Cultural Rights and Conservation of Old Bangkok

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Cultural diversity is one of the major characteristics of old Bangkok resulting from various groups of local people of different race and religion. Unfortunately, the development of old Bangkok has always been tied up with the interests of politicians. Therefore, lack of public dialog and acknowledgement of cultural diversity remain as major issues.

Over the past five decades, development policies focusing on modernization and tourism promotion have put local communities under pressure. A number of historic communities, both inside and outside the designated conservation zone, are affected by new development projects initiated by the government, investors, and landlords. The rights of local people to take part in the development processes are not honored and their voice is usually ignored. As a result, issues regarding cultural rights in old Bangkok are unlikely to be resolved by the local communities themselves but remain an obligation for Thai society as a whole.

Bangkok is a city of immigrants. Chinese and Viet people settled on the eastern side of the Chao Phraya River since at least the Thonburi period (1767–1782) (FAD 1982: 29). Many prisoners of war were brought to Bangkok in the early Rattanakosin period (1782 to present). Other groups, including Laotian and Malay people, gravitated to this area. At the beginning of the Rattanakosin era, a number of Chinese were relocated to Sampheng, currently known as Chinatown, to vacate the area for building the Grand Palace and the Temple of the Emerald Buddha on the banks of the Chao Phraya river. Both the Grand Palace area and Sampheng represent today's old Bangkok.

After the new capital was established, various groups of people, such as Khmer, Burmese, Viet, Mon, and Malay were brought to old Bangkok as artisans and laborers (FAD 1982: 47–49). In the mid-nineteenth century, Sir John Bowring (1857) estimated the population of Siam as 4.5 to 5 million, while Mgr. Jean-Baptiste Pallegoix (1854) suggested a figure of 6 million, a quarter of whom were Chinese. Pallegoix estimated the population of Bangkok as 400,000, of whom only 120,000

were Thai while the remainder included Chinese, Khmer, Mon, Lao and Westerners (Pallegoix 1854).

In the reign of King Mongkut (Rama IV, r. 1851–1868), treaties negotiated with several Western countries led to a change of policy in foreign affairs. Consular representatives of Western countries were located in Bangrak, an area south of Sampheng. Later Charoenkrung Road, referred to by Westerners as New Road, was built as a result of complaints over the poor condition of the roads at the time. Two and three storey shop houses were built along the road using a style adopted from the Straits Settlements. In the reign of King Vajiravudh (Rama VI, r. 1910–1925), there were three major commercial districts: Yaowarat (Sampheng) for the Chinese; Bangrak for the Westerners; and Banglamphu for the Thai (FAD 1982: 91). Each district comprised residential, industrial, and commercial land use.

In sum, Bangkok has been a center of diverse ethnic and religious groups ever since the establishment of the city. In the course of the some two hundred years of living in old Bangkok, these different groups of people have exchanged their cultures in many ways, such as intermarriage and trade. Nevertheless, each has been able to able to maintain their cultural identity. This cultural diversity is becoming more complex due to the increase of migration, both legal and illegal, during the past decade, accelerated by the impact of globalization and increased mobility. People from diverse ethnic backgrounds and countries who previously did not form distinct communities are now emerging as identifiable communities.

This article discusses the implications of cultural rights for the conservation of old Bangkok, beginning with an introduction to the discourse on cultural rights in Thai society, followed by issues regarding cultural rights in old Bangkok, issues regarding cultural rights in the designated area called Rattanakosin, and the non-designated area of old Bangkok, and lastly the conclusion.

Discourse on cultural rights and Thai society

In contemporary international discourse, an individual's right to express their culture is considered as part of human rights. Nevertheless, cultural rights are a relatively new concept in the category of human rights. Emerging after the devastation of World War Two, human rights found their place in the Universal Declaration of Human Rights in 1948, one of the first declarations of the newly formed United Nations. Some years later the "right to participate in cultural life" appeared in the International Covenant on Economic, Social and Cultural Rights in 1966. The right to participate in cultural life prohibits the discrimination of cultural differences, such as race, color, and gender. Nevertheless, the term "cultural rights" began to be used only in the past two decades, usually meaning rights related to the cultures, languages, and nationalities of minorities.

Understanding and acceptance of cultural rights and the acknowledgement of

the importance of cultural diversity appeared concurrently. Over the past decade, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted two major documents on cultural diversity: the 2001 Universal Declaration on Cultural Diversity and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The Fribourg Declaration on Cultural Rights, the first document specifically on cultural rights, was adopted in 2007. "Culture" in the Fribourg Declaration covers those values, beliefs, convictions, languages, knowledge and the arts, traditions, institutions and ways of life through which a person or a group expresses their humanity and the meanings that they give to their existence and to their development. It should be noted that one of the major messages in the Fribourg Declaration is that culture is dynamic (Amara 2010). This is different from past ethnographic studies that tended to focus on culture as a something static, related to religion or race. This conventional approach gave little attention to adaptation to changing circumstances and the influence of cultural exchange among people from different cultures. As a result, it often created bias, as it assumes the culture of an ethnic or marginal group is static and always menaced by state power. In reality, culture changes as time goes by.

