automation of buildings when combined with certain other elements is able to provide new uses as an indicator of significance. There were no explanations given for non-acceptance of the criterion by either experts groups. Analysis and findings strongly suggested that the criterion is relevant to new technology or the successful adaptation of existing technology that does not appear to be of a similar concern as the criterion. In the UK technological innovation relates to the early

use of important processes and the significance of technology used in the construction of building (English Heritage, 2011a). The UK applications do not relate to the automation of building. Nevertheless, after careful consideration that both experts groups accepted the principle, the principle should remain accepted.

Justification in support of Principle 4:

Principle 4 received several comments from the experts groups. One of the international experts who disagreed with the principle gave the following comment:

‘This criterion (principle) appears overly nationalistic and does the value and impact of sharing of ideas and technologies from other countries to the history and development of a country such as Malaysia. If this item is maintained, I would suggest adding the words “...or adaptation” after “innovation”’. (International Expert WIE4)

Conversely, a local expert who agreed with the principle conveyed the following opinion:

‘...because when you copy others what pride is there? But if you bring in technology and then you rework the technology then it’s a different story’.
(Local Expert ME4)

The analysis on the use of a similar criterion in Table 5.4 (Chapter 5) demonstrated that internationally, the application of this criterion is to determine whether the cultural heritage exhibits ‘innovation’ in any of the following ways:

- Exemplars of an industrial or technical process (industrial complexes e.g. water harvesting complex and railway workshop complex).

- Use of significant and newly developed construction materials or technology in or within the construction of the building (early fire-proofing system and metal windows).
- Use of construction methods or building materials that changes the paradigm in doing similar work processes from that time onwards.

Therefore, taking into consideration of how other countries use a similar criterion, the criterion is accepted in order to be consistent with international practice. In addition, the total combined responses from the 2 expert groups indicated a 52% overall acceptance for the principle.

6.3.2.1 New principles

The findings and analysis from the data collected from the experts groups revealed 1 new principle in Phase 2. This new principle came under the ‘consideration’ theme.

(a) *Consideration*

- Principle 6: Assessment must consider the appropriateness of the application of the technology in the local context irrespective of whether a technology was adopted or locally developed.

Local Expert ME11 proposed that whether the technology was adopted or a local innovation, the assessment must consider the appropriateness of the application in the local context. This was conveyed in the following manner:

‘Technology may be developed in Malaysia or originated from outside Malaysia but what is most important is that such technology must be correctly applied taking into consideration of the cultural significance of such cultural property In the case of the school in Bangladesh, recipient of the Aga Khan Award for Architecture, technology and thinking originated

from Germany have been adopted, but its application and technique is appropriately local. At the end, no one would ever say that the school is not a product of its locality. The point is that we must look beyond our culture in order to protect ours.’ (Local Expert ME11)

It should be noted that the construction of the village school in Rudrapur, Bangladesh which won the Aga Khan Award for the 2005-2007 cycle applied innovation to traditional construction methods while retaining use of using materials traditionally used in construction (Aga Khan Foundation, 2007). Within the World Heritage Site context, the Mountain Railways of India which was first inscribed by UNESCO in 1999 (World Heritage Centre UNESCO, 2012g) is an example where technology developed in Switzerland was adapted to the local conditions and gradient of the local terrain in order for the system to be operational. Similarly, assessment for National Heritage must consider whether the technology had been appropriately applied in the Malaysian context. It would be inappropriate for any cultural heritage to be listed on the National Heritage list if its cultural significance does not relate to the domestic context.

6.4 Criterion (d) Social or cultural associations

The analysis and results of the study demonstrates that heritage managers and experts perceived application of the criterion (d) is for places, spaces or ornamentations that have a special attachment to a society or group, either through past or existing use or through its physical components.

6.4.1 Criterion (d) Social or cultural associations: Phase 1

The majority of the heritage managers (8 of 11 [73%]) in Phase 1 considered ‘criterion (d) Social and cultural associations’, is not applicable to the listing of the immovable cultural heritage for its physical qualities, nor did they make suggestions for its application. The suggestions for application of the criterion came from 3 heritage

managers who felt that the criterion is applicable. Two themes, namely ‘indicators of significance’ and ‘considerations’ emerged from the analysis of the data collected from the interviews. The analysis and findings for criterion (d) are described in the following sections.

6.4.1.1 The indicators of significance

- Principle 1: Ornamentation found on the cultural heritage that will inevitably indicate the cultural identity of the owner.

Three heritage managers informed that cultural influences or the building owner’s ethnic identity could be identified through ornamentation and elements found on these buildings e.g. Feng Shui elements that is associated with the Chinese community. These heritage managers linked cultural association within the context of the criterion with the use of specific ornamentations or building elements with certain ethnic groups. This notion was illustrated by one of the heritage managers in the following way:

‘...façade designs of traditional shophouses also often portrayed decorative architectural details of Chinese influence. These influences reflect the owners’ cultural heritage.’ (Heritage Manager SHB01)

- Principle 2: Building typologies that are synonymous with specific cultural groups.

Heritage Manager SAI01 (1 of 11 [9%]) linked the criterion with the association of certain building typologies with specific communities and gave an example of the traditional Malay house and its regional variations which are synonymously identified with the Malay community. According to the heritage manager, cultural influence may result in variations of a building type’s architectural styles.

6.4.1.2 Consideration

Heritage managers suggested social association and cultural association each had a principle that was relevant to assessment of significance for the criterion.

For cultural association:

- Principle 3: Rarity can be used as a threshold for selection of cultural property to qualify for nomination under this criterion.

Heritage Manager SAI01 (1 of 11 [9%]) suggested that rarity could be used as a threshold for the criterion if there are many examples of the typology that relate to the criterion.

For social association:

- Principle 4: The automatic association of a building typology with a specific rank of society.

Heritage Manager SPI02 (1 of 11 [9%]) is of the opinion that it is possible to connect social association with building typology. The heritage manager is of the opinion that tenement housing in the U.S. which was built for the social working classes is an example which expresses a specific historical era and the type of society and community that live within it rather than the actual buildings itself. According to the heritage manager, this association is related to intangible value as well as tangible architectural values.

6.4.2 Criterion (d) Social or cultural associations: Phase 2

In this second phase, cross group analysis results demonstrated that all 4 principles which were put forward in Phase 1 were accepted by a large majority of the experts from both groups. Figure 6.4 (on the following page) illustrates the distribution of the experts' responses to the 4 principles.

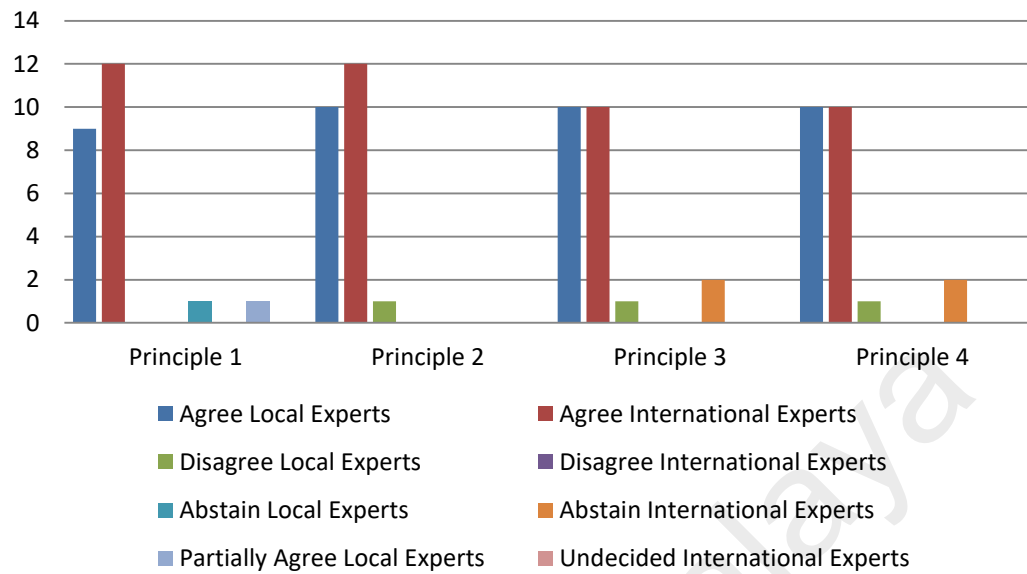


Figure 6.4: Results of survey for criterion (d) Social and cultural associations survey questionnaire

The principles which were accepted are:

Indicators of significance

- Principle 1: Ornamentation found on the cultural heritage that will inevitably indicate the cultural identity of the owner.
- Principle 2: Building typologies that are synonymous with specific cultural groups.
- Principle 3: Rarity as a threshold for selection of cultural property to qualify for nomination under this criterion.
- Principle 4: The automatic association of a building typology with a specific rank of society.

6.4.2.1 New principles

The analysis and findings for Phase 2 revealed an additional theme for criterion (d). The new theme that emerged in Phase 2 was ‘explanatory notes’. Two principles were linked to this theme while a new principle was suggested as an addition to ‘indicator of significance’.

(a) Indicator of significance

- Principle 5: Urban spaces and spatial typologies associated with specific social or cultural groups can qualify for listing if their significance is of national importance.

International Expert AIE9 suggested enlarging the understanding of criterion (d) to include urban spaces and spatial typologies. The expert conveyed the recommendation to ‘Include spatial typologies (for groups of buildings) and urban spaces in “building typologies”’ for the aforementioned Principle 2.

Within the context of World Heritage, the St Peter’s Square at the Vatican City is associated with spiritual activities and ceremonies of the Catholic faith. The square is a place of great importance to Catholic Christians who go to recite the Angelus every Sunday at noon and to receive the Pope’s blessing from his window at the Papal Apartment. The square represents human and spiritual contact between religion and society which is symbolised by the Pope and the crowds of pilgrims (Howard & Howard)

Similarly, other urban spaces and spatial typologies can have strong social or cultural associations. Examples of spaces that could be included under this criterion in the Malaysian context are i) the Kota Bharu ceremonial axis from the royal enclave of Istana Balai Besar to the jetty at the Kelantan River for the annual gold tribute in the

form of *Bunga Mas* (golden flowers) to the King of Siam, ii) the concept of town squares in English town planning which have been implemented in many towns in Malaysia, iii) the open space in a Chinese temple complex that exist between temple and theatre, and iv) urban squares or open areas that are used as permanent or temporary markets. However, these examples may not necessarily indicate national importance and their cultural significance need to be assessed accordingly.

(b) Explanatory notes

- Principle 6: A cultural heritage may qualify as a National Heritage even though changing values resulted in its current community to no longer appreciate or relate to the past values that had initially made the cultural heritage significant.

International Experts WIE2 and WIE1 put forward the concern that changing perception towards a certain cultural heritages by the community that it belongs to should not affect the gazettal of these properties. This is important as the significance assessed is on the importance placed by the community on the cultural heritage in the past. This concern is in line with the concerns outlined by Zancheti et al. (2009) hence these cultural heritages are all the more important to protect as they are susceptible to pressures.

- Principle 7: Assessment should consider the continuity of the original use for social or cultural purposes as it indicates that the cultural heritage is still significant to the community.

International Expert AIE10 explained that it is important to consider the continuity of the building's original use. This is consistent with the principles put forward by English Heritage (2008) which expresses the concern that the social and historical values of a

place will diminish and eventually disappear if the activities which the community associates with the site cease to happen. This is expressed in the following way:

‘social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence...they tend to gain value as a result of a through the resonance of past events in the present, providing reference points for a community’s identity or sense of self. They have fulfilled a community’s function that has generated a deeper attachment, or shaped some aspect of community behaviour or attitudes’. The continued use of the cultural heritage for its original purpose ‘...illustrates the relationship between design and function,...cessation of that activity will diminish those values...’ (English Heritage, 2008, pp. 30-34).

A cultural heritage that continues to be used for its original purpose will have retained the significance that its community has placed on it.

6.5 Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.

The analysis and finding from the data collected indicates that criterion (e) is for cultural heritages that are able to provide the public with an opportunity to learn through visits to heritage sites.

6.5.1 Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage: Phase 1

‘Indicators of significance’ and ‘explanatory notes’ are 2 themes which emerged from the analysis of the data collected in Phase 1 for criterion (e). A total of 3 principles were identified. The following sections describe the analysis and findings for criterion (e).

6.5.1.1 Indicator for significance

- Principle 1: The physical form of a cultural heritage can provide in-depth information on the past.

Some heritage managers (4 of 11 [36%]) conveyed their opinions that education and in-depth information on multiple aspects of the past such as materials, methods used in construction and systems of defence can be obtained through a cultural property's physical form. These heritage managers perceived that a cultural property's potential to educate is permanently present and never diminishes even though research on the site has been exhaustively conducted, as the site is able to educate any new visitors or researchers who visit. This was conveyed by a participant in the following way:

‘.....potential to educate never diminishes, visitors for example will continue to learn and understand the past from the excavations at Kota Ngah Ibrahim’. (Heritage Manager SLG01)

(a) *Explanatory notes*

- Principle 2: It is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed because it is believed that knowledge is never depleted and a cultural heritage will continue to educate anyone who visits it.

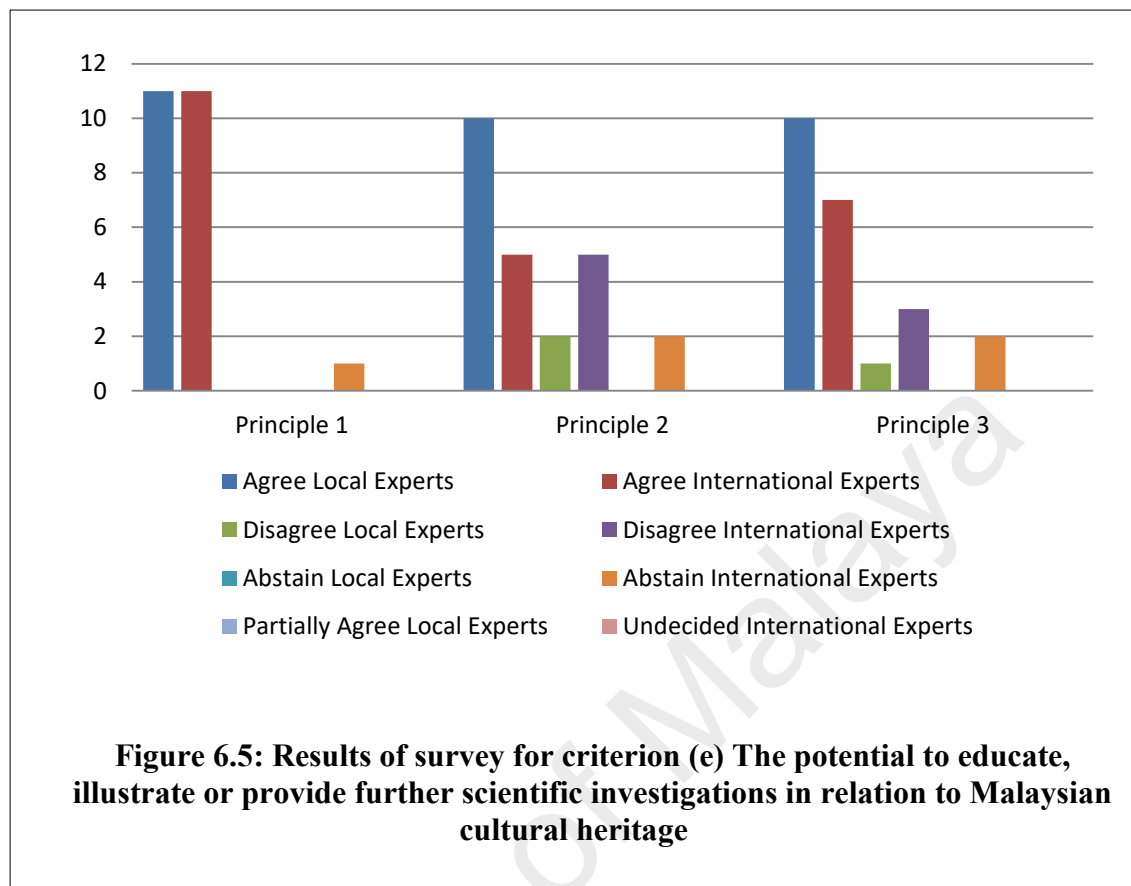
The view which these heritage managers hold is that a site's ability to educate is permanent and never diminishes, thus the perception is that there is no need re-designate listed archaeological site under a new category based on new evidence once the research is completed.

- Principle 3: It is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed because it is believed that new knowledge may surface with fresh or additional research that may add to or refute earlier findings.

These heritage managers are of the opinion further fresh or additional research may uncover additional new knowledge that may refute or add to earlier findings hence it is unnecessary to re-designate listed archaeological sites based on new evidence. Hence these listed sites should maintain the criterion under which their cultural significance has been first listed under.

6.5.2 Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage: Phase 2

The cross group analysis and findings showed that only Principle 1 was accepted by both Experts Groups with more than 70% majority. Findings indicated that the Local and International Experts Groups differed in opinion on Principles 2 and 3 (refer to Figure 6.5). Both Principles 2 and 3 - after review and analysis of the issues raised by the experts and validated with literature - were combined, refined and accepted.



The principle that was accepted by the experts groups is:

Indicator of significance

- Principle 1: The physical form of a cultural heritage can provide in-depth information on the past.

Principles which experts groups differed in opinion are:

Explanatory notes

- Principle 2: It is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed because it is believed that knowledge is never depleted and a cultural heritage will continue to educate anyone who visits it.

- Principle 3: It is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed because it is believed that new knowledge may surface with fresh or additional research that may add to or refute earlier findings.

Findings indicate that an overwhelming majority (91%) of the local experts agreed with the Principle 2 while less than half of the international experts (42%) agreed with the same principle. While for Principle 3, the majority of the local experts (91%) agreed with the principle while only 58% of the international experts felt the same way. Both these principles received many comments from the international experts.

The justification to combine, refine and accept Principles 2 and 3 are as follows:

Essentially for both principles relates to the re-designation or revocation of listing for a site based on new knowledge but giving 2 different reasons for not doing so. Comments from the international experts showed that their contention for Principle 2 lies with the issue of not re-designating the site under a different criterion in line with the new information that has been discovered. For Principle 3, although the issue of re-designation remains a concern with the international experts, their emphasis is for care to be given to the proper preservation of the site to enable further research in the future to take place.

One of the experts commented on the issue of re-designation in the following way:

‘If additional research after listing finds that there were significant misunderstandings when the original listing happened about the nature and values of the site, the listing may require review. This has happened in Canada on a few occasions, and can be a sensitive matter, but it is best to be truthful and honest otherwise the integrity of the listing process can be lost.

Usually though, more research simply contributes to the reasons for designation, and may require expanding the listed site. However, if a site is listed for the wrong reasons, or later evidence demonstrates an initial but very significant misunderstanding of the nature of a site, there should be a process to respond to such findings.’ (International Expert WIE4)

The need to ensure that sites are properly protected is conveyed by another expert in the following way:

‘I would say that all heritages have the potential of contributing to a better appreciation of the history of the country. This appreciation is never established once and for all, but is itself subject to future interpretations and insights. This is why it is so important to maintain the evidence as found, especially in archaeological sites, and avoid hurried interpretations, especially if these involve the complete transformation of a site. A “negative” example of this kind of approach is the “beautification” and conversion into a public garden of the archaeological remains found near the Hippodrome in Istanbul, Turkey. This transformation impedes future interpretations and reduces the heritage to a superficial form of public entertainment.’ (International Expert WIE5)

In Phase 1, the heritage managers were of the opinion that the potential of the site to educate is perpetual. The Phase 2 results indicate that the overwhelming majority of the local experts also share similar opinions.

In Phase 1 heritage managers are of the opinion that as designation is a serious matter, due deliberation on the significance of cultural heritage would have been carried out prior to listing. Any subsequent de-listing or re-categorisation would indicate a lack

of seriousness or duty of care in the initial research that is unacceptable, hence a reluctance to re-categorize; local experts in Phase 2 echoed similar views. This was conveyed by one of the experts in the following way:

‘...we assume that you don’t categorise a national heritage in a very lackadaisical way and that you actually do it seriously. You actually weigh the pros and cons, all the issues involved before you list it. Having categorised it and listed it are you trying to tell me somewhere in the future you will say “Oh, it’s not. I’ve made a mistake”... I think the findings for the most...New knowledge may surface with fresh research that may add or refute earlier findings; so you refute now later more will add to it again. So why must you? Having made a decision that you didn’t make lightly and then why should you so lightly remove it again?’ (Local Expert ME4)

Nevertheless, the re-categorisation of cultural heritage under an appropriate category based on new information is in-line with both the Australian (Australian Heritage Council, 2009b) and US (National Park Service, 1997) listing practises and also Sykes (1984). In addition, the Australian Heritage Council’s Guidelines for the Assessment of Places for the National Heritage List does not perceive education potential as a cultural significance and refrains from listing a site based on the merits of its educational potential (Australian Heritage Council, 2009b).

The cumulative responses from both experts group for Principles 2 and 3 at 65% and 74% respectively put both these principles in the accepted bracket. More significantly, the overwhelming response from the Local Experts suggests that both principles should be accepted. However, the disparate understanding by the two participant groups for both Principles 2 and 3 indicates that these principles ought to be refined to be in

keeping with international practise, as the failure to admit or acknowledge new findings would create a flaw in the National Heritage system.

The practise of listing allows cultural heritage to be listed under more than one criterion, hence should the situation arises action or consideration should perhaps be taken not to re-categorise the cultural heritage under a different criterion but include the criterion under which the new cultural significance fall under to the listing. As pointed out earlier both these principles are essentially similar but provide different reasons for not re-designating the sites, hence they could be combined as one principle. In addition, their purposes are as explanatory notes rather than indicators of assessment that identifies cultural significance. The revised principle is follows:

- Revised Principle (Principle 2 and 3 combined): It is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed. Any new cultural significance that arises from the new research findings shall be acknowledged and added to complement the original statement of significance and the responding criteria included into the listing. While it is understood that knowledge is never depleted and a cultural heritage will continue to educate anyone that visits it, should the new research findings prove without refute that the original significance is inaccurate, action should be taken to correct the misinterpretation.

6.6 Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features

This study revealed that heritage managers and experts suggest that the criterion is to express the variation or progression of styles for a group of buildings, as well as the rich range of ornaments or buildings types within a complex or urban area.

6.6.1 Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features: Phase 1

‘Explanatory notes’ was the only theme that emerged from the analysis and findings for the data collected in this Phase for this criterion. A total of 6 principles were identified for the theme. The following sections describe the analysis and findings for criterion (f).

6.6.1.1 Explanatory notes

- Principle 1: Applicable to the urban context or area conservation to describe a group of buildings with different cultural influences or cultural typologies that would collectively represent and reflect the diversity of cultures belonging to the people of Malaysia.

Two of the heritage managers (18%) are of the opinion that this criterion within a larger context is applicable to the urban setting in Malaysia where an assembly of similar building types belonging to the different racial groups would collectively represent and reflect the diversity of cultures of the people. As an example where this criterion is applicable, these heritage managers cited the World Heritage Sites of Melaka and Penang where a Malay mosque, a Chinese temple and an Indian temple can be found closely located along a street.

According to them, the rich collection of diverse religious buildings and places of worships found in these cities - which are located within close proximity to each other and with their own individual architectural characteristics and cultural identities - can be interpreted as meeting the criterion of richness, diversity or an on unusual integration of features.

- Principle 2: Describes the rich and diverse ornamentations found in building types within certain communities.

Heritage Manager SHB01 also links the criterion to the distinct, rich and diverse ornamentation that decorate the houses of the Peranakan community. The heritage manager is of the opinion that these ornamentation collectively as a group can be classified under this criterion.

- Principle 3: Describes the rich diversity in styles that can be found within a building typology.

Heritage Managers SHB01 and SPI02 share the opinion that the criterion can be used to demonstrate the diversity of styles that is found within a particular building typology. The Heritage Manager SHB01 cited of the regional variation of the traditional Malay house style as an example while Heritage Manager SPI02 expressed that this criterion could be used to show the variation found in the typology of school buildings (hence is related to (h) a representative nature of a site or part of a class or type or object).

- Principle 4: Applicable to describe a complex that is formed by a collection of diverse building types.

Heritage Manager SPI02 is also of the opinion that criterion can be used to show the architectural variety found within a complex of buildings. For example, a palace complex can be formed by various building components such as the Audience Hall, Banquet Hall, the main palace building, service buildings, etc. Thus, the assortment of different buildings components that collectively form the palace complex, each with different features and functions, can be considered under this criterion.

- Principle 5: Describes the diversity that can be found in the progression of an architectural typology through time.

Heritage Manager SAI01 is of the view that the criterion could be used to demonstrate the rich diversity of an architectural typology as it progresses through time. According to the participant this could be demonstrated through selective examples from each period that would collectively show how the architecture of that building typology has progressed.

- Principle 6: This criterion is seen as secondary in importance compared to the other nomination criteria.

The significance of the criterion in comparison to other criteria was raised. One of the heritage managers (9%) is of the view that this criterion is of lesser importance and should be used as a means to support other criteria in order to strengthen a National Heritage listing.

6.6.2 Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features: Phase 2

The analysis and findings for Phase 2 indicates that all principles suggested in Phase 1 with the exception of Principle 6 were accepted by both Experts Groups with more than a 70% majority (refer to Figure 6.6). Principle 6 was not accepted by either of the experts groups and was therefore omitted.

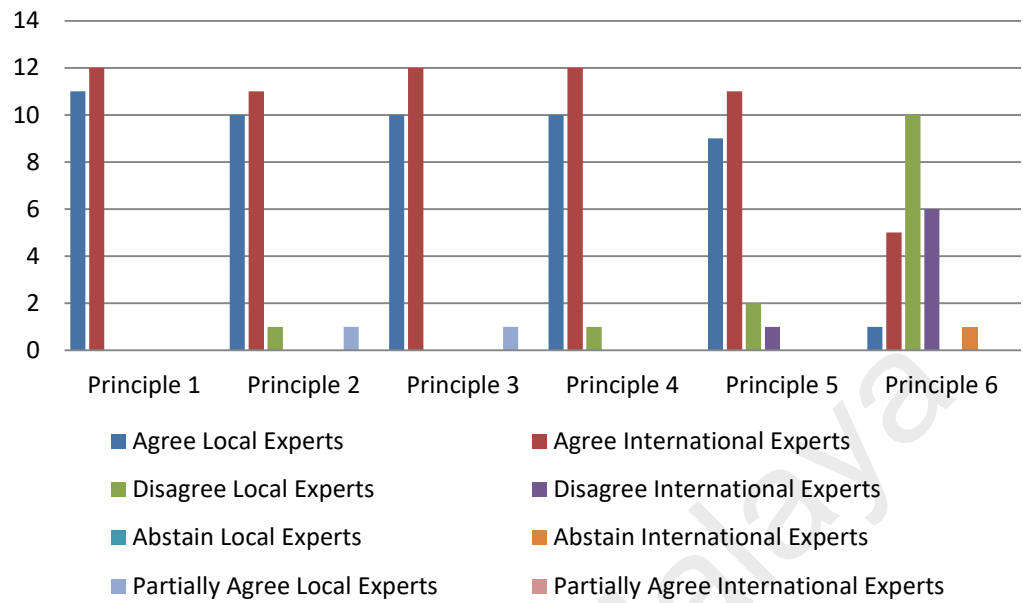


Figure 6.6: Results of survey for criterion (f) The importance of exhibiting a richness diversity or unusual integration of features

The principles which were accepted are:

Explanatory notes

- Principle 1: Applicable to the urban context or area conservation to describe a group of buildings with different cultural influences or cultural typologies that would collectively represent and reflect the diversity of cultures belonging to the people of Malaysia.
- Principle 2: Rich and diverse ornamentations found in building types within certain communities.
- Principle 3: Rich diversity in styles that can be found within a building typology.
- Principle 4: Applicable to a complex that is formed by a collection of diverse building types.

- Principle 5: Diversity that can be found in the progression of an architectural typology through time.

Principle 6 which was rejected by both experts group is as follows:

Explanatory notes

- Principle 6: This criterion is seen as secondary in importance compared to the other nomination criteria.

Justification by experts for omission of Principle 6 is as follows:

The experts rejected the principle as they were of the opinion that the importance of a criterion is contingent upon the cultural significance of the cultural heritage in question. A criterion which is of lesser relevance to the cultural significance of a particular cultural heritage may be more significance to another. Hence no criterion should be seen as secondary to any other criteria. One of the experts expressed his opinion concerning the criterion in the following way:

‘In relation to the criterion (principle) I am in the opinion that each criterion could have a major/determining position in stating the significance of a fabric. Stating the significance could either be an accumulation of several criteria, or based upon a single criterion.’ (International Expert AIE8)

6.6.2.1 New principles

There were no themes or principles identified in Phase 2 for this criterion.

6.7 Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage.

The study revealed that heritage managers and experts suggested the use of the criterion is to show quantity in existence for cultural heritage in respect to several aspects or conditions.

6.7.1 Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage: Phase 1

Three themes emerged from the analysis of the thick rich data collected from interviews with heritage managers in Phase 1 of the study for criterion (g). The analysis and findings identified a total of 9 principles which are related to these 3 themes. The following sections are the analysis and findings of Phase 1 for the criterion.

6.7.1.1 Indicators of significance

- Principle 1: Rarity of a particular feature, element or detail that could not be found anywhere else except only in a particular building or within specific areas.

One of the heritage managers (1 of 11 [9%]) suggested that rarity can be limited to a single aspect which is found nowhere else except only in a particular building or within specific areas. This was conveyed in the following manner:

‘When we did the inventory we noticed that some features...take for example in Ipoh we find that there are some shophouses with balustrades at the front, it acts as a terrace balcony or something which we are not exactly sure of, but it has a special feature, balustrade at the front instead of a pediment...so this is considered rare, as no other place has this.’ (Heritage Manager SI01)

- Principle 2: Rarity of a particular feature, element or detail across a building typology.

Two of the heritage managers (2 of 11 [18%]) expressed that it is possible to confine assessment of rarity to a single aspect of a building across the entire typology. This is conveyed by one of the heritage managers in the following way:

‘Take for example buildings with buluh tepas (woven bamboo walls) like Rumah Kutai (Kutai House) or Istana Kenangan (Kenangan Palace) or Masjid Kampung Dal (Kampung Dal Mosque) because there are not many buildings that are like this. So meaning rarity in the form of I would say materials, constructions materials.’ (Heritage Manager SFD02)

- Principle 3: Rarity of a cultural heritage or building typology within the whole country.

Just over half of the heritage managers (6 of 11 [55%]) conveyed that the criterion can apply to rarity of a cultural heritage or a building typology in relation to its existence within the whole country. One of the heritage managers conveyed this in the following manner:

‘You take for example say the early shophouses. Melaka goes back dates back to 1750, say the Dutch period shophouses. Rarity is of course you cannot find that shophouse anywhere else except in Melaka. So therefore it is in the context of national interest that it becomes National Heritage.’ (Heritage Manager SAI01)

- Principle 4: The cultural heritage may be a common feature, element, detail or typology throughout the country but is a rarity in the rest of the world.

One of the heritage managers (1 of 11 [9%]) considered that rarity is also applicable to a single aspect of a cultural heritage that is common in Malaysia but rare throughout the world. In such cases the significance of the cultural property may potentially have values that are important to the world. This was expressed by the heritage manager in the following way:

‘Then we have to look at the group that creates that context. Then I’ll look into more of into global view. It could be plenty here, but globally maybe it’s only here. It would still be rare in that sense. So its relative you see.’ (Heritage Manager SPS01)

6.7.1.2 Considerations

- Principle 5: The number of buildings representing certain architectural periods that remain in existence should be a factor of consideration for this criterion.

Two heritage managers (2 of 11 [18%]) proposed that assessment of rarity must take into account the number of buildings representing certain architectural styles which remain in existence. These managers consider that this is relevant when there are many buildings built for a particular typology.

6.7.1.3 Explanatory notes

- Principle 6: Rarity means something that was widely found previously but is now uncommon; while unique as being the only example of its kind.

According to a few of the heritage managers (3 of 11 [27%]) the definition of ‘unique’ and ‘rare’ relates to the number of the cultural properties that are in existence. These heritage managers defined ‘unique’ as being the only one of its kind and therefore the exemplar; and ‘rarity’ to mean the only remaining example or having very few examples left of something that was widely found previously but is now uncommon.

The definitions of 'rare' and 'unique' are described by 2 heritage managers in the following manner:

'To me unique means that it's one and only, that's how I interpret unique. Rare is, it used to be around, it is no longer around, you know there used to be more. So you go the orang utan, you know because they are you don't find many around, it is an endangered species then it becomes rare but you know there used to be so many...' (Heritage Manager SHB02)

'I would say it's one of a kind unless, unless otherwise...Unique is one of a kind; unique is one representative, so the threshold is one...I mean zero: to one'. (Heritage Manager SHB03)

- Principle 7: A comparative method of assessment should be implemented for this criterion because rarity or uniqueness cannot be ascertained unless it is compared with others.

The value placed on rarity is relative to what is known to be in existence and can only be established when a cultural heritage is compared with others of a similar type. Some of the heritage managers (5 of 11 [45%]) conveyed that a comparative assessment against other cultural heritages that are of a similar type needs to be carried out in order to understand if the subject matter that is being assessed is rare or unique. These heritage managers expressed that a comprehensive inventory is necessary to facilitate an assessment for listing under this criterion. The need to compare cultural heritage to establish its exclusivity was communicated by one of the heritage managers in the following way:

'...it is impossible to establish the rarity or uniqueness of a building without comparing it with others that are present within the country. As

such it is necessary to establish an inventory to facilitate assessment of cultural heritage under this criterion.’ (Heritage Manager SHB02)

- Principle 8: Assessment of rarity must also consider authenticity and integrity of the cultural heritage.

Heritage Manager SHB02 expressed that assessment of rarity should take into consideration the state of authenticity and rarity of the cultural heritage. According to the heritage manager, a cultural heritage which has been extremely compromised should not be listed even though it is the only one example left as its original form is no longer recognisable. Listing of such properties should only occur for reasons of national historical significance but not due to its rarity by virtue of its subsistence. This was conveyed in the following way:

‘...even if it’s rare but it is so compromised and if it disappears you don’t even know it’s there anyway unless you feel that it is so important historically because you really absolutely need to make sure that it is recognized this part of the memory is recognized then you may want to fight to keep it...’ (Heritage Manager SHB02)

6.7.2 Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage: Phase 2

The analysis and findings for criterion (g) showed that all 9 principles proposed in Phase 1 were accepted by both Experts Groups. Nevertheless Principle 1 received less than 70% majority from the International Experts Group (refer to Figure 6.7). The principle was refined upon analysis and examination of the concerns raised by the experts groups.

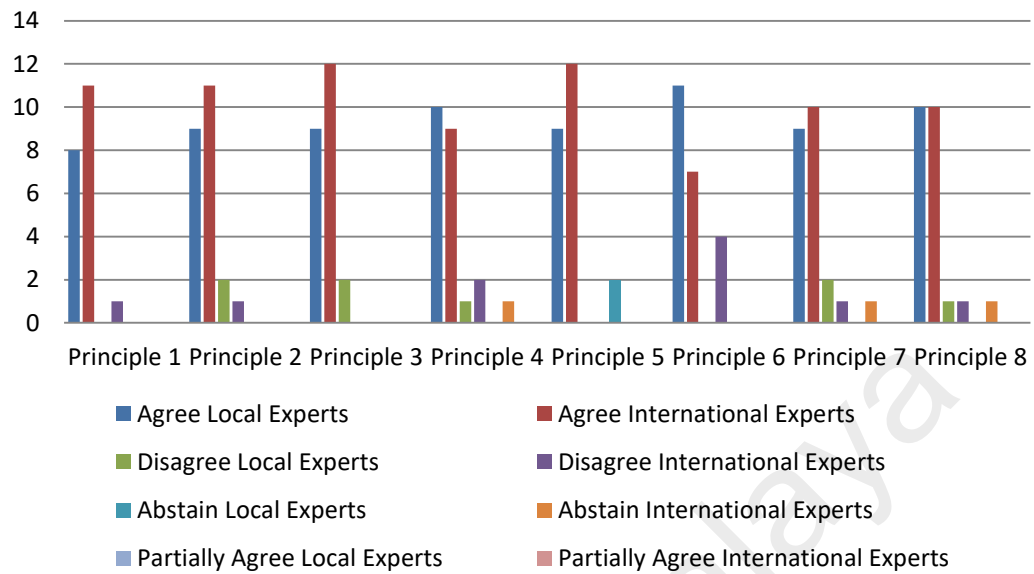


Figure 6.7: Survey results for criterion (g) The rarity and uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage

The 8 principles which were accepted with more than 70% majority are:

Indicators of significance

- Principle 1: Rarity of a particular feature, element or detail that could not be found anywhere else except only in a particular building or within specific areas.
- Principle 2: Rarity of a particular feature, element or detail across a building typology.
- Principle 3: Rarity of a cultural heritage or building typology within the whole country.
- Principle 4: The cultural heritage may be a common feature, element, detail or typology throughout the country but is a rarity in the rest of the world.

Considerations

- Principle 5: The number of buildings representing certain architectural periods that remain in existence should be a factor of consideration for this criterion.

Explanatory notes

- Principle 7: A comparative method of assessment should be implemented for this criterion because rarity or uniqueness cannot be ascertained unless it is compared with others.
- Principle 8: Assessment of rarity must also consider authenticity and integrity of the cultural heritage

Principle 6 which although was accepted, did not receive a majority of more than 70% is as follows:

Indicators of significance

- Principle 6: Rarity means something that was widely found previously but is now uncommon; while unique as being the only example of its kind.

Justification in support of refinement for Principle 6

Comments for Principle 6 by the experts groups indicated that the definition given was not completely accurate. According to the experts, the interpretation of rarity in essence refers to having only a few examples at present irrespective of how many examples there were in the past. This definition is consistent with the definition in the Oxford Advanced Learner's Dictionary (Oxford University Press, 2010). According to the dictionary, 'Rare: not done, seen, happening, etc. very often; existing only in small numbers and therefore valuable or interesting' and unique as 'being the only one of its kind; very special or unusual' (Oxford University Press, 2010, pp. 1214,1630). Upon further understanding of the experts' contention, the principle is amended to reflect as

follows in order to be inclusive and in keeping with the correct definition for the terminology:

- Refined Principle 6: Rarity means something that is now uncommon; while unique as being the only example of its kind.

6.7.2.1 New data

Two addition principles emerged from the data analysis in Phase 2 for ‘explanatory notes’.

(a) *Explanatory notes*

- Principle 9: The assessment of rarity should focus on the anomaly related to the cultural heritage at the point of time when it is being assessed. Therefore, rarity could be used to demonstrate the anomaly in numerous situations such as typology, layout and style. This includes examples of cultural heritages that are considered rare for the period it was built in. Rarity could also be demonstrated in the detailing used among buildings of a particular type, cultural landscape, cluster, community or cultural group as well as method of construction and craftsmanship.

Three local experts expressed that the components in which rarity could be found encompasses a wider scope than those defined in the Principles identified in Phase 1. This was conveyed by one of the experts in the following way:

‘...it can also be detail that could not be found anywhere else except only in a particular cultural landscape, a particular cluster, a particular community or a particular cultural group’. (Local Expert ME2)

The definition of ‘rarity’ in the context of the criterion should refer to the state of existence, which is then applied to different topics e.g. construction and craftsmanship. This is in accordance with the definition for ‘rarity’ in the Oxford Advanced Learner’s Dictionary (Oxford University Press, 2010) as discussed earlier and Heinich (2011). A rare early example of a typology can be considered under this criterion as it will inform the public on the continuum of the architectural development for that typology within the country.

- Principle 10: The term ‘unique’ could be used to demonstrate how buildings of a particular typology are common in one area but is not found anywhere else.

International Expert WIE2 shared the opinion that ‘unique’ could also be used to demonstrate the extent of spread for a typology. The expert interpreted the use of unique to include ‘buildings that maybe common in one area but not in another to show the spread’. In this instance, the term ‘unique’ can be used to demonstrate that a particular building typology is unique as it is found in only in one particular locality. For example the Dutch shophouses can be considered rare in Malaysia as there are only a few surviving examples; these shophouses are also unique to Melaka as they can only be found in this locality. Definition of unique is the only example of its kind in the Oxford Advanced Learner’s Dictionary (Oxford University Press, 2010) would be applicable in this instance.

6.8 Criterion (h) The representative nature of a site or object as part of a class or type of a site or object

Heritage managers and experts in the study strongly suggest that the use of the criterion is to demonstrate different forms and types of cultural heritages that constitute typologies.

6.8.1 Criterion (h) The representative nature of a site or object as part of a class or type of a site or object: Phase 1

Two themes, namely ‘application of the criterion’ and ‘explanatory notes’ emerged from the data analysis for criterion (h). A total of 3 principles were identified for these 2 themes. The analysis and findings for criterion (h) for Phase 1 is described in the following sections.

6.8.1.1 Application of the criterion:

- Principle 1: To demonstrate the variations that is found within a building typology.

The overwhelming majority of the heritage managers (10 of 11 [91%]) suggested that application of the criterion is to demonstrate the variations that can be found within a typology. These heritage managers cited traditional Malay houses, traditional shophouses, mosques and colonial government quarters as examples where the criterion can be employed to demonstrate the variations found in these building typologies.

- Principle 2: To demonstrate the only remaining example left of a typology that is no longer in existence.

One of the heritage managers (1 of 11 [9%]) expressed that the criterion is applicable to demonstrate the only remaining example left of a typology that is no longer in existence. Hence linking criterion (h) with ‘criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage’.

6.8.1.2 Explanatory notes on the application of the criterion

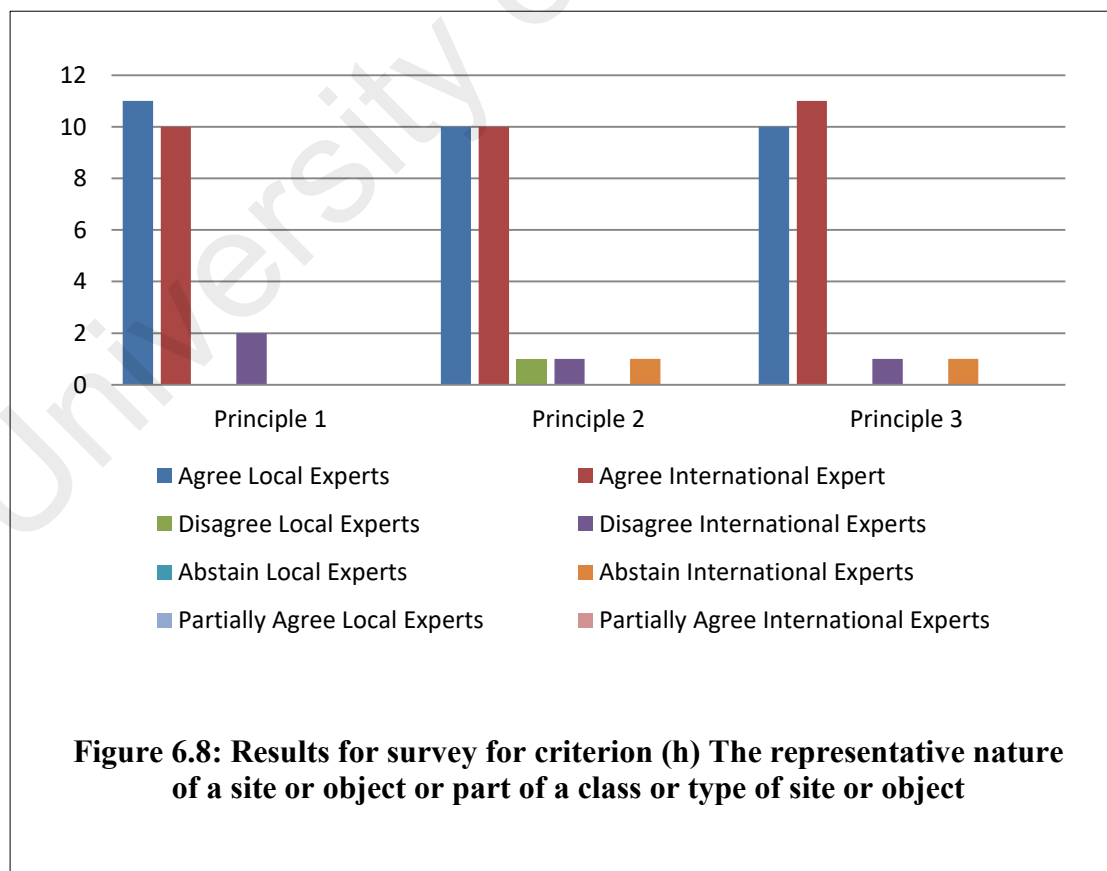
- Principle 3: A thematic approached could be used to facilitate the application of this criterion.

A few heritage managers (3 of 11 [27%]) suggested the use of a thematic approach as a methodology that is suitable in an assessment of cultural significance for this criterion. This was conveyed by one of the heritage managers in the following way:

‘... let’s say this type of mosque, and it’s a rare example of surviving that type of mosque, there are some with the 4 minarets in the corner, and then there is the one with the off-centre... So representative of a type, I think is very easily linked to a theme.’ (Heritage Manager SP102)

6.8.2 Criterion (h) The representative nature of a site or object as part of a class or type of a site or object: Phase 2

Findings of the cross group analysis indicated that all 3 principles identified in Phase 1 were accepted by the experts’ groups with a majority of more than 70%. Figure 6.8 demonstrates the detailed findings of the cross group analysis.



The 3 principles which were accepted are:

Application of the criterion

- Principle 1: To demonstrate the variations that is found within a building typology.
- Principle 2: To demonstrate the only remaining example left of a typology that is no longer in existence.

Explanatory notes

- Principle 3: A thematic approach could be used to facilitate the application of this criterion.

Two experts nevertheless commented that with regard to Principle 2, it is unnecessary to list cultural heritages that have no significant value other than for reasons that they are the only remaining example left of their kind. The results did not fall within any of the categories of the cross group analysis that required for the principle to be further analysed as the total number of experts (2 of 11 [9%]) that disagreed with the principle is small in comparison to the number of experts (21 of 23 [91] %) who agreed with it. Therefore, these comments will not be further considered.

In addition, the failure to protect the last remaining example of a cultural heritage because it is perceived to be insufficiently significant by the present generation will erase physical evidence of what was once there. This will deny the possibility for the cultural heritage to be understood and appreciated by subsequent generations and viewed as significant in the future. The cultural heritage will also qualify for listing under 'criterion (g) The rarity and uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage'. However, whether or not

the cultural property is listed on the Heritage Register or as National Heritage will depend on other factors of its significance.

6.8.2.1 New principles

The data analysis revealed a new principle that is relevant to the theme of ‘explanatory notes’.

(a) *Explanatory note*

- Principle 4: Cultural heritages that are listed under this criterion must demonstrate most or a majority of the major characteristics of a particular thematic group.

Expert AIE9 is of the opinion that when an architecturally related thematic approach is used for this criterion to recognise potential properties for listing, the characteristics of the theme must be properly understood and itemized recognised prior to assessment. This was expressed in the following way:

‘To me this means a site, building, object which exhibits all major characteristics of a particular thematic group (e.g. walled city in an Indian desert, an Indo-Islamic tomb, early government housing in Chandigarh, coastal villages around the Mediterranean, etc.). One would first need to identify and list representative thematic characteristics and then choose examples that best illustrate them.’ (International Expert AIE9)

Expert AIE9’s comments are in accordance with the process outlined in National Register Bulletin issued by National Park Service (1997, pp. 8-9) on how to evaluate a property within its historic context. Acceptance of the principle would assist to clarify on how to proceed with assessment.

6.9 Aspects of assessment

The section for ‘aspects of assessment’ covers the factors that would facilitate or affect the decision to list in an assessment of cultural significance. Heritage managers and experts strongly suggested 2 important aspects of assessment that should be considered when reviewing cultural heritage for listing. These aspects concern the physical condition of a cultural heritage and judgment for listing.

6.9.1 Aspects of assessment: (Stage 3) Phase 1

Two themes emerged from the data analysis from Phase 1, which are ‘state of conservation’ and ‘comparative assessment’. The analysis and findings identified a principle for each of these themes. The details of these themes are discussed in the following sections.

6.9.1.1 State of conservation

- Principle 1: A building’s existing physical condition will affect its potential for listing.

A cultural heritage’s existing physical condition is seen as a factor that would affect its potential for listing by almost half of the heritage managers (5 of 11 [45%]). While these heritage managers preferred for properties to have a high level of intactness, 3 of the same heritage managers (27%) considered it acceptable to list cultural heritage that can sufficiently convey the idea of what the building was like in the past. According to 1 of the 3 heritage managers, consideration to list the cultural heritage is dependent on the significance of the part that is damaged or demolished.

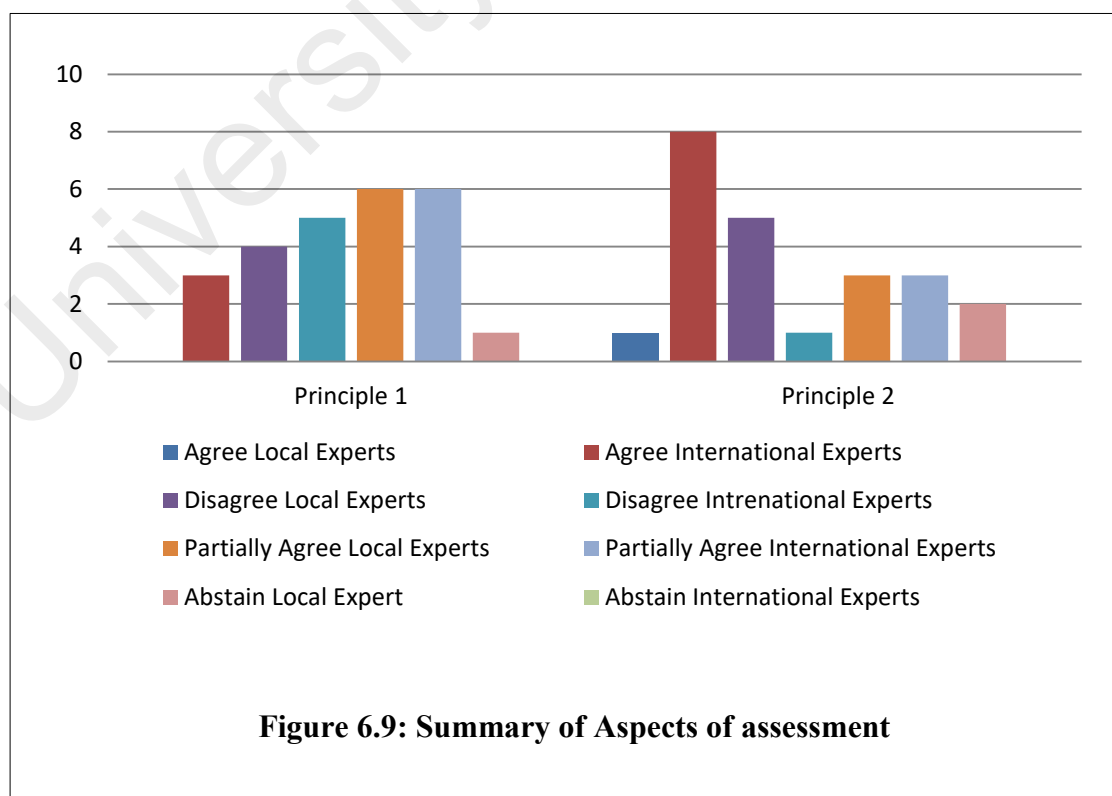
6.9.1.2 Comparative assessment

- Principle 2: A comparative assessment system should be used to establish which of the cultural heritages are the most significant to list.

According to 2 of 11 (18%) heritage managers, the assessment of cultural heritage for all criteria should be based on a comparison of the buildings with others that are recognised as benchmarks for similar typology, style and period. These heritage managers further added that based on the comparative assessment, only the best examples of these cultural heritage should be listed.

6.9.2 Aspects of assessment: (Stage 4) Phase 2

Cross group analysis of the findings demonstrated that experts from both groups did not agree with Principle 1. Principle 2 however recorded an inconsistency in the findings. The findings indicated that only 9% of the local experts agreed with the Principle 2 while 67% of the international experts agreed with it (refer to Figure 6.9 for detail findings). Both Principles 1 and 2 were subsequently reviewed. Upon examination of the issues that were raised by the experts and checked against international practice, Principle 1 was subsequently refined and accepted and Principle 2 was accepted.



Principle 1 which was rejected stated:

Integrity

- Principle 1: A building's existing physical condition will affect its potential for listing.

Principle 2 which recorded an inconsistency in findings was:

Comparative assessment

- Principle 2: A comparative assessment system should be used to establish which of the cultural heritages are the most significant to list.

Justification for Principle 1 and Principle 2.

Principle 1

Analysis and findings indicate that just over half of the experts group (12 of 23 [52%]) made up of 6 local experts (55%) and 6 international experts (50%), would consider on a case-to-case basis whether the existing condition of building would affect its potential for listing.

Two experts, one local and the other international, commented that the cultural significance of a property is not dependent on its state of conservation but is instead established based on compliance to a given set of assessment criteria. Hence, a cultural heritage can be nationally significant regardless of its state of conservation. However once significance has been established, the decision to list is dependent on its state of conservation.

Two local experts commented that masonry buildings, unlike timber structures, could be displayed as ruins if they are properly maintained. Dilapidated timber buildings on the contrary are vulnerable and will continue to decay. The ensuing lack of physical

evidence according to these local experts will hinder visitors from interpreting the site. Therefore, in the case of timber buildings there must be enough evidence of the original remains in existence to enable it to qualify for listing and to subsequently undergo a restoration process. Six experts (26%), comprising 5 local and 1 international experts, suggested that the reconstruction of cultural heritages which have been destroyed or damaged is an option if the building is extremely significant. According to the experts, this has been practised and cited the Pagaruyung Palace in Sumatera, Indonesia and the Opera House in Berlin, Germany as examples. For both these cases, the importance of these cultural heritages has resulted in them being rebuilt on more than one occasion; the Pagaruyung Palace was rebuilt after it was destroyed by fire on several different occasions while the Opera House was bombed during World War II.

There are several sites listed on the World Heritage list which has various degrees of reconstruction. Cameron (2008) pointed out that both the Rila Monastery in Bulgaria and the Old Bridge Area of the City of Mostar in Bosnia-Herzegovina which are listed were reconstructed. In the case of Mostar, the reconstruction was in entirety while Rila was heavily reconstructed. According to Cameron there is a need to find a balance between authenticity and the selection of appropriate criteria which is then reflected in the statement of significance for World Heritage Sites nomination. The inscriptions for both of Warsaw and Mostar referred to its values as exemplars of restoration/reconstruction. Nevertheless, the World Heritage Committee is specific that the inscription of the historic city centre of Warsaw, Poland in 1980 should not be seen as a precedent that condones or encourages the reconstruction of sites.

In view of the above evidence, Principle 1 is refined as follows:

- Refined Principle 1: A building's existing physical condition may not necessarily affect its potential for listing. This will be considered on a case-to-

case basis. These buildings can only be considered for listing if their significance is proven to be extremely important and the reconstruction work implemented in accordance with proper documented evidence. The information that the building was reconstructed must be reflected in the Statement of significance.

Principle 2

Analysis and findings indicated that there was a discrepancy in response from the experts groups with the majority of the international experts (8 of 12 [67%]) agreeing with a comparative method of assessment while only 1 local expert (1 of 11 [9%]) who agreed. Conversely 5 of the local experts (5 of 11 [45%]) considered that a comparative method of assessment is inappropriate and only 1 international expert who considered it as inappropriate. Three experts each from the local (3 of 11 [27%]) and international (3 of 12 [25%]) groups thought that such a system is partially relevant.

A comparative method of assessment is used by Australia (Australian Heritage Council, 2009b), US (National Park Service, 1999) and by the World Heritage Committee (UNESCO, 2015) to measure which of the cultural heritages which have been nominated have heritage significance that are most outstanding or noteworthy to list. According to the Operational Guidelines for Implementing of the World Heritage Convention, properties that wish to be listed must demonstrate the similarities it has ‘...with other properties and the reasons why the nominated property stands out,’ (UNESCO, 2015, p. 70) and therefore justifies the reasons for listing.

Therefore understanding the purpose of the comparative assessment, Principle 2 is accepted.

(a) New principle

The analysis and findings from the data collected indicated that there are no new principles for either of these 2 themes in Phase 2.

6.10 Discussion

This chapter presents the analysis and findings for Research Objective 2 which is to establish guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing. This study is significant because although the NHA 2005 has provided criteria for National Heritage listing, the Department of National Heritage (JWN) has not published guidelines to complement the criteria. Guidelines are necessary to ensure that assessment of cultural significance is carried out in a consistent manner. This will ensure proper identification of cultural significance and to mitigate any disputes that may arise. As shown in the literature review in Chapter 2 and as discussed in the analysis in Chapter 4, countries with more established listing practises have established guiding principles to govern assessment of cultural significance. In addition, although criteria for listing may appear similar to another country, the interpretation is country-specific; hence, guidelines from other countries cannot be adopted without any alteration. Therefore, it is necessary for each country to develop their own principles for assessment.

6.10.1 Criterion (b) Good design and aesthetic characteristics

The results of the study indicated that use of the criterion is to assess architectural and aesthetic qualities for cultural heritage. According to heritage managers and experts, architectural and aesthetic qualities for cultural heritage is assessed through a combination of different qualities which includes form, style, function, ornamentation, setting and workmanship. These respondents also suggested that ‘good design or aesthetic characteristics’ gives a sense of visual and emotional pleasure. This indicator

of significance is similar to what is promulgated in the Australia ICOMOS Burra Charter (1999). According to the study, good design is also qualified through performance when the design functions well to meet its intended purpose as well as when the design complies with the principles and rules of the architectural style the property was built in.

Heritage managers and experts also agreed the 'good design' is embedded in the design principles taught in architecture schools. However, it is interesting to note that many architectural theories and philosophies are contradictory to one another. For example, Louis Sullivan's philosophy 'form follows function', Frank Lloyd Wright's 'form and function are one' and Peter Behren's axiom 'less is more' are all different. Hence while physical indicators of these good design and aesthetics values are measureable through visual inspection and a sense of emotion that arises through stimulation of the senses, the actual theoretical assessment of 'good design and aesthetic characteristics' is abstract, thus debatable and difficult to quantify.

Heritage managers and experts also agreed that cultural heritage should be assessed based on the character defining principles that are typical of the particular architectural style the building was built in. Although buildings in Malaysia are often identified as having been built in a particular architectural style, the design of these buildings do not conform to the standard character defining principles of the style in reference. For example, while there are elements that can be identified with classical architecture such as Corinthian capitals at the top of columns, the building may have a pitched roof with large overhangs to protect from the rain and provide shade from the sun that are supported by a Chinese bracket construction system. The designs of Malaysian buildings have been adapted to suit the tropical climate, using locally available materials with the knowledge and expertise of local builders. This sentiment was

expressed by many heritage managers in this study and was best reflected by a heritage manager who said the following:

‘Because even shophouses that you say are neo-classical, it’s not actually neo-classical because it’s all a mixture. It’s all eclectic. So to me my term for shophouses is that they are all eclectic...So you have to look at a different context for the Malaysian architectural form, then do an architectural theory that derives all this proportion and so on.’ (Heritage Manager SAI01)

The above comment arose from the heritage manager’s own experience in inventorying buildings in Malaysia. Tze’s (2007) study of 336 shophouse façade in Singapore which demonstrated the rich hybridity of architecture styles supports this observation. As a result of this anomaly, in order to facilitate assessment for this criterion, it is necessary for Malaysia to develop her own character-defining principles for local architecture. It would be difficult for the evaluators from the JWN to assess cultural significance for this criterion without a guide to the character-defining principles of these adapted architectural styles. As the focus of this study is to address the principles of assessment, details of the character defining principles for architectural styles in Malaysia can be further elaborated by other researchers in subsequent studies.

Appreciation of values is subjective and may change over a period of time as a result of various factors. Principle 9 in criterion (b) and Principle 6 in criterion (d) raises the same concerns on the loss of appreciation by the community. These principles state:

‘A cultural heritage may qualify as a National Heritage even though changing values resulted in its current community to no longer appreciate or relate to past values that had initially made the cultural asset significant.’

Both these principles are fundamentally the same and are conventional heritage philosophies subscribed globally. There are however many layers to these principles that need to be understood.

Firstly, while both criterion (b) and criterion (d) deal with different subject matters, the crux of the principle is about the appreciation of values by the communities that own the heritage. In the case of criterion (b), the issue is about the changing perception on appreciation of aesthetics, while criterion (d) refers to change in use that will subsequently affect appreciation of the site through the eventual loss of memory as a result of disassociation of site and community activity. Therefore, regardless of whether it is about aesthetics or use, it needs to be understood that any change in values will affect how the community appreciates and value these properties.

Secondly, it should also be kept in mind that the community's sense of aesthetic values may not necessarily equate with mainstream values for beauty. Thus, buildings that are aesthetically significant to a particular community may not be aesthetically acceptable to the larger society.

In addition, the task to document and assess a property that has been nominated for listing is in all likelihood carried out by individuals or assessors who come from outside of the community. There is a possibility that these individuals may not fully understand the meanings and symbolisms on site and as a result may miss out the relevance of these representations in the documentation for the site. The impact from this omission in documentation is a loss in full understanding of cultural significance in the assessment process. This makes it necessary to ensure that documentation is carried out in a proper manner and those who assess are culturally sensitive to the understanding and beliefs of the society. Nevertheless, people are a product of their cultural conditioning that have been internalised through their experience and education. Therefore, although assessors

are required to assess these cultural heritages according to the values of the community who owns the cultural heritage, there is already some degree of in-built bias to their perception. The question then arises as to what are the mechanisms to address and ensure that this natural biasness does not take place in an assessment?

6.10.2 Criterion (c) Scientific or technological innovations or achievements

The results of the study indicate that the criterion is to address the use of new technology, a technological innovation, the adaptation of an existing technology and the automation that transforms a building's use in the Malaysian context. These innovations must be early examples that have been successfully implemented and the assessment must consider the technological knowledge available at the time when these buildings were first constructed. An important point that was also raised was that the technology, regardless of whether it was adopted or new, must be used appropriately. This is an important and sensible principle as it will screen and prevent the listing of any new or adapted technology that may be eligible for listing entirely on the basis that it is functional.

With the exception of automation of buildings, these suggestions are comparable with the application of similar criterion internationally. The suggestion for automation of buildings as an application of the criterion is surprising. The automation of buildings does not necessarily relate to 'adaptation', 'innovation' or 'new' technology, the subject of which the other applications that has emerged from the study referred to. In addition, if the automation is a new technology, an innovation, or adaptation of an existing technology, it have would already be handled by the application of the other principles.

The proposal that arose from the study for the use of the criterion appears to differ from the current application by JWN. In 2014, JWN listed the Kenangan Palace (Istana Kenangan) as a National Heritage building for 2 criteria namely, 'criterion (b), Good

design and aesthetic characteristics and criterion,’ and ‘criterion (c) Scientific or technological innovations or achievements’. In conjunction with the use of criterion (c), the Statement of Significance in the dossier for the gazettal states the construction of the timber palace focused on the great expertise and technology of the time and expressing the use of mortice and tenon joints without any metal nails as its importance (Jabatan Warisan Negara, 2012). Contemplating the principles which have been proposed through this study for criterion (c), the point that was made for the justification appears weak as this is a typical construction method used for construction of traditional timber buildings in Malaysia and Southeast Asia in general. Hence, the issue of innovation is questionable. A much stronger justification for inscription would be the uniqueness of palace having walls made from intricately woven bamboo or ‘*kelarai*’ which according to Wong (1995) is the only palace built using this material for its walls.

6.10.3 Criterion (d) Social or cultural associations.

The results of the study demonstrates that heritage managers and experts perceive application of the criterion is for places, spaces or ornamentations that are have a special attachment to a society or group either through past or existing use or through its physical components. According to the Getty Conservation Institute (2002) report, people attach values to a site when the place holds meaning to them. Getty’s perception on how sites are ascribed values affirms the respondents’ interpretation previously mentioned. Application of the criterion in this manner is reflected in JWN’s use of the criterion to gazette mosques. Nevertheless the notion that ornamentation as identification of an ethnic group is a new interpretation for the use of the criterion.

6.10.4 Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.

The results demonstrate that both heritage managers and local experts who are Malaysians perceived that the understanding of the word ‘potential’ in criterion (e) as the continuous ability of the cultural heritage to provide information or educate new visitors to the visit, hence a perpetual ‘potential’. This is different from the views held by Australia and the US where the interpretation of ‘potential’ hinges on the possibility of the site being able provide new information through research that would educate on the past. ‘Education/interpretation value’ as subscribed by the Malaysian respondents is not recognised as a value by Australia as it is perceived as ‘...a subsequent action of promotion of the heritage values after these values have been determined’ (Australian Heritage Council, 2009b, p. 26).

The majority of both Malaysian heritage managers and experts expressed that the revocation of designation for listed properties should not transpire. These respondents considered listing as a serious matter that could on be arrived at after careful consideration and deliberation to ascertain the cultural significance of the site during the assessment process.

Nevertheless, JWN on 28 December 2016 published a notice revoking the gazettal of the old Malaysia Tourism Centre (MaTiC) building on Jalan Ampang, Kuala Lumpur ("National Heritage Act 2005 Revocation of Designation of Site as Heritage Site," 2016). The building, which is owned by the Federal Land Commission, was listed on the Heritage Register 6 months earlier on 16 June 2016. The listing is revoked to allow development to occur on land that is attached to the site (Rahim, 2017). This is the first time JWN has taken action to deregister a site. Nevertheless the short period between gazettal and revocation of listing demonstrates irregularities in the decision making

process ("Heritage sites are gazetted in perpetuity," 2017; "Statement on the revocation of MaTiC's heritage site status," 2017).

The revocation of the gazette according to Heritage of Malaysia Trust and the Institute of Malaysian Architects is ultra vires as there is no provision in the NHA to allow it to happen and the law therefore would have to first of all be amended to enable the gazettal to be revoked ("Heritage sites are gazetted in perpetuity," 2017; "Shocked over bid to revoke heritage status," 2016). An interesting observation that arises from this revocation matter is that while heritage managers and local experts considered that revocation of designation for listed properties should not take place, the reality is that it can and has happened. What needs to be seen is whether any of the stakeholders will challenge the revocation in court. As mentioned in Chapter 4, at present the law has only ever been challenged once in court concerning listing of cultural heritage, and as such the NHA has been relatively untested. There is a need for these legal cases to be established to be used as precedents that will help provide consistency in ruling in the outcome of a case and create awareness on the capacity of the law.

6.10.5 Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features.

This study revealed that the application of this criterion is for the assessment of cultural significance for a collective range of ornamentation or variation of styles found within a typology, a group of diverse buildings in an urban context, variations in building types with associated use within a compound and progression of an architectural style.

The above application suggested by the heritage managers and experts differs from how the criterion has been used by JWN in the listing of the Leaning Tower of Teluk Intan, Perak. The cultural significance of the clock tower, which also houses a water

tank, is listed under 3 criteria. These criteria are ‘criterion (b) Good design and aesthetic characteristics’, ‘criterion (d) Social and cultural associations’, and ‘criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features’. The difference is that the results of the study refer to the ‘richness, diversity or integration of features’ for a collective group of buildings which would in the ensuing application of the criterion provide for the gazettal of more than one example.

The justification in the Statement of Significance states that the tower it is a typology of the colonial landmarks (Jabatan Warisan Negara, 2012). The dossier describes the unusual integration of a pagoda-like form in the design of the clock tower. Nevertheless while the form of the building is a significant departure from the usual designs for colonial clock towers, the gazettal does not include other clock towers in Malaysia that were also built as landmarks which would help to demonstrate the rich diversity in architectural styles of clock towers which is the emphasis of the criterion. For example, the clock tower in the town of Taiping, Perak is designed in the neo-classical style, whereas in Medan Pasar, Kuala Lumpur the clock tower is in the art deco style. Furthermore, the Queen Victoria Memorial clock tower in George Town, Penang exhibits Mughal and neo-classical features, while the Birch Memorial clock tower in Ipoh, Perak is a mix of neo-classical and baroque architecture. Therefore, while the interpretation used by JWN is acceptable, it needs to be strengthened with the collective listing of the rest of the other colonial clock towers.

In Malaysia, pagoda-like structures have been used in minarets, and can also be found in Chinese temples. These structures are usually attached or adjacent to a religious building and are never used as a single standalone structure in the centre of town. Hence, this makes the clock tower unique. Nevertheless, the tower is not listed for

‘criterion (g), The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage’.

6.10.6 Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage.

The results of the study indicates that the state of ‘rarity’ or ‘uniqueness’ refers to the numbers that exist for the matter that is under assessment. ‘Rarity’ and ‘uniqueness’ could be applied at the macro level for rarity and uniqueness of a cultural heritage within a typological class or area, for example, or at the micro level to describe the rarity of ornamentation or materials, amongst others, of a cultural heritage. The capacity to ascertain ‘rarity’ and ‘uniqueness’ can only occur when there is availability of a standardised nationwide inventory of cultural heritage as the notion of rarity and uniqueness is relative to the information that is presented. Therefore, a standardised nationwide inventory of cultural properties must first commence to enable the proper use of this criterion.

At present Malaysia has not instituted a proper standardised nationwide inventory to identify cultural heritage, thus a clear account of rarity or uniqueness cannot be achieved as comparison can only be performed against other cultural heritages that are already known. While both JPBD and some local authorities have carried out inventories of buildings in the past, these are not comprehensive, regularly updated nor implemented for the purpose of recording cultural heritage. The present lack of a standardised nationwide inventory is perhaps one of the reasons why JWN has never used this criterion to list any cultural heritage as their significance cannot be accurately determined.

6.10.7 Criterion (h) The representative nature of a site or object as part of a class or type of a site or object

The use of themes under this criterion have been validated by experts in (Stage 4) Phase 2 as means to operationalise the use of this criterion; however, it would be necessary to cross check the significance of the cultural heritages which have been identified against other factors and criteria such as rarity and authenticity in order to ascertain whether they are eligibility for listing under this criterion. There is a natural connection to ‘criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage’, and ‘criterion (b) Good design and aesthetic characteristics’. This criterion has never been used before to list cultural heritage.

6.10.8 Aspects of assessment

The results of the study indicate that experts have suggested that reconstruction is permitted with proper documentation. Nevertheless, according to Zuraidah (2008, pp. 543-544) a proper central national digital repository of cultural heritage information that would help preserve such information has not been established in Malaysia. Hence, efforts to implement reconstruction of a cultural heritage in accordance with established conservation principles maybe hampered by lack of information.

The process of assessing cultural heritage for listing is a 2-part process. The first part involves identifying the ‘cultural significance’ of the property, or in simple terms, the ‘why’ or ‘what’ that makes the building important. Assessment of cultural significance in this initial part is carried out based on a set of given criteria. The second process involves determining whether the significance identified earlier is important enough to necessitate the property to be protected through listing. This is where comparative assessment process takes place. To facilitate the comparative assessment process, it

would be necessary to select several examples at first to use as benchmarks to set a standard for national importance. Without these benchmarks, JWN assessors may not be able to gauge cultural significance which commensurate with national importance.

6.10.9 Summary

This chapter presented a rich detailed account of the analysis and findings for a specific research objective namely, Research Object 2, which is to formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing. The research sought the opinion from heritage managers and experts to develop principles of assessment that are specific for Malaysia.

Through the extensive cross group analysis which was carried out in Phase 2 to validate draft principles developed in Phase 1, the author established that there are a total of 43 principles to guide assessment of cultural heritage for National Heritage listing with 7 of the 9 criteria given in the NHA. Table 6.1 illustrates the total number of principles formulated for each criterion.

Table 6.1: Total number of principles formulated for each criterion

Criteria	Indicators of significance	Considerations	Explanatory notes	Eligible/non-eligible	Integrity	Comparative assessment	Total principles
Criterion (b) Good design and aesthetic characteristics	4	3	2				9
Criterion (c) Scientific or technological innovations or achievements	3	2		1			6
Criterion (d) Social or cultural associations.	4	2	1				7
Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.	1		1				2
Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features.			5				5
Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage.	4	1	5				10
Criterion (h) The representative nature of a site or object as part of a class or type of a site or object.	2		2				4
Aspects of assessment					1	1	2
Total principles	18	8	16	1	1	1	45

A detail summary of the principles identified for criteria (b), (c), (d), (e), (f), (g) and (h) is shown in Tables 6.2 – 6.9 (refer below).

Table 6.2: Summary of principles identified for criterion (b) Good design and aesthetic characteristics

Criterion (b) Good design and aesthetic characteristics		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 3 principles	Draft principles validated <u>Indicators of significance</u> 3 principles	<u>Indicators of significance</u> 4 principles
<u>Considerations</u> 3 principles	<u>Considerations</u> 3 principles	<u>Considerations</u> 3 principles
	New principles validated <u>Indicators of significance</u> 1 principle	<u>Explanatory Notes</u> 2 principles
	<u>Explanatory Notes</u> 2 principles	

Table 6.3: Summary of principles identified for criterion (c) Scientific or technological innovations or achievements

Criterion (c) Scientific or technological innovations or achievements		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 3 principles	Draft principles validated <u>Indicators of significance</u> 3 principles	<u>Indicators of significance</u> 3 principles
<u>Consideration</u> 1 principle	<u>Consideration</u> 1 principle	<u>Considerations</u> 2 principles
<u>Eligible/non-eligible</u> 1 principle	<u>Eligible/non-eligible</u> 1 principle	<u>Eligible/non-eligible</u> 1 principle
	New principles validated <u>Consideration</u> 1 principle	

Table 6.4: Summary of principles identified for Criterion (d) Social or cultural associations

Criterion (d) Social or cultural associations.		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 2 principles <u>Considerations</u> 2 principles	Draft principles validated <u>Indicators of significance</u> 2 principles <u>Considerations</u> 2 principles New principles validated <u>Indicators of significance</u> 2 principle <u>Explanatory notes</u> 1 principle	<u>Indicators of significance</u> 4 principles <u>Considerations</u> 2 principles <u>Explanatory notes</u> 1 principle

Table 6.5: Summary of principles identified for criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage

Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 1 principles <u>Explanatory notes</u> 2 principles	Draft principles validated <u>Indicators of significance</u> 1 principles <u>Explanatory notes</u> 1 principle (Refinement: 2 principles were merged to become 1 principle)	<u>Indicators of significance</u> 1 principle <u>Explanatory notes</u> 1 principle

Table 6.6: Summary of principles identified for criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features

Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features.		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Explanatory notes</u> 6 principles	Draft principles validated <u>Explanatory notes</u> 5 principles (1 principle was omitted)	<u>Explanatory notes</u> 5 principle

Table 6.7: Summary of principles identified for criterion (g) The rarity and uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage

Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage.		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 4 principles	Draft principles validated <u>Indicators of significance</u> 4 principles	<u>Indicators of significance</u> 4 principles
<u>Considerations</u> 1 principles	<u>Considerations</u> 1 principles	<u>Considerations</u> 1 principles
<u>Explanatory notes</u> 3 principle	<u>Explanatory notes</u> 3 principle (1 principle was refined)	<u>Explanatory Notes</u> 5 principles
	New principles validated <u>Explanatory notes</u> 2 principle	

Table 6.8: Summary of principles identified for criterion (h) The representative nature of a site or object as part of a class or type of a site or object

Criterion (h) The representative nature of a site or object as part of a class or type of a site or object		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Indicators of significance</u> 2 principles	Draft principles validated <u>Indicators of significance</u> 2 principles	<u>Indicators of significance</u> 2 principles
<u>Explanatory notes</u> 1 principles	<u>Explanatory notes</u> 1 principles	<u>Explanatory notes</u> 2 principle
	New principles validated <u>Explanatory notes</u> 1 principle	

Table 6.9: Summary of the principles identified for aspects of assessment

Aspects of assessment		
PHASE 1	PHASE 2	TOTAL NUMBER OF PRINCIPLES
Draft principles <u>Integrity</u> 1 principle	Draft principles validated <u>Integrity</u> 1 principle	<u>Integrity</u> 1 principles
<u>Comparative assessment</u> 1 principle	<u>Comparative assessment</u> 1 principles	<u>Comparative assessment</u> 1 principles

Table 6.10 demonstrates the guiding principles formulated to facilitate the assessment of immovable cultural heritage for National Heritage listing.

Table 6.10: Guiding principles for facilitate the assessment of immovable cultural heritage for National Heritage listing

Criterion (b) Good design and aesthetic characteristics	
Indicators of significance	<p>: Assessment must consider the extent in which the cultural heritage exhibits the character defining principles of the architectural style it is built in. A good example will demonstrate most of the characteristics of the style.</p> <p>: Assessment must consider the extent in which the cultural heritage complies with architectural principles for good design such as proportions, form, fulfilling the function it was designed for, quality of spaces, and considerations of the local climatic conditions.</p> <p>: Assessment must consider the extent in which the cultural heritage is able to induce an emotional response. A pleasant emotional response resulting from experiencing the cultural heritage is an indicator that the aesthetics of the place meets this criterion.</p> <p>: Assessment must consider the level and quality of ornamentation or craftsmanship in its intricate carvings, tile work, woodwork etc. that is exhibited by the cultural heritage. An exceptional level in quality of these elements even if the form and spatial quality of the cultural heritage is commonplace will enable the cultural heritage to qualify for listing under this criterion.</p>

Table 6.10 continued

Consideration	: Assessment must consider the relationship of the cultural heritage with its setting.
	: The assessment must be based on the cultural values of the community that owns the cultural heritage.
	: The assessment must compare the cultural heritage against others of similar typology, period and style as part of the evaluation process in order to ascertain which the best examples are.
Explanatory notes	: The character defining principles that are endemic to some architectural styles includes traditional materials, construction system or motifs that are not related to design principles or aesthetic value. Nevertheless, these elements must be taken into account when assessing this criterion.
	: A cultural heritage may qualify as a National Heritage based on its significance in the past even if the community which it belongs to currently no longer appreciates or are able to relate to the values which made it important in the past.
Criterion (c) Scientific or technological innovations or achievements	
Indicators of significance	: Assessment must consider the successful pioneering examples that adapted an existing or imported technology to vernacular conditions.
	: Assessment of this criterion must take into account new innovation or technology which has been developed in Malaysia.
	: Assessment must consider buildings that can innovate to perform other functions when they are combined with other elements to become automated.
Consideration	: An assessment of this criterion must consider the purpose, knowledge, technology and equipment that are available at the time the cultural heritage was built.
	: Irrespective of whether the technology used has been adopted or locally developed, the assessment must consider whether its application is appropriate to the local context.
Ineligible condition for National Heritage listing	: Cultural heritage which has been imported and used without any innovation carried out to adapt to the vernacular conditions cannot be considered for listing on the National Heritage list even if they are the first examples to be used in the country. These cultural heritages can be considered on a State Heritage list.

Table 6.10 continued

Criterion (d) Social or cultural associations	
Indicators of significance	<p>: The assessment must consider the extent in which ornamentation found on the cultural heritage indicates the owner's cultural identity. An example would be the Fung Shei elements which belong to the Chinese community.</p> <p>: The assessment must consider the extent in which the public automatically associates certain building typologies with specific communities. An example is the traditional Malay house and its regional variations which are synonymously identified with the Malay community.</p> <p>: Assessment can utilise rarity as a threshold to select cultural property for listing under this criterion when there are many that qualify.</p> <p>: The assessment must consider the extent in which the public automatically associates certain building types with a class of society. An example of this is the People's Housing Scheme (Projek Perumahan Rakyat) and the colonial bungalows in Malaysia that are synonymous with specific social classes. The People's Housing Scheme is associated with the lower income group while the colonial bungalows are commonly associated with upper class society.</p> <p>: The assessment must consider the extent in which urban spaces and spatial typologies are associated with specific social or cultural groups. Associations which are nationally significant may qualify for listing.</p> <p>: Assessment should consider the extent in which the community continues to use the cultural heritage for its original social or cultural purpose. A continued use indicates that the cultural heritage is still significant to the community.</p>
Explanatory notes	<p>: A cultural heritage may qualify as a National Heritage even though changing values results in its current community no longer appreciates or relates to the past values which had made the cultural asset significant.</p>
Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage	
Indicator of significance	<p>: Assessment must consider the extent in which the physical form of the cultural heritage is able to provide in-depth information about the past.</p>

Table 6.10 continued

Explanatory notes	: Especially in cases that involve archaeological sites, it is unnecessary to re-categorize the cultural heritage under a new criterion once research on it is completed. Any new cultural significance that arises from the new research findings shall be acknowledged and added to complement the original statement of significance and the responding criteria included into the listing. While it is understood that knowledge is never depleted and a cultural heritage will continue to educate anyone that visits it, should the new research findings prove without refute that the original significance is inaccurate, action should be taken to correct the misinterpretation.
Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features	
Application of the criterion	: Applicable to the urban context or area conservation to describe a group of buildings with different cultural influences or cultural typologies that would collectively represent and reflect the diversity of cultures belonging to the people of Malaysia. : Describes the rich and diverse ornamentations found in building types within certain communities. : Describes the rich diversity in styles that can be found within a building typology. : Applicable to describe a complex that is formed by a collection of diverse building types. : Describes the diversity that can be found in the progression of an architectural typology through time.
Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage	
Indicators of significance	: Assessment of rarity must establish that a particular feature, element or detail is only found in a particular building or within a specific area and not anywhere else. : Assessment of rarity must establish that a particular feature, element or detail is rare across a building typology. : Assessment of rarity must establish that a cultural heritage or building typology is rare within the whole country : Assessment must establish that the cultural heritage is rare in the rest of the world even though it may be a common feature, element, detail or typology throughout the country.
Considerations	: The assessment must consider the number of buildings representing certain architectural periods that remains in existence.

Table 6.10 Continued

Explanatory notes	<ul style="list-style-type: none"> : The rarity is defined as something that is now uncommon; while unique means the only example of its kind. : A comparative method of assessment should be implemented for this criterion because rarity or uniqueness cannot be ascertained unless it is compared with others. : Assessment of rarity must also consider authenticity and integrity of the cultural heritage. : The assessment of rarity should focus on the anomaly related to the cultural heritage at the point of time when it is being assessed. Therefore rarity could be used to demonstrate the anomaly in numerous situations such as typology, layout and style. This includes examples of cultural heritages which are considered rare for the period it was built in. Rarity could also be demonstrated in the detailing used among buildings of a particular type, cultural landscape, cluster, community or cultural group as well as method of construction and craftsmanship. : The term ‘unique’ could be used to demonstrate how buildings of a particular typology are common in one area but is not found anywhere else.
Criterion (h) The representative nature of a site or object as part of a class or type of a site or object	
Application of the criterion	<ul style="list-style-type: none"> : The use of the criterion is to demonstrate the variation found within a building typology. Therefore assessment must consider the extent in which the variation within the building typology is demonstrated. : The assessment must consider demonstrating the only remaining example left of a typology that is no longer in existence.
Explanatory notes	<ul style="list-style-type: none"> : The application of this criterion may be facilitated by using a thematic approach. : Cultural heritages that are listed under this criterion must demonstrate most or a majority of the major characteristics of a particular thematic group.
Aspects of Assessment	
Integrity	<ul style="list-style-type: none"> : A building’s existing physical condition may not necessarily affect its potential for listing. This will be considered on a case-to-case basis. These buildings can only be considered for listing if their significance is proven to be extremely important and the reconstruction work implemented in accordance with proper documented evidence. The information that the building was reconstructed must be reflected in the Statement of significance.
Comparative assessment	<ul style="list-style-type: none"> : A comparative assessment system should be used to establish which of the cultural heritages are the most significant to list.

From the information gathered and discussed in this chapter, it becomes clear that the data needs to be further developed to apply to specific building typologies in order for it to become more useful as guiding principles for assessment. This is followed through in the following Chapter 6: Listing the traditional Malay house and traditional Chinese shophouse as National Heritage, where principles that is specific for assessment of these Malaysian vernacular domestic housing typologies will be explored and developed.

University of Malaya

CHAPTER 7: ESTABLISHING PRINCIPLES FOR ASSESSING THE TRADITIONAL MALAY HOUSE AND TRADITIONAL CHINESE SHOPHOUSE AS NATIONAL HERITAGE

This chapter presents the analysis and discussion of (Stage 3) Phase 1 and (Stage 4) Phase 2 as explained in the Research Methodology in Chapter 3. It is to answer Research Objective 3 which is to establish guiding principles that are specific to guide the assessment of traditional Malay houses and traditional Chinese shophouses for National Heritage listing. This study focused on the way these vernacular domestic building types should be assessed. It seeks to ascertain the indicators of their significance, considerations that will play a role in their assessment and criteria that are appropriate for their listing.

7.1 Structure of the chapter

To facilitate easy comprehension of this vernacular domestic housing typology, the chapter will begin with a literature review of the traditional Malay house and Chinese shophouse to give an understanding of these building types before it begins the discussion on the analysis and findings for Research Objective 3. The results of the study on the traditional Malay house and Chinese shophouse will be in separate sections. It will begin with the analysis and results of the traditional Malay house followed by the analysis and results of the traditional Chinese shophouse. The results for each typology will begin with the presentation of the results of (Stage 3) Phase 1 followed by the subsequent outcome of (Stage 4) Phase 2. These sections are subsequently followed by the discussion and summary sections. Similar to how the results are reported in Chapter 6, the number and percentages of respondents who gave responses for each finding are indicated while those who did not respond are not presented.

7.2 Research Findings

This section is the beginning of the presentation of the results and analysis for the traditional Malay house and Chinese shophouse which relates to the following RQ3 and RO3.

RQ3: What are the principles to guide the assessment of the traditional Malay house and Chinese shophouse for National Heritage listing?

RO3: To establish guiding principles that are specific to guide assessment of traditional Malay houses & traditional Chinese shophouses for listing as National Heritage

The discussion section will follow the results and analysis.

7.2.1 Data collection to identify the draft principles for assessment (Stage 3)

Phase 1

The intention of RO 3 was to establish guiding principles that are specific to guide the assessment of traditional Malay houses and Chinese shophouses for National Heritage listing. To facilitate the development of the principles, heritage managers were asked in this phase to articulate what they considered were important principles in an assessment to list traditional Malay houses and Chinese shophouses as National Heritage. It is believed that an informed perspective derived from their responses on the application of the criteria listing would provide a better understanding of how to assess these vernacular domestic housing typologies. Three themes arose from the findings of (Stage 3) Phase 1. They are:

- Information which provides evidence on the significance of the cultural heritage. This will be identified from this point on as ‘Indicators of significance’. The degree of which the cultural heritage complies with the

indicators of significance will play a major role in the decision making process for listing.

- Matters that should be taken into account when assessing the significance of the cultural heritage for listing. These matters will be fall under the caption of ‘consideration’ from this point on.
- The criteria that the cultural heritage should be listed under. This will be identified under the heading ‘criteria’.

The analysis of the responses for this phase showed that the heritage managers identified a total of 12 principles that are relevant to the assessment of the traditional Malay house and 7 principles for the traditional Chinese shophouse for listing purposes. Table 7.1 summarises show the distribution of the indicators of significance, considerations and criteria for principles that were identified for the traditional Malay house and Chinese shophouse in (Stage 3) Phase 1.

Table 7.1: Summary of (Stage 3) Phase 1 principles.

Phase 1 principles	Traditional Malay house	Traditional Chinese shophouse
Indicators of significance	4	3
Considerations	5	2
Criteria	3	2
Total principles	12	7

7.2.2 Refinement of draft principles for assessment (Stage 4) Phase 2

In (Stage 4) Phase 2, principles which were identified as relevant to the traditional Malay house and Chinese shophouse in (Stage 3) Phase 1 were presented to Malaysian and international experts for confirmation on their validity and to elicit new views that

would assist to further extend the knowledge on assessment for these 2 building types.

Two additional themes were identified in this phase. These themes are as follows:

- Information that would clarify why certain matters are the way they are. This will be referred to as ‘explanatory notes’.
- Advice for endorsement. This will be referred to as ‘recommendation’.

The different responses from the participants in this second phase were aggregated and resulted in the following Table 7.2 and Table 7.3.

Table 7.2: Detail summary of principles established in (Stage 4) Phase 2

Phase 2 principles	Traditional Malay house	Traditional Chinese shophouse
Indicators of significance	1	0
Considerations	3	2
Criteria	0	0
Explanatory notes	1	0
Recommendation	1	1
Total principles	6	3

Table 7.3: Total summary of principles established in (Stage 4) Phase 2

Principles in Phase 2	Traditional Malay house	Traditional Chinese shophouse
Phase 1 principles accepted	12	7
Phase 1 principles rejected	0	0
New principles established in Phase 2	5	2
Recommendations	1	1
Total principles	17 principles + 1 recommendation	9 principles + 1 recommendation

Several comments made by the experts in this second phase supported and strengthened the views of the heritage managers in Phase 1. These are demonstrated in Section 7.3.2 and 7.4.2

7.3 Traditional Malay house: Analysis and Findings

The following sections 7.3.1 – 7.3.2 presents the overall analysis and findings for both (Stage 3) Phase 1 and (Stage 4) Phase 2 for RO 3 on the traditional Malay house.

7.3.1 Traditional Malay house: (Stage 3) Phase 1 results

A total of twelve (12) principles were identified in (Stage 3) Phase 1. These principles are related to the indicators of significance, considerations and criteria. The following section discusses the results of this phase.

7.3.1.1 Indicators of significance

Four indicators of significance were identified by the participants for the traditional Malay house in this phase. These indicators form Principles 1, 2, 3 and 4.

- Principle 1: The cultural heritage exhibits characteristics that are commonly associated with the regional style it was built in.

Heritage managers perceived that the styles of the traditional Malay house vary according to the region. Therefore just over half (6 of 11 [55%]) of the heritage managers expressed that the assessment of traditional Malay houses must consider the level of authenticity that these houses demonstrate for the characteristics of a regional style such as in the elements, layout and house form. This view is illustrated by the following heritage managers' comments:

‘...intactness of the house in displaying the elements that are commonly associated with the traditional Malay houses of that regional style...the

house's form, function, the aesthetics of the area, its context, construction, integrity, authenticity and sustainability' (Heritage Manager SHB02)

'There are regional variances...National Heritage must display the characteristics commonly associated with the typology.' (Heritage Manager SFD02)

- Principle 2: The cultural heritage uses the traditional construction system of this building typology.

Heritage managers identified that the traditional Malay houses were traditionally constructed without the use of metal nails. Consequently, some participants (3 of 11 [27%]) are of the view that the use of traditional construction systems should be a factor for consideration in an assessment. This was best expressed by Heritage Manager SLG01:

'For me, when you say traditional Malay, it must be timber. It means it must have columns, a roof that's high...the construction if possible should also follow the traditional way of constructing traditional houses using pegs...' (Heritage Manager SLG01)

- Principle 3: The cultural heritage uses traditional construction materials.

Heritage managers related the traditional Malay houses with the use of traditional construction materials. Therefore, some heritage managers were of the opinion that the assessment of the traditional Malay house must consider whether the house has maintained the use of these traditional materials.

- Principle 4: The integrity of the design and the typological layout of the cultural heritage have been maintained.

Comprehensiveness in the representation of the regional style and layout is seen as important by heritage managers. Hence, heritage managers are of the opinion that the assessment must consider the integrity of the design and typological layout of the house. This is expressed by Heritage Manager SPI02 in the following way:

‘...important to consider how representative the house is of the style it represents. An excellent example will have many of the features that are normally associated with the houses of its style....The value of a traditional Malay house more importantly...lies in the intactness of the building’s qualities such as layout, appearance, etc.’ (Heritage Manager SPI02)

7.3.1.2 Considerations

Five matters were thought to be necessary for consideration in an assessment of cultural significance. These form Principles 5, 6, 7, 8 and 9.

- Principle 5: Assessment should include the site curtilage.

The majority of the heritage managers are of the opinion that there is a relationship between the traditional Malay house and the features located within its compound. Hence these heritage managers are of the opinion that the assessment of the traditional Malay house must take into consideration the site curtilage. Heritage Manager SHB01 best describes the relationship between the traditional Malay house and the features located within its compound:

‘... for example the Malay house if there is a plot of land he will site his house here, they call this the ‘*Rumah Ibu*’ then the annex is the kitchen, inevitable the annex is something that you can access from outside...then toilets are there...so the discharge of the toilets is through their own pond, that pond leads to another pond, you know this is the first filtration, the

second, the process after a few day will go there....that's where all your catfish...at the kitchen on both sides is the private herbal garden...'
(Heritage Manager SHB01)

- Principle 6: Age of the cultural heritage should be a factor for consideration in an assessment as these buildings rarely survive due to the nature of their traditional construction materials which are vulnerable to deterioration.

Although most heritage managers acknowledged that materials which are conventionally used to construct traditional Malay houses deteriorate easily in the vernacular climate, two of these heritage managers (18%) perceive the 'age' of the traditional Malay house in reference to the 'intactness' of the building as an element of 'rarity' for these buildings as the impermanent nature of the building materials results in very few older houses surviving in good condition. These heritage managers however share the view that the age of the traditional Malay house, although pertinent, should not be the main factor to qualify it for gazettal but is instead a secondary factor that will help to strengthen the overall nomination. This is expressed by Heritage Manager SFD02 as follows:

'...rarity due to age cannot be considered as the most important principle for listing, but instead as a secondary factor that will strengthen the overall nomination.' (Heritage Manager SFD02)

- Principle 7: Take into consideration the rarity of the building typology due to traditional construction materials being vulnerable to deterioration and the scarcity of new house built in the traditional style.

Heritage managers recognised that factors such as the changing social and economic values, rural-urban migration and the lack of appreciation for this housing type have

resulted in the shortage of new houses built in the traditional style. These circumstances combined with the inherent nature of the building materials have made the traditional Malay house an increasingly rare typology. Two heritage managers consider the fact that this housing typology is becoming increasingly rare at present and this should be taken into account in an assessment.

- Principle 8: Assessment should also consider the overall character of the area.

All of the heritage managers indicated that the natural ‘kampong’ environment is critical to the setting of the traditional Malay house. Hence, the overall character of the area in which the traditional Malay house is located in is important and must be taken into consideration in an assessment.

- Principle 9: Assessment should also consider the context and relationship of the house to other houses, as well as to the vegetation found in its garden and around the area.

The primary finding is that the traditional Malay house must be located within the context of a village environment as the setting is integral to the essence of a traditional Malay house. This finding is highly significant as all of the participants (11 of 11 [100%]) felt that the relationship between the traditional Malay house and the ‘*kampong*’ environment cannot be detached. Based on the heritage managers’ description although the building typology itself is important, the intangible qualities which make up the ‘*kampong*’ lifestyle, such as the relationship of the house to the other houses, the kitchen garden and plants, are essential components which should be acknowledged. Heritage managers raised concerns that the house will be viewed as a monument if it loses the traditional context. Heritage managers expressed the relationship between the house and the setting in the following ways:

‘...strong relationship between the traditional Malay house and its context which cannot be separated...the kampong setting and lifestyle is more important and necessary to provide the overall experiential quality’ (Heritage Manager SHB02)

‘The entity that makes the Malay house special is lost if only a singular building or if only the physical building is considered without the environment. The relationship of the houses to each other within the neighbourhood as well as with the various types of trees that are usually planted in the compound of these houses forms part of the spirit of the place.’ (Heritage Manager SAI01)

‘...gazettal of the traditional Malay house should initially consider the house and its compound and subsequently the village in which it is located. This is important because both portray the traditional way of life.’ (Heritage Manager SHB01)

7.3.1.3 Criteria

Three criteria are seen as relevant to the gazettal of traditional Malay houses. These form Principles 10, 11 and 12.

- Principle 10: Criterion (b) Good design and aesthetic characteristics; is a relevant criterion for the nomination of traditional Malay houses.

A few of the heritage managers (3 of 11 [27%]) identified criterion (b) as relevant to the listing of the traditional Malay house. These heritage managers have articulated that the sophisticated craftsmanship in the timber joinery of these houses and the aesthetic qualities of the elaborate wood carvings should merit recognition. Heritage Manager SHB01 expressed this in the following way:

‘The construction of old traditional Malay houses demonstrated the skill of craftsmen of a past era. It is important to acknowledge and record the quality of craftsmanship and the skill of these craftsmen....In architecture this was often implemented through the employment....master craftsmen in the building of....which were executed with elaborate carvings and sophisticated construction details’ (Heritage Manager SHB01)

- Principle 11: Criterion (g) The rarity and uniqueness of the tangible cultural heritage; is a relevant criterion for the nomination of traditional Malay houses.

Consistent with their opinions in Principle 6 and 7, the same two heritage managers (18%) are of the view that criterion (g) the rarity and uniqueness of the tangible cultural heritage, can be used in connection with traditional Malay houses. These heritage managers associate rarity, in this context, with the small probability of traditional houses surviving to an older age due to the nature of the traditional materials used in the construction of these houses which are susceptible to decay. As a result of this predicament, older examples of traditional Malay houses rarely survive intact.

- Principle 12: Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination of traditional Malay houses.

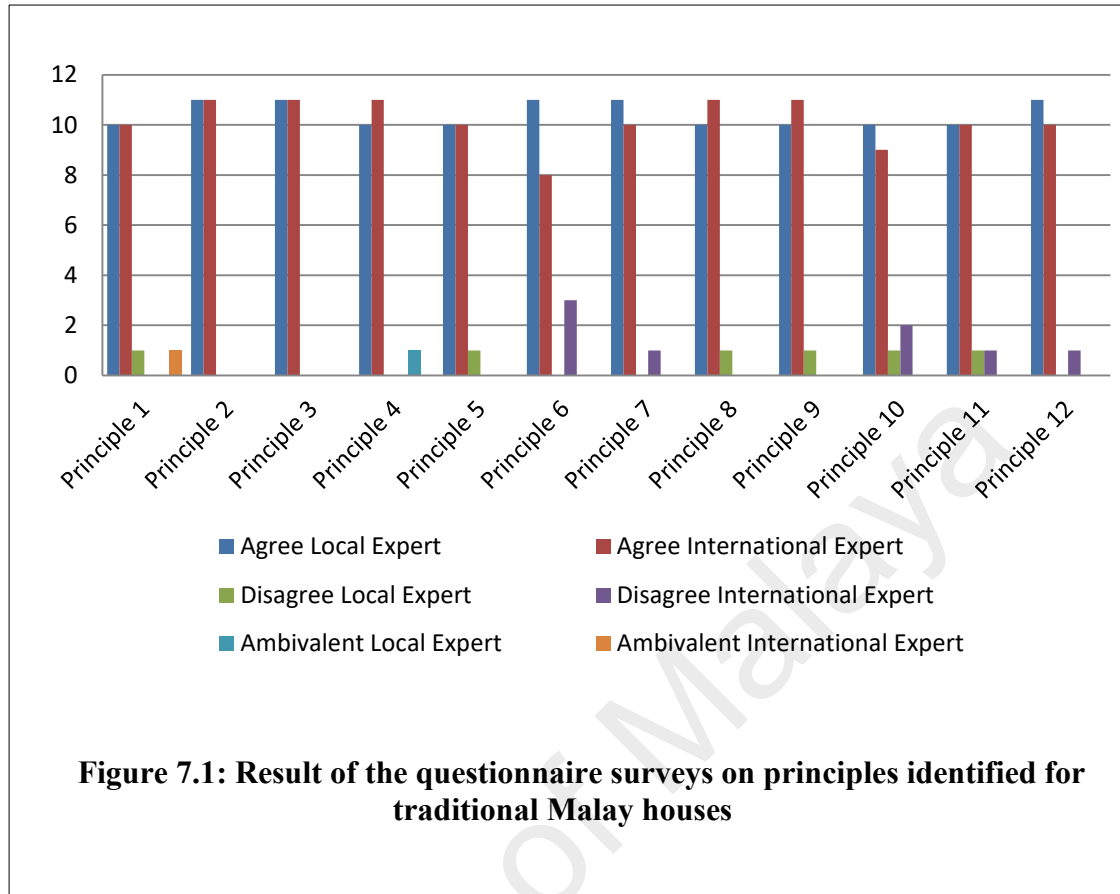
A significant finding of this study is that the heritage managers felt that the rich variation in the regional typologies of the traditional Malay house should be listed as National Heritage. This is reflected in the selection of criterion (h) the representative nature of a site or object as part of a class or type of a site or object, by 7 of 11 (64%) heritage managers as an appropriate criterion in listing traditional Malay houses as

National Heritage. This sentiment is best expressed by Heritage Manager SAI01 who said:

‘The nomination should not be a single example of each Malay house typology but having a few examples from each typology to show the range within that class’ (Heritage Manager SAI01)

7.3.2 Traditional Malay house: (Stage 4) Phase 2 results

Cross group analysis indicated 11 out of 12 principles which, were identified in (Stage 3) Phase 1 as relevant to the assessment of traditional Malay houses, were accepted by the more than 70% of both experts groups in this phase. Principle 6 which concerns the issue of rarity and age of the property due to the nature of the traditional materials used in the construction of these traditional houses, which are susceptible to deterioration in the local climate did not obtain 70% acceptance by both expert groups. A total of 3 international experts disagreed with the principle. Hence it only obtained 67% (9 out of 12) acceptance by this group of experts. This is in contrast with the Malaysian experts who unanimously (11 out of 11 [100%]) accepted the principle. The difference in acceptance between the international and Malaysian experts group required the principle to be further analysed. Nevertheless, the principle was accepted upon further analysis. Figure 7.1 displays the results of the questionnaire surveys carried out in (Stage 4) Phase 2 on the 12 principles.



Analysis of the survey results and interviews in (Stage 3) Phase 2 also showed several comments made by the experts which supported and strengthened the principles that were developed in (Stage 4) Phase 1. Also, 8 new principles were identified in this second phase as being relevant to the assessment of the traditional Malay house. Experts also made a recommendation for a new category to be established in the NHA.

The 11 principles which were accepted are as follows:

Indicators of significance

- Principle 1: The cultural heritage exhibits characteristics that are commonly associated with the regional style it was built in.
- Principle 2: The cultural heritage uses the traditional construction system of this building typology.

- Principle 3: The cultural heritage uses traditional construction materials.
- Principle 4: The integrity of the design and the typological layout of the cultural heritage have been maintained.

Considerations

- Principle 5: Assessment should include the site curtilage.
- Principle 7: Take into consideration the rarity of the building typology due to traditional construction materials which are vulnerable to deterioration and the scarcity of new houses built in the traditional style.
- Principle 8: Assessment should also consider the overall character of the area.
- Principle 9: Assessment should also consider the context and relationship between the house and other houses, as well as the vegetation found in its garden and around the area.

Criteria

- Principle 10: Criterion (b) Good design and aesthetic characteristics; is a relevant criterion for the nomination of traditional Malay houses.
- Principle 11: Criterion (g) The rarity and uniqueness of the tangible cultural heritage; is a relevant criterion for the nomination of traditional Malay houses.
- Principle 11: Criterion (g), The rarity and uniqueness of the tangible cultural heritage; is a relevant criterion for the nomination of traditional Malay houses.

7.3.2.1 Justification for principle in doubt

Principle 6 which did not receive 70% acceptance from the international experts group is as follows:

Considerations

- Principle 6: Age of the cultural heritage should be a factor for consideration in an assessment as these buildings rarely survive due to the nature of their traditional construction materials which are vulnerable to deterioration.

Two out of the 3 experts gave an explanation for not accepting Principle 6. These experts expressed the following as the reasons for not accepting the principle:

‘Reconstruction of traditional Malay houses in the same site, same design and construction system based on the previous documentation and measurement is a relevant criterion for nominations (i.e. Japan’s rebuilding heritage)’. (International Expert AIE7)

‘This is a slippery area, particularly in an Asian context where renewal of fabric of places is commonplace and part of the intangible value of places, i.e. the very act of renewal using traditional materials and skills. Age as a criterion is best avoided in my view’ (International Expert WIE3)

The renewal of fabric in the Malaysian context is necessary for the purpose of maintenance to ensure that the house remains habitable. It is not carried out in the same manner as the renowned Japanese practise implemented for the renewal of the Ise Shrine which through repeated rebuilding every 20 years, allows the shrine to remain eternal. The customary rebuilding of the shrine perpetuates the traditional skills and crafts as the renewal requires the shrine to be rebuilt in the exact same manner using traditional materials and construction techniques. Hence, this plays a major role in preserving intangible Japanese cultural heritage. According to Larsen (1994, p. 12) the periodic renewal of the ‘...Ise Shrine is not regarded as architectural preservation in Japan but as a religious practice’.

The practice of renewing the Ise Shrine is inherently different from the periodic maintenance that is carried out on these traditional Malay houses as it does not require the exact same materials or replacement to be carried out in the exact same way. Also, the maintenance work is only done in areas which require it and does not involve the total rebuilding of the house.

Principle 6 is categorised as a consideration which refers to matters that ought to be weighed and taken into account when formulating an opinion on an assessment of the cultural heritage. The principle does not perpetuate that age will qualify the house for listing but instead as a factor to consider in the overall process of assessment.

In analysing the results of Principle 6, it is observed that the principle was accepted by all (100%) the Malaysian experts. Therefore, taking all 3 of the points discussed into consideration, which is shown as follows, the principle is accepted.

- i. Different method and reason from the Japanese reason for renewal.
- ii. The principle does not perpetuate age as a reason to gazette.
- iii. Acceptance by all (100%) of the Malaysian experts.

7.3.2.2 New principles

The experts brought up 8 new principles in this second phase. All 8 new principles were cross-referenced against established literature for concurrence to ascertain their credibility before they were accepted. The 8 new accepted principles consist of 2 indicators of significance, 5 considerations, and 1 explanatory note. These principles are as follows:

(a) Indicators of significance

- Principle 13: The cultural heritage demonstrates high-quality craftsmanship that is aesthetically pleasing in the construction of joinery, detailing and decorative carvings. Aesthetic value is seen in the craftsmanship of these houses.

The above Principle 13 was suggested by 4 experts who advised that it is possible to associate aesthetic value with the quality of craftsmanship in the construction, joinery detailing and decorative carvings in traditional Malay houses. This was conveyed by one of the experts in the following way,

‘But the quality of the detailing is very good, the timber jointing and all the construction because it’s so good it looks very nice. There’s hardly any decoration, but the joinery details are so nice that it looks very nice.’

(Expert ME4)

This opinion is supported by Kamaruddin (1983); J. Y. Lim (1991); Mohamad Tajuddin et al. (2005) and Noor and Khoo (2003). It is important to understand that the aesthetic of the traditional Malay house is not only in the decorative carvings but is also seen in the quality of the construction.

(b) Consideration:

Four principles which would give information that would clarify why certain matters are the way they are were identified. These principles are:

- Principle 14: A common practice in Malaysia is to relocate traditional Malay houses to new locations due to inheritance, acquisition, or to avoid natural disasters. This is possible as the construction system of the traditional Malay house allows it to be transportable. Hence, houses which are not located at their original sites can be considered as the initial location is not a concern.

Four experts acknowledged that the construction system of traditional Malay houses allowed the building to be portable and that it was a normal practice for Malays to transport their houses either in entirety or in parts, due to reasons that included inheritance, purchase or to avoid natural disasters, to a new location. This was framed by 2 of the experts in the following manner:

‘...the concept of timber building is reusable because the traditions where people sell their timber houses, somebody helps to dismantle and go and put it back together you know.’ (Expert ME9)

‘...but usually, the main house (*rumah ibu*) goes to the sister, the elder sister, and the front goes to the brother. The kitchen also goes to the sister. So there is a certain practice, but no one knows exactly how this system or formula works. That means the moment they built the building; they have full consciousness that one day they going to dismantle the building for the sake of prolonging the heritage. So what happens is that, they take this portion elsewhere, to the new site where this new family will set up their family unit, family life. So they extend from this structure their new house unit...’ (Expert ME11)

Similar views were held by Gibbs (1987); Kamaruddin (1983); Kohl (1984); Waterson (1997) and Nasir and Aziz (1985). Therefore, houses that are no longer located at their original sites but were moved to a new location should not be considered less significant.

- Principle 15: Planning and layout of traditional houses are based on a collection of modular components that are arranged in pre-established permutations that allow for expansion based on the needs and affordability of the family. Hence,

an assessment must consider how closely these new additions are in keeping with traditional layouts of regional styles.

ME8 and ME11 share the opinion that traditional Malay houses were designed to allow extensions to be added based on preestablished layouts according to the needs, circumstances and affordability of the family. Houses were sometimes extended by adding a section that was inherited from another building. Therefore, houses that have been extended should not be regarded as less authentic. Attention should be given, in assessment, to how closely the layouts of these houses which have been extended maintain their regional styles.

This opinion corresponds with (Gibbs, 1987; Kamaruddin, 1983; Kohl, 1984; J. Y. Lim, 1991; Mohamad Tajuddin et al., 2005) and (Yaakub, 1996)

- Principle 16: Replacing building components and elements when they deteriorate is a part of the traditional domestic maintenance system for traditional Malay houses. This is necessary for ensuring that these houses remain habitable. Hence, the question of authenticity on retention of original materials is not an issue which arises for the traditional Malay house.

Three of the experts acknowledged that the replacement of building components which have deteriorated is part of the routine maintenance system for traditional Malay houses for the house to remain habitable. Building components are often stored beneath the house for this purpose. This is conveyed by one of the experts in the following way:

‘But even timber houses I think because we cannot preserve the house as it is with the material it was built. Timber houses were not meant to be that way. So you need replacement over time. So how you replace it but you preserve the building, you know. That means the timber house. Then maybe

the floor has rotted. You may need to replace it but the house is kept, you know.’ (Expert ME9)

The above opinion is shared by Yahaya (2005). Therefore authenticity in respect to materiality for the traditional Malay house lies in the use of traditional construction materials and not the retention of the original fabric. Houses which have had their components replaced due to deterioration should not be seen as less authentic.

(c) Explanatory notes:

- Principle 17: The palaces and houses of the gentry are traditionally better embellished due to affordability.

Three of the experts are of the view that palaces and houses of the gentry, due to affordability are traditionally better decorated.

The above opinion is in line with J. Y. Lim (1991); Mohamad Tajuddin et al. (2005) and (Noor & Khoo, 2003). It is necessary to understand and take into account why some houses are better embellished than others. Houses that are less decorated should also be considered for listing as aesthetic value can be established in those that are less ornamented.

7.3.2.3 Recommendation

Analysis of the results indicated that 2 experts suggested that traditional rural settlements, such as those located amid rice fields, should be considered as traditional landscapes and listed as ‘National Cultural Landscapes’. This was expressed by one of them in the following way:

‘...in England, they would have protected it already. You know our geography we call it isolated settlements. When you look at the map, a topo

map you see all these paddy fields, and then you have, normally you would have a cluster of houses, a few houses with coconut trees, their orchard and then you get the paddy field and all that. That is a cultural landscape, and it is fast disappearing.’ (Expert ME3)

It is a common practice, internationally, for countries to list their traditional landscapes. Japan, the UK, and the US are among some of the countries that implement this practice (National Park Service, September 1994; Natural England, 2013). Therefore, the experts’ recommendation is for Malaysia to consider including ‘Cultural Landscape’ as a category in the NHA to be at par with international practice.

7.4 Traditional Chinese Shophouse: Analysis and findings

The analysis and findings for the traditional Chinese shophouse in (Stage 3) Phase 1 and (Stage 4) Phase 2 to answer RO3 are indicated in section 7.4.1 – 7.4.2

7.4.1 Traditional Chinese Shophouse: (Stage 3) Phase 1 results

The study revealed that there were 3 themes from which a total of 7 principles were identified for the assessment of the traditional Chinese shophouse in this initial phase. These themes are explained in the following sections.

7.4.1.1 Indicators of significance

Three indicators of significance were identified by heritage managers as being relevant for the identification of cultural significance. These form Principles 1, 2 and 3.

- Principle 1: Take into consideration the design or aesthetic components of features of the cultural heritage.

Two heritage managers (18%) commented that the way in which the façades of the shophouses were treated was what differentiated these buildings. Therefore, the facade

of these buildings should be considered in an assessment. This is articulated by one of the heritage managers who said:

‘...the styles of these buildings are defined by the ornamentation found on the elevations; which are more often decorative rather than functional. These elevations are the distinguishing factor from one shophouse to another.’ (Heritage Manager SAI01)

- Principle 2: Take into consideration the typology of the cultural heritage.

Some of the heritage managers (5 of 11 [45%]) expressed that the assessment of a good representative model for the shophouse typology must take into consideration the key characteristics and features commonly associated with this building type, such as courtyards, air wells, permanent ventilation openings, and others, as well as the amount of changes that have occurred in the façade, layout and use. This is expressed by Heritage Manager SPI02 as follows:

‘...to be considered a good representative model for its building typology, the unit should have the characteristic features that are commonly associated with this building type such as courtyards, staircases, construction, etc.’ (Heritage Manager SPI02).

- Principle 3: Take into consideration the period in which the cultural heritage was built.

Heritage Manager SPS01 felt that the presence of the traditional Chinese shophouses was connected to the development of a town. Hence, it is necessary to consider the era in which the shophouses were built.

‘...when you look back, and you meet a series of these groups of small shophouses that tell the whole story of that period and why the existence of those towns and what happened during that time...’ (Heritage Manager SPS01)

7.4.1.2 Considerations

Two matters were thought to be relevant for consideration when assessing the cultural significance of traditional Chinese shophouses. These are identified as Principles 4 and 5.

- Principle 4: Take into consideration the character of the area which the cultural heritage is located in.

Traditional Chinese shophouses were perceived by an overwhelming majority (10 of 11 [91%]) of the heritage managers to be part of an overall setting of an area. Hence the gazettal of these buildings should ideally fall under area conservation and not under individual buildings. These heritage managers are of the opinion that the intangible values of the place would ultimately be the deciding factor in the gazettal rather than the physical form of the buildings. This is best expressed by one of the heritage managers in the following manner:

‘...in order to be of national value the conservation area has to be historically significant to the development or formation of the Nation. We have to look at the context of the area, the relationship of the shophouse to the area, who built them and whether their context, integrity and authenticity remain and how generally these shophouse buildings as well as the selected shophouses that show the typological variation within the area, tells the story of the place.’ (Heritage Manager SHB02)

- Principle 5: Take into consideration the relationship of the shophouse block with the street, to the overall town and area.

Traditional Chinese shophouses are a part of the setting of the town. Hence, the assessment should consider whether the shophouse and its overall setting can convey an idea of what the area was like in the past. This suggestion was expressed by Heritage Manager SHB03 in the following way:

‘In assessing a block of shophouses consideration should be given as to how the row of shophouses relate to the street and the buildings opposite it. Essentially it is to appraise the whole setting and how the shophouses within the setting provides an idea of what it was like historically.’ (Heritage Manager SHB03)

7.4.1.3 Criteria

Two criteria were seen as relevant for the gazettal of these traditional Chinese shophouses.

- Principle 6: Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination traditional shophouse.

Consistent with the opinion that shophouses are a part of a larger context, the overwhelming majority (10 of 11 [91%]) of the heritage managers selected criterion (h) The representative nature of a site or object as part of a class or type or of a site or object, as the most appropriate criterion, to gazette the traditional shophouse under for National Heritage.

- Principle 7: Criterion (b) Good design and aesthetic characteristics; is a relevant criterion for the nomination traditional shophouse.

Contrary to the opinion of the majority, Heritage Manager SPI02 identified criterion (b) Good design and aesthetic characteristics, as an appropriate criterion in the listing of shophouses. The heritage manager argued that shophouses were sometimes built as individual standalone buildings and were not always constructed as a block. Therefore gazettal of these buildings can either be done individually due to its physical merits or as a part of conservation areas.

7.4.2 Traditional Chinese Shophouse: (Stage 4) Phase 2 results

The analysis of the results of (Stage 4) Phase 2 indicated that all 7 principles that were elicited in (Stage 3) Phase 1 of the study as relevant to the assessment of traditional Chinese shophouses, were accepted by more than 70% by both local and international expert groups. Two new principles were also identified in this second stage. Also, experts also made a recommendation for the way in which shophouses could be listed. Figure 7.2 demonstrates the results of the analysis for the questionnaire surveys in (Stage 4) Phase 2.

The 7 principles that were accepted from (Stage 3) Phase 1 are as follows:

Indicators of significance:

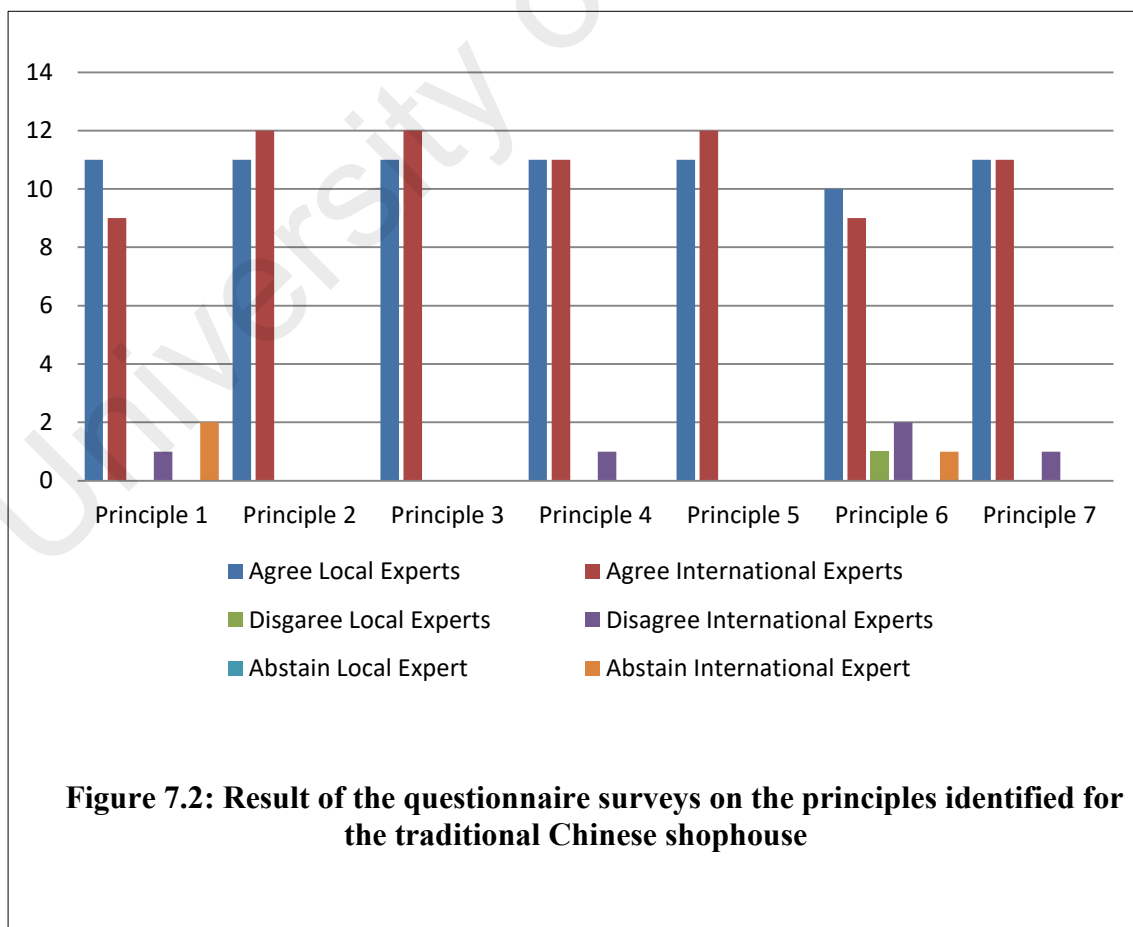
- Principle 1: Take into consideration the design or aesthetic components of features of the cultural heritage.
- Principle 2: Take into consideration the typology of the cultural heritage.
- Principle 3: Take into consideration the period in which the cultural heritage was built.

Considerations

- Principle 4: Take into consideration the character of the area which the cultural heritage is located in.
- Principle 5: Take into consideration the relationship of the shophouse block with the street, to the overall town and area.

Criteria

- Principle 6: Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination traditional shophouse.
- Principle 7: Criterion (b) Good design and aesthetic characteristics; is a relevant criterion for the nomination traditional shophouse.



Analysis of the findings also showed that several of the principles which were developed in (Stage 3) Phase 1 were also further strengthened by some of the comments made by experts in this second phase.

7.4.2.1 New principles

Experts raised 2 new principles in (Stage 4) Phase 2. These new principles were reviewed against established literature and precedents to validate their credibility. Both principles were accepted after the review. These principles are as follows:

(a) Consideration

- Principle 8: Planning and layouts of traditional shophouses are based on a collection of elements that are arranged in pre-set arrangements and therefore have very little design input. Hence assessment of good design is relevant to the elevational treatment on the building façade.

The above opinion was shared by ME4 who expressed it this way:

‘...the shophouse because it is a typology there’s actually very little design involved. It is actually a collection of elements within the type. It is just like Chinese architecture, it is all set by a rule book. It is how you put the elements together. The design is actually set; the design skill comes how you use the elements that are given to you...’ (Expert ME4)

This is supported by Kohl (1984, pp. 175-176). Therefore an assessment of good design would be confined to the elevational treatment of the shophouse facade rather than the overall design of the building plan which is based on a sequence of spaces that are interspersed with courtyards to enable light and ventilation within the length of the building.

- Principle 9: Assessment of shophouses should include both social history and urban landscape.

Malaysian Expert ME11 suggested that the assessment of shophouses should take into account the social history and urban landscape of the area. This suggestion is in line with the inscription for Melaka and George Town, Historic Cities of the Straits of Malacca as World Heritage Sites under Criterion (ii), (iii) and (iv) recognizes the tangible and intangible multi-cultural influences that have shaped the culture, people, architecture, etc. of these towns (Government of Malaysia, 2007).

The traditional shophouse makes up the majority of the urban fabric of these traditional towns. Therefore any assessment, and in particular those concerning area conservation, should consider both the social history as well as the urban landscape as together they create an understanding of the area.

7.4.2.2 Recommendation

International Expert WIE5 suggested that the traditional Chinese shophouses could be listed like the way in which shopfronts are listed in the UK and the US. The listing of shophouses in these countries protects the facades of these buildings while allowing upgrades to occur on inside of the shop units. The gazettal of shophouses as an ensemble, according to Malaysian experts ME8 and ME9, is important as it will provide coherence to the street façade even though these building individually may not be remarkable. ME8 and WIE5 conveyed this in the following manner:

‘Individually they are not masterpieces of architecture. But collectively there’s certain coherence; there’s a certain identity. When you talk about Hereen Street, you talk about say Jonker Street, usually nothing spectacular maybe, as a grouping yes. The whole street is important.’ (Expert ME8)

‘Traditional shophouses can be listed in a manner similar to heritage shop fronts in Britain and the United States.’ (Expert WIE5)

The above practice is supported by English Heritage (2011b) which provides for the listing of townhouses based on their elevations alone as most of their interiors have never been inspected. These elevations are important architectural examples and form an intact coherent street facade. The interiors, if they are subsequently found intact, are an added advantage. The Royal Crescent in Bath, England is an example of a Grade 1 listed building that is listed in this manner. Gazetting in this manner allows the facades of these buildings to be preserved while the interiors can be adapted to the needs of the owners.

Therefore, the experts’ recommendation is for Malaysia to consider developing a mechanism to gazette only the facades of these buildings while allowing adaptation to occur within the interior spaces as this will enable the street façade to be maintained.

7.5 Discussion

This chapter sets out to answer Research Objective 3 ‘To establish guiding principles that are specific to guide the assessment of traditional Malay houses and Chinese shophouses for National Heritage listing’, which generated the Research Question ‘What are the principles to list the traditional Malay house and the Chinese shophouse?’

The ensuing study revealed that the heritage managers and experts identified and agreed that there are a total of seventeen (17) principles which are applicable to the assessment of the traditional Malay house while a total of nine (9) principles applied to the traditional Chinese shophouse. These principles were divided into 5 themes namely ‘indicators of significance’, ‘considerations’, ‘explanatory notes’, and ‘criteria’. In

addition there were two (2) 'recommendation'. Each theme addressed a facet of the assessment process.

The following sections will discuss the research question and the findings for the traditional Malay house and will be subsequently followed by the findings for the traditional Chinese shophouse.

7.5.1 Traditional Malay house

The discussion of findings begins with the principles for assessment of the traditional Malay house and subsequently, the criteria that is applicable to list the vernacular domestic building typology.

7.5.1.1 Application for assessment

The findings in this study demonstrated that the cultural significance of the traditional Malay house lies in a combination of both tangible and intangible values. The results identified that the cultural significances of the traditional Malay house are installed in the house form itself according to the following areas:

- Architectural style
- Traditional construction system
- Traditional construction materials
- Woodwork and carvings
- Typological layout

The relationship between the house and the garden, the surrounding neighbouring houses and the village, in general, makes up the intangible qualities that are essential to the traditional Malay house.

The above findings are consistent with how Gibbs (1987); Kamaruddin (1983) and J. Y. Lim (1991) have described the traditional Malay house in their writings. In describing the traditional Malay house, these authors explained the elements that identified the style of the house itself and subsequently the importance of the house and its relationship with the neighbouring houses and the overall neighbourhood (village). Hence, this strengthens the validity of the findings.

In considering the significance of age and the rate of survival of older examples, the findings suggested that houses which have survived to old age are of interest and are to be given due deliberation in an assessment. This is similar to Historic England's view on the matter. To guide an assessment, Historic England had developed a series of selection guides that provide timelines for different building typologies and identified periods when certain styles or types became rare. These selection guides recommend the listing of cultural heritages that were built within these indicated periods with a recommendations to progressively more stringent selections of latter-day examples due to the greater numbers available for selection (Department for Culture Media and Sports, 2010). JWN has unfortunately not yet moved in a similar direction for listing. This could be due to the fact they are still relatively new at preserving cultural heritage when compared to Historic England.

The lack of new houses built in the traditional style suggests the eventual loss of this housing typology and the potential loss of knowledge of the crafts and construction methods related to these houses. Hence, this makes existing examples of these traditional Malay houses all the more important to conserve. In addition, the Malaysian government should take steps to ensure the perpetuation of this knowledge. This could be implemented in a manner similar to the one done in Japan by protecting the knowledge and methods required to execute traditional techniques through legal

provision namely 'Protection of Traditional Techniques for Conservation of Cultural Heritage' and acknowledging individuals and organisations as 'Holders of Traditional Conservation Techniques' as part of the Living National Treasures designation. Although the Malaysian NHA under section 67 provides for living persons to be designated as National Heritage, none of the individuals on the list are listed for construction techniques but are instead custodians of the performing arts.

The research showed that the concept of authenticity in relation to site, materials, and the form of the traditional Malay house postulates a new paradigm from the views normally taken in heritage conservation. These findings relate to Principles 14, 15 and 16 of the Explanatory Notes.

The first of the 3 findings which proposes a shift in concept is that heritage managers and experts perceived that the original site of a traditional Malay house is immaterial to its cultural significance. What is of importance for moved houses was that the location of the new site is in a village. The process or reasons for moving the traditional Malay house to a different site is perceived as part of the Malay social culture and the traditional way of life. Therefore, this should not impair judgment on the cultural significance of the house. The mobility of the traditional Malay house is consistent with the literature review on social cultural practices in Section 3.4.1.1(g).

The possibility of listing moved houses is contradictory to the practice in the US. The National Historic Landmarks only permits for the listing of buildings or structures moved from its original location if the property is nationally significant for its architectural merit or association with an event or person that is of exceptional importance to the nation's history. The US stand is that,

‘...national significance is embodied in locations and setting as well as the properties themselves, moving a property usually destroys the relationships between the property and its surrounding...’ Nevertheless ‘...moved properties must still have an orientation, setting and general environment that are comparable to those of the historic location and that are compatible with the property’s significance’. (National Park Service, 1999, p. 32)

Also, the US approach limits criteria for listing of buildings or structures moved from its original location to only aesthetic merit or association with events or persons. This is contrary to the findings of this study where there are no limitations imposed on criteria that apply to list these traditional Malay houses. What is necessary is for the house to remain in a village or kampong setting.

The second finding challenges the perceived norm that traditional Malay houses do not have to retain the original built form of the house for it to be considered authentic. Instead, it is acceptable for additions to be made as long as the overall form of the house adheres to the typological style it was built in.

The third and final finding is that when considering the need to replace the fabric of the house routinely, the findings suggested that the replacement of original materials, to prolong the life of the house and enable it to remain habitable, does not affect the authenticity of the building. This is a departure from the western perspective which requires the retention of the original fabric to be considered authenticity; as well as the Japanese stance for renewal of the fabric. Most western buildings are built of masonry hence retention of the original fabric is appropriate as the material does not deteriorate in the manner timber does in the Malaysian climate. Although Historic England allows for the replacement of materials as part of maintenance, the extent of replacement which

is carried out will not be as extensive as what is likely to be for the traditional Malay house.

Even in eastern societies, there are diverse factors affecting concepts of authenticity. The Japanese approach to the renewal of the fabric for the Ise Dai Jingu shrine that takes place every 20 years is as much the preservation of the shrine's structure as it is to cultural continuity in practices and artistry skills. This practice is often generalised by western society to encompass all timber buildings in eastern cultures. For the traditional Malay house, however, the replacement of the original fabric is necessary to ensure the habitability of the house for survival purposes, rather than as a cultural practice. Houses are not rebuilt in totality, but instead, maintenance is carried out periodically when required. The materials are also not grown specifically for this purpose, nor does the construction have to be performed in exactly the same way in which the house was originally built.

7.5.1.2 Criteria

Heritage managers and experts indicated that the physical attributes of the traditional Malay house are embodied in the architectural features of the house, arrangement of spaces in the layout, building materials and the methods of construction. According to these respondents, traditional houses which are of 'good design' are houses that are easily distinguishable by their architectural features as being built in a particular regional style.

Aesthetic value in the context of the traditional Malay house according to the respondents is visible in the high-quality woodwork which demonstrates the skill of the craftsman. This is evident in the intricate carvings of the decorative motifs and the superior carpentry work in the building of the house.

Respondents acknowledged that the materials traditionally used to construct traditional Malay houses deteriorate easily due to weather conditions and insect infestations. For the house to remain habitable, the house components have to be replaced periodically as they deteriorate. This leads to them perceiving that it is uncommon to find traditional Malay houses which are old and are still intact. Respondents, therefore, suggested that the age of a house should be taken into consideration when carrying out an assessment for traditional Malay houses. However while the element of age is important, respondents considered that this should not be the deciding factor to gazette a house. Application of this criterion according to respondents is to demonstrate typologies that have now become uncommon like the *Rumah Kutai* (Kutai House) in Perak. Drawing upon the comments made by the respondents we can perceive that the assessment for Criterion (g) is linked to Criteria (h) and (b). Figure 6.1 illustrates the relationship between the criteria

The traditional house must be located in an area where there is more than one house that displays the typological style.

Since respondents concluded that area conservation is the most appropriate way to gazette traditional houses, they perceived that the architecture of these traditional Malay houses, as in the nature of regions, would demonstrate architectural styles that are endemic to the area. Therefore, respondents consider Criterion (h) as applicable for the nomination of traditional Malay houses. The assessment of the criterion according to respondents will be based on how representative the architectural features of these houses are of the style they represent; hence linking Criterion (h) with the assessment of Criterion (b) Good design or aesthetic characteristics. Respondents also articulated that to evaluate how representative a house is of a particular regional style, there has to be a comparison of the house against others houses of similar style.

Three criteria are seen as relevant to the gazettal of traditional Malay houses.

- Criterion (b) Good design or aesthetic characteristics; is a relevant criterion for the nomination of traditional Malay houses.

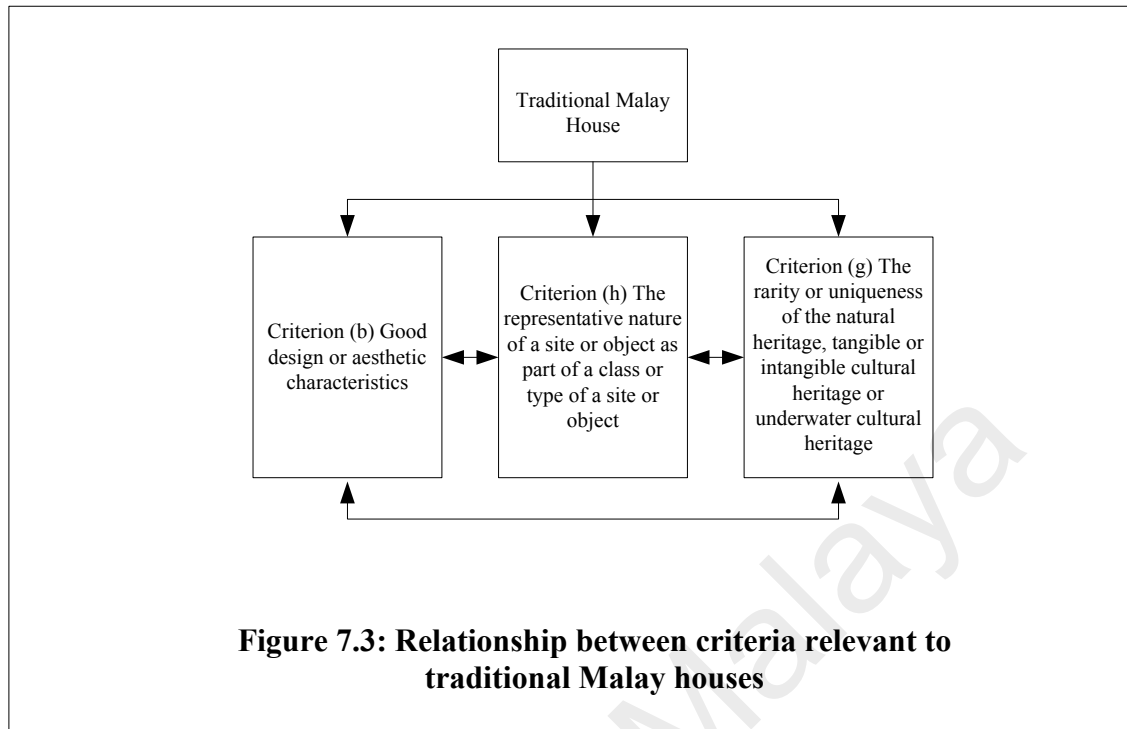
Houses that fulfil this example are good examples of their typology. They may also display the aesthetic value in their craftsmanship. Hence also qualify under criterion (h)

- Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage; is a relevant criterion for the nomination of traditional Malay houses.

Houses that fulfil this criterion are rare surviving examples of the typology. They may also qualify under criterion (h).

- Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination of traditional Malay houses.

Houses that are listed under this criterion should exhibit most of the character defining principles of the regional style that they were built in. They may also qualify under criteria (b) and (g). Figure 7.4 illustrates the relationship between the criteria.



7.5.2 Traditional Chinese shophouse

The discussion on the findings for the traditional Chinese shophouse will be divided into application and criteria.

7.5.2.1 Application for assessment

Similar to the findings for the traditional Malay house in the previous section, the findings of this study demonstrated that the cultural significance of the traditional Chinese shophouse also lies in a combination of both tangible and intangible values. The assessment of the traditional Chinese shophouse according to the heritage managers and experts should take into account the design, typological features and period when the shophouse was constructed. These findings are in-line with how authors usually describe the traditional Chinese shophouses. Nevertheless, as discussed earlier in Chapter 5, the architectural styles of Malaysian buildings do not comply with international standards for similar styles. A clear description of the Malaysian architectural styles needs to be developed to facilitate assessment.

In the case of understanding the cultural significance of shophouses, the findings indicated that heritage managers and experts perceived that the importance of the traditional Chinese shophouses is in the collective ensemble of these buildings as tangible evidence of the cultural significance of an area and that these buildings should be gazetted as part of area conservation. These heritage managers and experts are of the view that while the traditional Chinese shophouses are an important cultural heritage to conserve, the intangible values of the area would play a critical role in the assessment of cultural significance instead of only the physical aesthetics of these buildings. This notion was expressed by the majority of the respondents in this research and is best articulated by Heritage Manager SPI01 in Phase 1 who said:

‘...assessment of the traditional shophouse should be based on both tangible and intangible values; and that these two values cannot be separated. A strong argument for preserving a particular building cannot be presented in the future if an assessment is made purely on the basis of the physical or aesthetic qualities of a shophouse as it is not linked back to the rest of the town.’ (Heritage Manager SPI01)

And by Expert ME12 in Phase 2 who said:

“Some shophouses may be quite vernacular, but you know that this row is where all the goldsmiths’ shop are, so there is a kind of social significance or intangible heritage associated with it. But if it is purely architectural you have to judge it, so ok there’s this one shophouse, but there are so many shophouses why this one? So if you have to judge it on just architecture, there’s no other strength. What you can argue in its favour?” (Expert ME12)

This notion which is in favour of conservation area, may be further understood using the inscription for Melaka and George Town, Historic Cities as World Heritage Sites under Criterion (ii), (iii) and (iv) which recognises the tangible and intangible multi-cultural influences that have shaped the culture, people, architecture, etc. of these towns as an example (Government of Malaysia, 2007). The traditional shophouses make up the majority of the urban fabric of these traditional towns. Therefore, any assessment, and in particular those concerning conservation areas, should consider both the social history as well as the urban fabric. The above notion that traditional Chinese shophouses should be preserved as area conservation, lends to the theory that is similar to the principles of assessment of the traditional Malay houses in which assessment of this cultural heritage for National Heritage nomination is divided into 2 scopes which are (i) the shophouses itself and (ii) the significance of the area. Both these scopes lend support to strengthen the nomination of the traditional shophouses as part of area conservation.

As area conservation, the assessment of the shophouse is ultimately dependent on the external building envelope as access to evaluate the internal spaces of these buildings would be difficult to obtain. Nevertheless, 1 or 2 shophouses might be highlighted within the conservation zone.

7.5.2.2 Assessment Criteria

It was found that 2 criteria, namely Criterion (b) Good design or aesthetic characteristics, and the Criterion (h) The representative nature of a site or object as part of a class or type of a site or object were most suited for the gazettal of shophouses.

In the case of Criterion (b) Good design or aesthetic characteristics, the layout of the shophouses is dictated by the narrow width and length of the lots which these shophouses were built on. The shophouse layout is limited to an arrangement of rooms in a linear order which were interspersed with openings to allow natural lighting and

ventilation. There are very few design elements involved in the planning as it's hard to deviate from the standard layout. Therefore, the application of the criterion would be limited to the assessment of the external façade arrangement and ornamentations found in these shophouses.

The comments made by heritage managers and experts in the above section 6.6.2.1 in support of area conservation is that the selection of shophouses based purely on its physical value alone is insufficient and negates the validity of this criterion for the listing of shophouses. This is contradictory to the fact that they have accepted Criterion (b) Good design or aesthetic characteristics as a valid criterion to list shophouses as the criterion essentially refers to physical value. Therefore the application of Criterion (b), needs to be applied in conjunction with Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features which the heritage managers have suggested as suitable for area conservation.

The Dossier submitted by the Government of Malaysia to UNESCO for the listing of Melaka and George Town, Historic Cities of the Straits of Malacca indicates the wide variation in shophouse styles available in these cities (Government of Malaysia, 2007). This information supports the heritage managers' and experts' opinions that Criterion (h) The representative nature of a site or object as part of a class or type of a site or object is suitable to list shophouses.

7.6 Summary

As mentioned at the beginning of this chapter, the process of semi-structured interviews and survey questionnaires with the Heritage Managers brought out 5 themes that are relevant to the listing of traditional Malay houses and traditional Chinese shophouse. These themes are:

- i. indicators of significance,
- ii. conditions to take into account,
- iii. explanatory notes and
- iv. criteria
- v. recommendation

The questionnaires started by exploring the Heritage Managers' perception on principles which were relevant to list these vernacular domestic buildings in (Stage 3) Phase 1. This process resulted in the identification of a total of 12 principles for the traditional Malay house and 7 principles for the traditional Chinese shophouse which were then further examined and confirmed in (Stage 4) Phase 2.

All principles which were suggested by the Heritage Managers in (Stage 3) Phase 1 were confirmed by both the Local and International Experts groups in (Stage 4) Phase 2. In addition, the experts proposed 5 new principles for the traditional Malay house and 2 new principles for the traditional Chinese shophouse. These new principles were cross-referenced with established literature and examples for validity.

In (Stage 4) Phase 2, Experts also made recommendations for the expansion of the NHA to include 'Cultural Landscape' as a category and for the development of a mechanism to list only the façades of the traditional Chinese shophouses.

A detailed summary of the total number of principles identified for the traditional Malay house and for the traditional Chinese shophouse is respectively shown in the Table 7.4 and Table 7.5

Table 7.4: Summary of the principles for the traditional Malay house

Traditional Malay house		
(STAGE 3) PHASE 1 Draft principles	(STAGE 4) PHASE 2 Draft principles validated	TOTAL NUMBER OF PRINCIPLES
<u>Indicators of significance</u> 7 principles	<u>Indicators of significance</u> 7 principles	<u>Indicators of significance</u> 8 principles
<u>Considerations</u> 2 principles	<u>Considerations</u> 2 principles	<u>Considerations</u> 2 principles
<u>Criteria</u> 3	<u>Criteria</u> 3	<u>Explanatory Notes</u> 4 principles
	New principles	<u>Criteria</u> 3
	<u>Indicators of significance</u> 1 principles	<u>Recommendations</u> 1 principle
	<u>Explanatory Notes</u> 4 principles	
	<u>Recommendation</u> 1 recommendation	

Table 7.5: Summary of the principles for the traditional Chinese shophouse

Traditional Chinese shophouse		
(STAGE 3) PHASE 1 Draft principles	(STAGE 4) PHASE 2 Draft principles validated	TOTAL NUMBER OF PRINCIPLES
<u>Indicators of significance</u> 3 principles	<u>Indicators of significance</u> 3 principles	<u>Indicators of significance</u> 3 principles
<u>Considerations</u> 2 principles	<u>Considerations</u> 2 principles	<u>Considerations</u> 4 principles
<u>Criteria</u> 2	<u>Criteria</u> 2	<u>Criteria</u> 2
	New principles	<u>Recommendation</u> 1 principle
	<u>Considerations</u> 1 principles	
	<u>Recommendation</u> 1 recommendation	

Table 7.6 shows the detailed results of the comparison of the numbers of principles validated between the traditional Malay house and the traditional Chinese shophouse.

Table 7.6: Detailed results of the comparison of the number of principles confirmed between the traditional Malay house and traditional Chinese shophouse

(Stage 4) Phase 2 principles	Traditional Malay house	Traditional Chinese shophouse
Indicators of significance	5	3
Considerations	8	4
Criteria	3	2
Explanatory notes	1	0
Recommendations	1	1
Total	17 principles + 1 recommendation	9 principles + 1 recommendation

The above findings shed light on how the National Heritage criterion can be used to assess the cultural significance of traditional Malay houses and traditional Chinese shophouses. A key finding of the study of both the traditional Malay house and the Chinese shophouse is that the tangible and intangible values of the area are an important factor in considering these vernacular domestic housing types for gazettal. Respondents are of the opinion that the surrounding context and activities play a major role in giving understanding and significance to these buildings. In addition, respondents also suggested that the traditional Malay houses and its surrounding context could be considered as a cultural landscape.

To conclude this chapter, the guiding principles, which are specific to guide an assessment of traditional Malay houses and Chinese shophouses for listing as National Heritage which was developed through this research is shown in Tables 7.7 and 7.8

Table 7.7: Principles for assessing the traditional Malay house

Traditional Malay House	
Indicators of significance	<ul style="list-style-type: none"> : Assessment of traditional Malay houses must consider the level in which the house exhibits the regional characteristics commonly associated with the style it is built in such as elements, layout and house form. A good example will demonstrate most of the regional characteristics. : The house should demonstrate the use of traditional construction systems. A good example should demonstrate the use of the traditional system of construction. : The house should exhibit the use of traditional construction materials. A good example should maintain the use of traditional construction materials : The integrity of the design and the typological layout of the cultural heritage have been maintained. The cultural practice of the Malay people is to extend the house according to the needs and circumstances of the family. Nevertheless, the extensions of these houses are carried out according to certain permutations as the design of the Malay house is composed of standardised layouts that allow extensions to be carried out according to a set series of permutations. Hence, the assessment must consider if the integrity of the design and layout of the regional style has been affected by the house additions. : Aesthetic value can be associated with traditional Malay houses with the quality of craftsmanship in the workmanship of the construction, joinery detailing or decorative carvings. Hence a good example will demonstrate high-quality craftsmanship. : Assessment should include the curtilage of the house. There is a relationship between the traditional Malay house and the features located within its compound. The traditional Malay house is often accompanied with supporting amenities such as a well, outhouses, coops and a kitchen garden which provides herbs that are used in the cooking. : Assessment should also consider the context and relationship of the house to other houses, as well as to the vegetation found in its garden and around the area. The intangible qualities that make up the kampong lifestyle such as the relationship of the house to the other houses and pathways are critical components, which ought to be acknowledged. : The natural 'kampong' environment is critical to the setting of the traditional Malay house. Hence, assessment should take into consideration the overall character of the area.
Considerations	<ul style="list-style-type: none"> : The age of the cultural heritage should be a factor to consider, as these houses rarely survive intact to an old age due to the nature of the traditional construction materials that are vulnerable to decay in the vernacular climate. However, the age of the house is not sufficiently significant to qualify for listing but can lend support to the gazettal of property.

Table 7.7 continued

Considerations (continued)	: Take into consideration the rarity of the building typology due to the nature of the traditional construction materials that are vulnerable to deterioration and the scarcity of new houses built in the traditional style.
Explanatory notes	<p>: A common practice in Malaysia is to relocate traditional Malay houses to new locations due to inheritance, acquisition or to avoid from natural disasters. Hence, houses, which are not located in their original sites, can be considered, as the question of being situated in an original site is not a concern. Authenticity with respect to site lies in the house being located in a traditional village setting but not necessarily, where the house was initially located when it was first constructed.</p> <p>: Planning and layout of traditional houses are based on a collection of modular components that are arranged in pre-established permutations that allow for expansion based on the needs and affordability of the family. Hence, an assessment must consider how closely these new additions are in keeping with traditional layouts of regional styles. Authenticity in design is the reflection of the typology and not an exact replica of the original building as the house is extended according to the needs and the circumstances of the family.</p> <p>: The replacing of building components and elements when they deteriorate is part of the traditional domestic maintenance system for traditional Malay houses. This is necessary to enable these houses to continue being habitable. Building components are often stored beneath the house for this purpose. Hence the question of authenticity on retention of original materials is not an issue which arises for the traditional Malay house. Authenticity in respect of materiality for the traditional Malay house lies in the use of traditional construction materials and not in the retention of the original fabric. Houses, which have had their components replaced due to deterioration, should not be seen as less authentic.</p> <p>: The palaces and houses of the gentry are traditionally better embellished due to affordability. Not all houses are well embellished as the houses of the common folk maybe simpler in design and detailing. These houses may demonstrate high quality workmanship in the construction which can be accepted as an aesthetic value. This does not make it less important to preserve as an example. So not just the beautiful examples ought to be listed.</p>
Criteria	
<p>Criterion (b), <i>'Good design or aesthetic characteristics'</i>; is a relevant criterion for the nomination of traditional Malay houses.</p> <p>Houses that fulfil this example are good examples of their typology. They may also display the aesthetic value in their craftsmanship. Hence also qualify under Criterion (h).</p>	

Table 7.7 continued

<p>Criteria (continued)</p> <p>Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage; is a relevant criterion for the nomination of traditional Malay houses.</p> <p>Houses that fulfil this criterion are rare surviving examples of the typology. They may also qualify under Criterion (h).</p>
<p>Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination of traditional Malay houses.</p> <p>Houses that are listed under this criterion should exhibit most of the character defining principles of the regional style that they are built in. They may also qualify under Criteria (b) and (g).</p>

Table 7.8: Principles for assessing the traditional Chinese shophouse

Traditional Chinese Shophouse	
Indicators of significance	<ul style="list-style-type: none"> : The assessment must consider the level of the design or aesthetic components for the shophouse features. These components are what differentiate one building from another hence necessary to consider in an assessment. : The assessment must consider the typological characteristics of the shophouse. The characteristics of a typical shophouse typology are courtyards, air wells, permanent ventilation openings, and others. : The assessment must consider the period in which the shophouse was built. The period in which the shophouse is built relates to the story of the development of the town.
Considerations	<ul style="list-style-type: none"> : The assessment must consider the character of the area which the shophouse is located in. The intangible value of the place contributes importantly to the overall character of the area. : The relationship of the block of shophouses and the street, the overall town and area must be considered in an assessment. : Assessment for 'Good design' is relevant for the elevational treatment of the shophouse façades. This is because the arrangement of the shophouse layout is limited due to the size of the lots to an organisation of a pre-set collection of elements. This therefore requires very little design input. : Assessment should include both social history and urban landscape as together they create an understanding of the area.

Table 7.8 continued

Criteria
<p>Criterion (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination traditional shophouse.</p> <p>This criterion is pertinent to demonstrate the range of styles within the shophouse typology. Houses that are listed under this criterion are good examples of the shophouse of the style that they are built in. They may also qualify under Criterion (b).</p>
<p>Criterion (b) Good design or aesthetic characteristics; is a relevant criterion for the listing of traditional shophouse.</p> <p>The criterion is relevant to the assessment based on the elevational treatment of the shophouse façade and decorations. Shophouses which qualify under this criterion may also be eligible under Criterion (h).</p>

CHAPTER 8: CONCLUSION AND RECOMMENDATIONS

This research set out to ascertain how the criteria for National Heritage listing in the Malaysian National Heritage Act 2005 should be interpreted and applied for the gazettal of immovable cultural heritage. In order to achieve this aim, the research began by investigating how the Malaysian criteria for listing National Heritage compared against those of other countries from the point of the definition of National Heritage, clarity in informing significance which commensurate with ‘national importance’ within the criteria for listing, the types of values that are associated with the criteria for listing and the manner in which the criteria for listing is applied. Subsequently, the research formulated principles to guide assessment of cultural heritage for listing as well established principles that are more specific to assess traditional Malay houses and Chinese shophouses for National Heritage listing.

Having successfully achieved all 3 of these research objectives as demonstrated in Chapters 5, 6 and 7, this final chapter draws attention to the main research outcomes, synthesis of the objectives of the study, and the contribution of this research to the current body of knowledge with regards to principles for assessment of cultural heritage, the traditional Malay houses and Chinese shophouses, for National Heritage listing. The chapter also makes suggestions for future research that could be undertaken by other researchers in related fields who are considering similar studies based on the findings that arose from this research and its limitations. The chapter concludes by highlighting the whole research in a concise form.

8.1 Main research outcomes

There are 3 research objectives which made up the backbone of this research. The main findings in terms of answering the research objectives are presented in accordance with each objective.

The first objective (RO1 discussed in Chapter 5), which is ‘to critically analyse how the Malaysian criteria for listing National Heritage compares against those of other countries’, was achieved through factors drawn from the literature review and analysed using a comparative method to come to a conclusion.

The findings established that the Malaysian criteria for listing National Heritage had both similarities and differences with criteria used internationally. The most critical differences were in the articulation for the level of significance in both the definition of National Heritage and within the criteria itself. Nevertheless, the Malaysian criteria for listing do share similar values with criteria used internationally. The manners in which the criteria were applied for National Heritage listing are in general comparable to how similar criteria were applied internationally. There are however several ways in which the applications of the criteria have been unusual. The research also demonstrated that there are 2 criteria, namely Criterion (g) The rarity and uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural property, and Criterion (i) Any other matter which is relevant to the determination of cultural heritage significance, are unique to Malaysia.

The second objective (RO2 discussed in Chapter 6), which is ‘to formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing’, was achieved through the development of forty-five (45) principles of assessment for 7 out of 9 criteria for National Heritage listing. Thirty-seven (37) principles were initially drawn from semi-structured interviews with eleven (11) Malaysian heritage managers in (Stage 3) Phase 1, then refined and verified in (Stage 4) Phase 2 through semi-structured interview and questionnaire surveys with 2 groups of experts, a Malaysian group of eleven (11) experts and an international group consisting

of twelve (12) experts to form the final principles. Cross-group analysis was carried out between the 2 groups of experts to establish triangulation of the data.

The forty-five (45) principles that form the main findings for RO2 were categorised as follows:

- Eighteen (18) indicators of significance that inform on the cultural heritages' significant values
- Eight (8) considerations that refer to matters that ought to be weighed and taken into account when formulating an opinion on an assessment of the cultural heritage
- Sixteen (16) explanatory notes that are descriptions that serve to explain on matters
- Seven (7) applications that explain ways in which the criterion is applicable
- One (1) eligible/ineligible consideration explains conditions that render a cultural heritage eligible or ineligible for listing
- Two (2) aspects of assessments that are elements to consider in the process of appraising cultural significance

The number of principles identified for each criterion is shown below in Table 8.1.

Table 8.1: Number of principles identified for each criterion

Criteria	No. of Principles
Criterion (b) Good design and aesthetic characteristics	9
Criterion (c) Scientific or technological innovations or achievements	6
Criterion (d) Social or cultural associations.	7
Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage.	2
Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features.	5
Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage.	10
Criterion (h) The representative nature of a site or object as part of a class or type of a site or object.	4
Aspects of assessment	2
Total principles	45

The third or last objective (RO3 discussed in Chapter 7), which is ‘to establish guiding principles that are specific to guide the assessment of traditional Malay houses and Chinese shophouses for National Heritage listing’, was achieved through the establishment of a total of twenty-six (26) principles to guide the assessment of the traditional Malay house and Chinese shophouse which was developed utilising similar research methods and was carried out simultaneously with Research Objective 2.

These twenty-six (26) principles, which form the main findings for RO3, consist of seventeen (17) principles for the traditional Malay house and nine (9) principles for the assessment of traditional Chinese shophouse for National Heritage listing.

These principles consist of the following:

- Eight (8) indicators of significance that inform on the cultural heritages' significant values
- Twelve (12) considerations that refer to matters that ought to be weighed and taken into account when formulating an opinion on an assessment of the cultural heritage
- One (1) explanatory note that is a description that serves to explain on matters
- Five (5) criteria that are applicable to list the traditional Malay houses and Chinese shophouses

An additional finding was the evidence of a relationship that exist between 3 criteria, namely Criterion (b) Good design and aesthetic characteristics, Criterion (h) The representative nature of a site or object as part of class or type of site or object, and Criterion (g), The rarity and uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural property.

Experts also made 2 recommendations, one of which is for the expansion of the NHA to include 'Cultural Landscape' as a category, and the other, for the development of a mechanism to list facades of traditional Chinese shophouses while allowing the interiors to be adapted.

The overall outcome for ROs 2 and 3 and how they sit within the context of the National Heritage is shown in Figure 8.1 while a summary of the outcomes of the research investigations are shown in the following section 8.1.1.

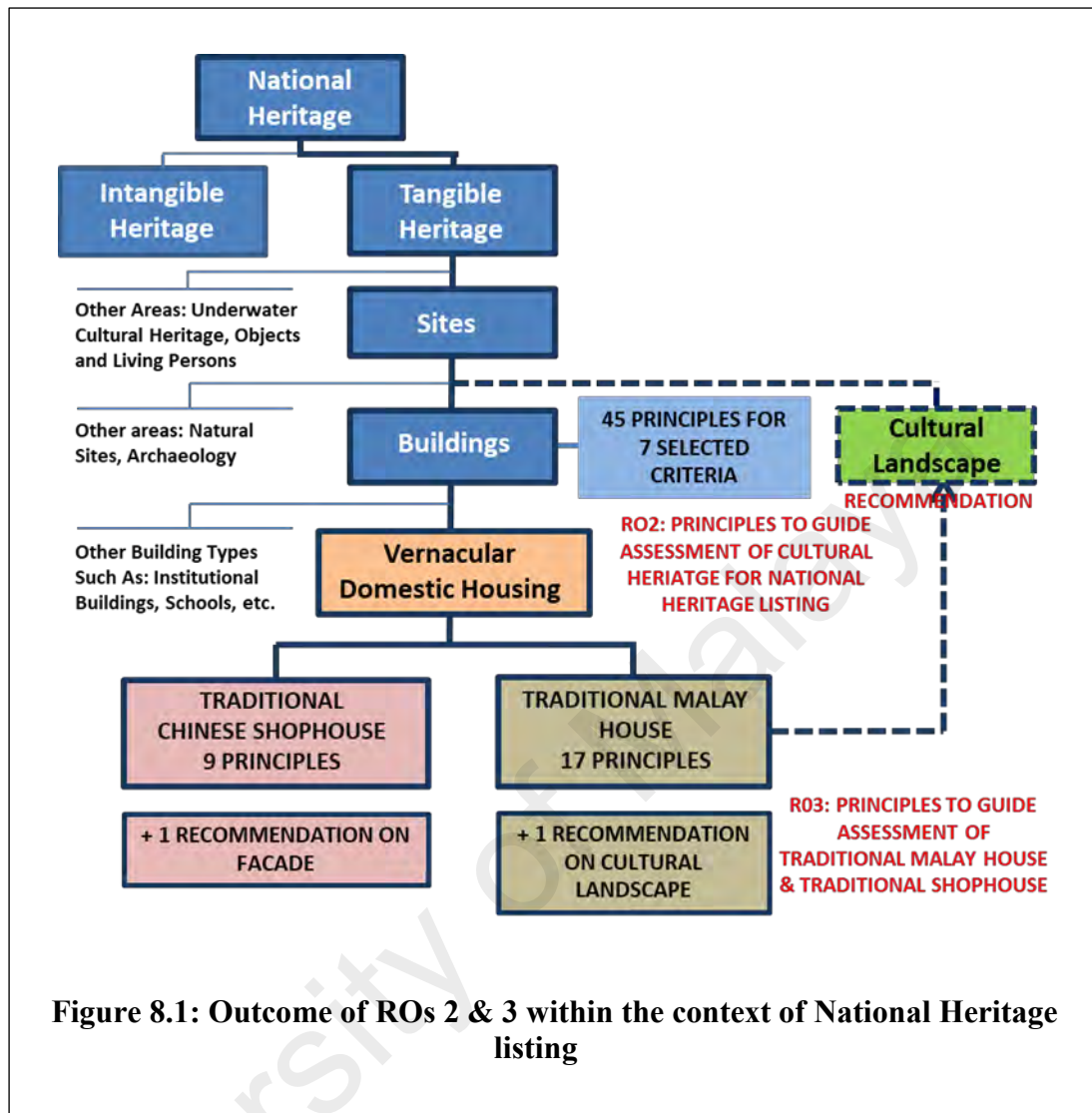


Figure 8.1: Outcome of ROs 2 & 3 within the context of National Heritage listing

8.1.1 Summary of research outcomes

The outcomes of the research is summarised in Table 8.2.

Table 8.2: Results of research questions, research objectives, and research methods

Research Question 1	How does the criteria for National Heritage listing compare against those of other countries?
Research Objective1	To analyse how the Malaysian criteria for listing National Heritage compares against those of other countries
Research Methodology	A comparative method for analysis based on literature
Results	
<ul style="list-style-type: none">• The definition for National Heritage in the NHA is not comprehensive enough to convey significance that should commensurate with National Heritage listing.	
<ul style="list-style-type: none">• The levels of significance that commensurate with National Heritage listings are not conveyed in more than half of the criteria of the Malaysian criteria.	
<ul style="list-style-type: none">• All of the Malaysian criteria share similar values with other countries.	
<ul style="list-style-type: none">• Several of the ways in which the criteria for listing have been applied are comparable to how other countries have used similar criteria. Nevertheless, some of the ways in which Malaysia has applied the criteria are unusual. In addition, there are 2 criteria which are unique to the country. These are Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features and Criterion, and Criterion (i) Any other matter which is relevant to the determination of cultural heritage significance.	

Table 8.2 continued

Research Question 2	What are the principles that should be used to assess cultural heritages for National Heritage listing?
Research Objective 2	To formulate guiding principles to facilitate the assessment of immovable cultural heritage for National Heritage listing
Research Methodology	Phase 1: Semi-structured in-depth interview, data coding, and analysis Phase 2: Questionnaire survey, semi-structured in-depth interview, cross-group analysis, validation through literature and established precedents
Results	
<p>Criterion (b) Good design and aesthetic characteristics</p> <p>Four (4) Indicators of significance:</p> <ul style="list-style-type: none"> • The character-defining principles of the architectural style that the cultural heritage is built in is exhibited. • Compliance with architectural principles for good design. • The aesthetics of the cultural heritage is able to induce a pleasant emotional response. • The level and quality of ornamentation or craftsmanship exhibited even if the form and spatial quality of the cultural heritage are commonplace. <p>Three (3) Consideration:</p> <ul style="list-style-type: none"> • Consider the relationship of the cultural heritage with its setting. • Assessment based on cultural values of the community which owns the cultural heritage. • Compare against others of similar typology, period and style to ascertain the best examples. <p>Two (2) Explanatory notes:</p> <ul style="list-style-type: none"> • Character defining principles which are not related to design principles or aesthetic value must be taken into account when assessing this criterion. • May still qualify as National Heritage even if the community no longer appreciates or are able to relate to the values which made it important in the past. 	

Table 8.2 continued

Criterion (c) Scientific or technological innovations or achievements

Three (3) Indicators of significance:

- Successful pioneering adaptation of an existing or imported technology to vernacular conditions.
- Innovation or technology developed in Malaysia.
- Innovative buildings when combined with other elements are automated to perform other functions.

One (1) Consideration:

- Must consider the purpose and the available knowledge, technology and equipment when the cultural heritage was built.

One (1) Ineligible condition for National Heritage listing:

- Imported technology used without any innovation is not eligible for National Heritage listing but can be considered on a State Heritage list.

One (1) Consideration:

- Must consider whether the application of the technology is appropriate to the local context.

Criterion (d) Social or cultural associations

Six (6) Indicators of significance:

- Ornamentation found on the cultural heritage indicates the owner's cultural identity.
- The public automatically associates certain building typologies with specific communities.
- Rarity as a threshold for listing when there are many that qualify.
- The public automatically associates certain building types with a class of society.
- Urban spaces and spatial typologies associated with specific social or cultural groups.
- The community has continued use for its original social or cultural purpose.

One (1) Explanatory notes:

- May qualify as a National Heritage even though current community no longer appreciates or relates to the past values that made the cultural asset significant.

Table 8.2 continued

Criterion (e) The potential to educate, illustrate or provide further scientific investigations in relation to Malaysian cultural heritage

One (1) Indicator of significance:

- The physical form of the cultural heritage is able to provide in-depth information about the past.

One (1) Explanatory notes:

- Unnecessary to re-categorize the cultural heritage under a new criterion; instead criteria and significance of newly discovered significance shall be added to complement the original listing. Take action to correct misinterpretation if the original significance is inaccurate.

Criterion (f) The importance of exhibiting a richness, diversity or unusual integration of features

Five (5) Applications of the criterion:

- Use in the urban context or area conservation is to describe a group of buildings with different cultural influences or cultural typologies that would collectively represent and reflect the diversity of Malaysian culture.
- Describes the rich and diverse ornamentations found in building types within certain communities.
- Describes the rich diversity in styles found within a building typology.
- Describes a complex that is formed by a collection of diverse building types.
- Describes the diversity found in the progression of an architectural typology.

Table 8.2 continued

Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage

Four (4) Indicators of significance:

- A particular feature, element, or detail found in a particular building or within a specific area and not anywhere else.
- A particular feature, element, or detail is rare across a building typology.
- A cultural heritage or building typology is rare within the whole country.
- It is rare to the rest of the world even though it may be a common feature, element, detail, or typology in the country.

One (1) Considerations:

- Consider the number of buildings representing certain architectural periods that remains in existence.

Five (5) Explanatory notes:

- Definition of rarity is something that is now uncommon; while unique means the only example of its kind.
- Rarity or uniqueness cannot be ascertained unless it is compared with others.
- Assessment of rarity must consider authenticity and integrity of the cultural heritage.
- The assessment of rarity focuses on the anomaly at the point of assessment.
- 'Unique' is to demonstrate how buildings of a particular typology are common in one area but not found anywhere else.

Criterion (h) The representative nature of a site or object as part of a class or type of a site or object

Four (4) Applications of the criterion:

- To demonstrate the variation found within a building typology.
- Demonstrates the only remaining example left of a typology that is no longer in existence.

Two (2) Explanatory notes:

- The application of this criterion may be facilitated by using a thematic approach.
- Cultural heritages must demonstrate most or a majority of the major characteristics of a particular thematic group.

Table 8.2 continued

Aspects of Assessment

One (1) Integrity:

- The physical condition of a building and the effect on its potential for listing is considered on a case-to-case basis. Buildings are listed if their significance is proven extremely important and the reconstruction implemented in accordance with proper documented evidence. The information that the building was reconstructed must be reflected in the Statement of significance.

One (1) Comparative assessment:

- Use a comparative assessment system to establish which cultural heritages are the most significant to list.

Table 8.2 continued

Research Question 3	What are the principles that should be used to assess traditional Malay house and Chinese shophouse as National Heritage?
Research Objective3	To establish guiding principles that are specific to guide assessment of traditional Malay houses and Chinese shophouses for listing as National Heritage
Research Methodology	Phase 1: Semi-structures in-depth interview, data coding and analysis Phase 2: Questionnaire survey, semi-structured in-depth interview, cross-group analysis, validation with literature and established precedents.
Results	
<p>Traditional Malay house</p> <p>Eight (8) Indicators of significance:</p> <ul style="list-style-type: none"> • The level in which the house exhibits the regional characteristics commonly associated with the style it is built in. • The house demonstrates the use of traditional construction systems. • The house exhibits the use of traditional construction materials. • The integrity of the design and the typological layout is maintained even though the house has been extended. • Aesthetic value is associated in traditional Malay houses with the quality of craftsmanship in the construction, joinery detailing or decorative carvings. • Assessment includes the curtilage of the house as there is a relationship between the traditional Malay house and the features located within its compound. • Assessment considers the context and relationship of the house to other houses, as well as to the vegetation found in its garden and around the area. • The natural “kampong” environment is critical to the setting of the traditional Malay house. <p>Two (2) Considerations:</p> <ul style="list-style-type: none"> • The age of the cultural heritage lends support but is not significant enough to qualify for listing. • Consideration the rarity of the building typology and the scarcity of new houses built in the traditional style. 	

Table 8.2 continued

Four (4) Explanatory notes

- Houses that are not located in their original sites are eligible for listing as the moving of houses is a common practice.
- Planning and layout of traditional houses are based on a collection of modular components that are arranged in pre-established permutations that allow for expansion.
- Authenticity for the traditional Malay house is in the use of traditional construction materials and not in the retention of the original fabric.
- The houses which demonstrate high-quality workmanship in the construction but are simpler in design and detailing are just as important to preserve.

Three (3) Criteria:

- Houses that are good examples of their typology or display aesthetic value in their craftsmanship will qualify under Criterion (b) Good design and aesthetic characteristics and also under Criterion (h) The representative nature of a site or object of a class or type of a site or object.
- Houses that are rare surviving examples of the typology will qualify under Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage and under Criterion (h) The representative nature of a site or object of a class or type of a site or object.
- Houses that exhibit most of the character defining principles of the regional style that they are built in will qualify under Criterion (h) The representative nature of a site or object of a class or type of a site or object and Criterion (b) Good design and aesthetic characteristics. They may also qualify under Criterion (g) The rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage

One (1) Recommendation:

- Develop new category in NHA to list traditional rural settlements located amid rice fields as National Cultural Landscapes.

Table 8.2 continued

Traditional Chinese shophouse

Three (3) Indicators of significance:

- The level of the design or aesthetic components of the shophouse features.
- The typological characteristics of the shophouse.
- The period in which the shophouse was built as it relates to the development of the town.

Four (4) Considerations:

- Must consider the character of the area which the shophouse is located in. The intangible value of the place contributes importantly to the overall character of the area.
- The relationship of the block of shophouses and the street, the overall town and area must be considered in an assessment.
- Assessment for 'Good design' is relevant for the elevational treatment of the shophouse façades. This is because the arrangement of the shophouse layout is limited due to the size of the lots to an organisation of a pre-set collection of elements. This therefore requires very little design input.
- Assessment should include both social history and urban landscape as together they create an understanding of the area.

Two (2) Criteria:

- Criterion (h) The representative nature of a site or object of a class or type of a site or object, is to demonstrate the range of styles within the shophouse typology. Houses that are listed under this criterion are good examples of the shophouse of the style that they are built in. They may also qualify under Criterion (b) Good design and aesthetic characteristics.
- Criterion (b) Good design and aesthetic characteristics is relevant for the shophouse façade and decorations. Shophouses which qualify under this criterion may also qualify under Criteria (h) The representative nature of a site or object of a class or type of a site or object; is a relevant criterion for the nomination traditional shophouse.

One (1) Recommendation:

Develop mechanism to list and retain facades of traditional Chinese shophouses in a manner similar to shopfronts in Britain and the United States that allows for interior renovations.

8.2 Contributions of the study

This research proposed to provide an answer to an actual problem faced by stakeholders in assessing cultural heritage for listing as national heritage in Malaysia. It was intended to extend the existing body of knowledge on assessment of cultural heritage and to be of benefit to practitioners in the relevant fields. The contributions of the study are discussed in the subsequent sections and divided into contributions from the point of theoretical and practical aspects.

8.2.1 Theoretical contributions

There are 7 significant theoretical contributions from this research which extends the existing body of knowledge on how cultural heritage should be assessed in Malaysia. Three of these contributions relate specifically to how assessment of cultural significance for a vernacular domestic housing typology that is common to the Southeast Asian region namely the traditional Malay house should be implemented. While the remaining 4 contributions are important as they relate to assessment policy.

The 3 contributions which arose from the study on the traditional Malay house, postulated a possible shift in paradigm on the understanding of authenticity that underpins the assessment process for this building typology. These contributions are as follows:

- i. Authenticity in respect of materiality for the traditional Malay house lies in the use of traditional construction materials and not in the retention of the original building fabric. Houses that have had their components replaced due to deterioration should not be seen as less authentic as these replacements are necessary in order to make the house continue to be habitable.

- ii. Authenticity with respect to site lies in the house being located in a traditional village setting but not necessarily the original location where the house was first constructed. Houses that have been moved are just as authentic as it is a customary practise to relocate buildings. The ability to move the house is also reflected in the traditional construction methods for these houses.
- iii. Authenticity in the design of the building is reflected in the building typology and not just in the original form of building when it was first constructed. As houses are extended according to the needs and the circumstances of the family they should not be seen as less authentic; however later day accretions should conform to the predetermined permutations of the regional style which the house was built in.

These principles on authenticity are theoretically different from the Japanese model that practices rebuilding of the exact replica of the Shinto shrines every 40 years on the adjacent site, with timber that are grown for this specific purpose and observing original construction techniques. In addition it is also different from the western perspective which, although allows for building maintenance to be carried out, are generally not as extensive in nature as the materials traditionally used to construct buildings in west are not as easily susceptible to decay in comparison to the materials which were used to construct traditional Malay houses.

The remaining 4 theoretical contributions of this research relates to the broadening of the understanding on policy for assessment of Malaysian cultural heritage. This study has provided an insight into the Malaysian heritage managers and experts' understanding and knowledge on Malaysian cultural heritage that relates significantly to how assessment of these cultural heritages should be implemented. By analysing an

individual's implicit understanding and knowledge on assessment of cultural heritage as carried out in Chapters 6 and 7, the opportunity arises to improve the existing Malaysian assessment system by identifying issues and making suggestions for the implementation of practises that are currently missing from the process. These 4 contributions are as follows:

- iv. The recognition that a standardised nationwide inventory is vital for the proper implementation of criterion (g) the rarity or uniqueness of the natural heritage, tangible or intangible heritage or underwater cultural heritage. The possibility of whether a cultural heritage is rare or unique can only be ascertained with the implementation of a nationwide inventory. Without a properly inventory, the rarity or uniqueness of a particular cultural heritage is inaccurate as it can only be judged against others that are already known.
- v. The recognition that a standard point of reference against which cultural heritages are measured against must be identified in order to facilitate fair assessment of cultural heritage in Malaysia. The process of benchmarking is important as it will enable an understanding of which cultural heritage are the most important to gazette and protect.
- vi. The identification of the need to expend the scope the National Heritage Act 2005 to include Cultural Landscape. The inclusion of Cultural Landscape within the scope of the National Heritage Act 2005 will enable the traditional patterns of land use such as the paddy fields along the Rice Basin in the Northern Region and the East Coast of Malaysia that are rapidly disappearing to be recognised and subsequently protected. The conservation of these traditional landscapes will strengthen the

management of conservation in Malaysia and enable the country's approach towards conservation to be at par with that of other nations.

- vii. The broadening of knowledge on a method to establish guidelines to interpret the criteria for National heritage listing that could be replicated to the remaining building typologies that have not been explored in this study. The development of guidelines for the remaining building typologies will help strengthen the preservation of cultural heritage in Malaysia and further the heritage agenda in the country.

8.2.2 Practical contributions

The research provides 3 demonstrable original practical contributions for the assessment of cultural heritage. Such contributions underpin the process of preserving cultural heritage through listing and gazettal. Thus the practical contributions for the assessment of cultural heritage are:

- i. The formulation of a set of principles to guide the assessment of cultural heritage based on the criteria for National Heritage listing. These principles are intended for use by JWN, local authorities, JPBD and other stakeholders to assess cultural heritage for listing onto the National Heritage list.
- ii. The development of a set of specific principles to assess traditional Malay house. These principles are intended for use by JWN, local authorities, JPBD and other stakeholders in the region to assess this vernacular domestic housing typology for listing as National Heritage.
- iii. The development of a set of specific principles to assess traditional Chinese shophouse. These principles are intended for use by JWN, local

authorities, JPBD and other stakeholders in the region to assess this vernacular domestic housing typology for listing as National Heritage.

The traditional Malay house and Chinese shophouse are both building typologies commonly found not only in Malaysia but also throughout Southeast Asia. Therefore, these principles are applicable to guide assessment of similar type buildings throughout the region. Nevertheless, there needs to be an overarching understanding that a cultural heritage must demonstrate cultural significance that is of national importance in order to be included on the National Heritage list. This overarching understanding needs to be acknowledged and practised on all aspects of an assessment for National Heritage listing.

8.3 Recommendations for future research

This research has generated some significant findings that have given rise to a number of recommendations that will hopefully facilitate a holistic understanding and approach to assessment of cultural heritage in Malaysia. For future studies, the author recommends conducting research in the following 7 areas which will contribute to better protection of cultural heritage in Malaysia:

- i. To undertake similar research and to replicate units of analysis in order to develop guiding principles to assess other building typologies, such as government quarters and schools, that this research did not explore. The intangible aspects of culture that related pertinently to the typology understudy and affects the design and use of the building must also understood and included. Guiding principles for each typology that includes both tangible and intangible aspects will allow for the development of a comprehensive system of assessment.

- ii. Assessment of cultural heritage requires the implementation of a standardised nationwide inventory. The lack of a standardised inventory would impede the proper identification of cultural heritage. Therefore, the author recommends for the development of a standardised system for inventorying cultural heritage and the commencement of a nationwide inventory of cultural heritage that is regularly updated.
- iii. To better facilitate an understanding of values that are of national significance, it is necessary to select several initial examples of cultural heritages to use as a standard point of reference and to benchmark National significance. Hence, the author recommends for further research on areas that would facilitate selection of cultural heritage with appropriate significance to use as exemplars.
- iv. Cultural landscape, a common concept in heritage, is not included in the NHA 2005. The author recommends for further research on this subject matter to ascertain how it would be applicable in the Malaysian context.
- v. The definition for National Heritage in the NHA 2005 is not comprehensive enough to give a clear idea of the values attached to national significance. The author recommends for further research on the definition for National Heritage, which would reflect values that commensurate with 'national importance'.
- vi. Clarity in the criteria for listing cultural heritage is an important aspect in order to provide proper understanding of listing requirements. The author recommends for research to be undertaken to ensure that there is clarity in the way in which the criteria for listing are phrased and the definition is given for the terminologies used in the NHA 2005.

- vii. The development of these principles to guide assessment of cultural heritage will assist government agencies such as JWN, local authorities and JPBD to assess cultural significance of properties. However, these principles have not been tested on a live project. As such, it is recommended that the principles are tested to further establish its validity and application.

8.4 Implication for policy and practise

This is a policy-relevant thesis, whereby the main result of the study demonstrates principles that are applicable for the assessment and listing of cultural heritages. The findings also demonstrated several actions that the authorities must implement in order for a holistic assessment process to take place. Recommended actions that should be taken by authorities in order to improve the process of assessing cultural heritage are as follows:

- Develop a comprehensive policy for the preservation of cultural heritage for all government agencies involved in heritage to follow.
- Provide a clearer definition for National Heritage and more precise terminology to explain heritage significance within the criteria.
- Implement a standardised nationwide inventory of cultural heritage.
- Identify cultural heritage as benchmarks that can be used as a standard point of reference for comparison.

The coordination and implementation of the above actions ought to be led by JWN as the custodian of heritage in Malaysia with a timeline identified to ensure that action is taken according to achieve the targeted goals.

8.5 Limitations of the research

There are a number of limitations in this research. The limitations in this research are as follows:

- i. Due to the length of time required to carry out in-depth investigations to obtain data and in-depth understanding from respondents, only 2 building typologies were chosen for development of detailed principles. In order for the assessment of cultural heritage in Malaysia to be truly effective, detailed guiding principles should be developed to guide assessment for all building types.
- ii. The inability to test the proposed principles of assessment developed through this study to determine its effectiveness through practical use. Testing of these principles needs to be carried out in order to enable it to be further refined through practical application.
- iii. Literature review drew limited literature on principles for assessment of cultural heritage for Japan and India. Most of the information on assessment of cultural heritages in these 2 countries only provides a general understanding. While the information has been useful, very few of them actually give specificities on assessment. Most of the literature for both these countries was collected from WHS examples. In the case of Japan, language was also a barrier as many of the pertinent information is only available in Japanese. The author relied on the assistance of a Japanese-speaking colleague to translate some of the information.

8.6 Final reflections on the research

This chapter concludes the main findings of the research by summarising the research process, explanation of the findings and making recommendations for future research. The main achievements of the research are also discussed in this chapter.

This research explored ways to assess cultural significance based on the criteria for listing and then developed principles to guide assessment of cultural heritage for National Heritage listing. To ensure the proper safeguarding of these cultural assets it is hoped that these principles will be used by the relevant parties to assess cultural heritage, thus creating practical value for this research.

In addition to the principles developed to guide assessment of cultural heritage, this research has also identified several issues that must be addressed by the relevant government agencies involved in heritage to improve the protection of cultural heritage such as the existing discrepancies between the NHA 2005 and the TCPA, the lack of a nationwide inventory, and the need for a comprehensive policy and procedure review of the heritage preservation system that is presently in place.

Lastly, the built environment is a tangible expression of our cultural heritage. In many urban areas throughout Malaysia, buildings are increasingly under threat by development while numerous traditional houses in the rural areas are left abandoned and neglected. It is important to remember that once these tangible cultural heritages are destroyed, they are not easily irreplaceable. Therefore action must be taken to conserve and protect our heritage before irreparable damage is done.

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LIST OF PUBLICATIONS AND PAPERS PRESENTED

The following are a list of papers were produced and presented out of this research:

1. Hashim H.A; Ahmad Y. (2017). *Analysis on Laws for Preservation of Cultural Heritage in Malaysia*. Paper presented at International Symposium on Nusantara Cultural Heritage (INCH) 2016. Hosted by Universitas Sumatera Utara (USU) and Universitas Pembangunan Panca Budi (UNPAB), Medan, Indonesia. 26 – 30 November 2016
2. Hashim H.A; Ahmad Y. (2013) *Defining Listing Criteria for Traditional Malay Houses*. Paper presented at the Joint Malaysia – Japan Conservation Research Colloquium between University of Malaya, Waseda University, Tokyo and Kyoto University, Kyoto. Hosted by Waseda University and Kyoto University. 20 – 28 October 2013.