Elsa Stamatopoulou, chief of the Secretariat of the Permanent Forum on Indigenous Issues in the Division for Social Policy and Development at the United Nations, explains that human rights help to protect disadvantaged people, particularly indigenous people, but cultural rights are also crucial for other groups, such as migrants, refugees, children, poor people, homosexuals, and disabled people (Stamatopoulou 2004; 2008). As stated in the Fribourg Declaration, Stamatopoulou (2008) explains that the understanding of cultural rights and the understanding of culture are concurrent. For example, culture in its material sense is now defined as a process of artistic and scientific creation, and culture in its anthropological sense is defined as a way of life.

The UNESCO terminology has been influenced by the anthropological concept of culture as ways of life. Hannele Koivunen and Leena Marsio (2007: 25) argue that this is one of the reasons why "UNESCO's definition is too loose to enable any actual rights or duties to be built upon it." For example, the definition of minorities does not include immigrants (Kymlicka 2005). The ways of life of immigrants are not necessarily protected by applying an international framework, as for instance, "no EU member state has ratified the UN International Convention on the Protection of the Rights of All Migrant Workers" (Koivunen and Marsio 2007:26). Consequently, how to properly define cultural rights is still a universal question. In this regard, Kymlicka (2005) suggests seeing cultural rights within a political sphere so that they include a "right to effective participation" which is more than the right to enjoy one's own culture but less than the right to internal self-determination.

Another issue is that cultural rights that focus on the right of a group of people could potentially conflict with human rights focusing on the individual. Though this

issue is still widely discussed, some scholars involved with human rights argue that human rights and cultural rights can be complementary. For instance, Koivunen and Marsio write "the ethical dimension of culture and cultural policy is in fact intrinsic to and integrated into the practical realization of the aforementioned rights.... [C]ultural rights can be used as a tool promoting and supporting cultural diversity" (2007: 20). However, they further caution that cultural rights "must also be limited to the extent that they do not infringe on others' rights" (Ibid.). Likewise, Amara Pongsapich (2010) suggests that the use of traditional custom as an excuse to force community members to conduct a ritual practice is wrong. It is suggested that this is one of the reasons why cultural rights have not been well adopted (Stamatopoulou 2008).

In fact, traditional practices which today are judged as violations of human rights might still be acceptable to the people belonging to that culture. For example, foot-binding, a Chinese traditional practice of wrapping girls' feet, dating back to the tenth century, was considered a "cruel practice" and legally prohibited in 1912 as a result of a campaign by Christian missionaries beginning in the 1860s (Appiah 2010). However, a number of Chinese women who have undergone foot-binding still believe they have made a right choice. Many of them willingly and secretly submitted to foot-binding after 1912. Although the traditional practice might contradict today's human rights, it is very sensitive to judge traditional practices from the viewpoint of different cultures.

Some scholars suggest the concept of rights in the East is different from that of the West. Amara Pongsapich (2010) suggests the East is usually seen as being less concerned with the violation of human rights because of traditional Buddhist and Hindu beliefs. These beliefs make people in the East accept injustice as part of what they need to experience in their current lives, and thus, they are willing to tolerate inequality and discrimination. Accordingly, Amartya Sen (1997) argues that the Eastern world pays less attention to political rights and civil rights compared to the Western world.

Nidhi Eoseewong (2005) believes that human rights in Thailand, before the country became a more centralized nation, were embedded in traditional mechanisms within the community. These community rights appeared in the kinship system, customs, and belief in ghosts. These are different from the emphasis on the individual's rights and its relationship with the state power in the Western context. Today community rights are defined in Article 66 of the 2007 Constitution of the Kingdom of Thailand:

> Persons so assembling as to be a community, local community or traditional community shall have the right to conserve or restore their customs, local traditional knowledge, arts or good culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources and environment including the biological diversity in a balanced sustainable manner. (Unofficial translation by the Bureau of Technical and International Cooperation, Secretariat General of the Administrative Court)

The Constitution clearly states the rights to conserve, restore (or rehabilitate), and participate. Although these terms cover some aspects of cultural rights, the Constitution does not fully adopt cultural rights as discussed in international documents, particularly the Fribourg Declaration. Court cases of eviction in recent years show that, although the community has the right to conserve, rehabilitate and participate in the use of their cultural resources, community members who are just tenants with no landownership do not have the right to take part in decision making. To this day, landlords have been winning court cases regarding eviction in old Bangkok. This raises the question of whether Thai society, including the general public and the government, pays much attention to community rights and cultural rights.

Issues regarding cultural rights in old Bangkok

Bangkok has always been the center of change and vanguard of social movements in Thai society (Askew and Logan 1994; Askew 1994). While old Bangkok provides historical evidence of the development of Bangkok, it is also socially and economically important for both contemporary Bangkok and the country. Given that old Bangkok is culturally diverse, it should be one of the first cases to be considered when discussing cultural rights in the Thai context.

To date, scholars working on cultural rights have usually paid attention to minorities in the rural context but given far less attention to communities in urban settings. The urban population of the world has been increasing and has already exceeded the rural population since the beginning of the twenty-first century. In a metropolis like Bangkok, many residents are immigrants from rural areas of Thailand and neighboring countries with different cultural backgrounds. Therefore, the metropolis has its own complex issues regarding cultural rights.

Old Bangkok is the center of different ethnic and religious groups of people, whose traditional cultures tend to be impacted by development policy (Akagawa and Tiamsoon 2008). Prior to the political revolution in 1932, major urban development projects including the construction of roads, shop houses, and infrastructure were initiated by the monarch. After the title deed law was enacted in 1908, some land plots were gradually transferred to common people and later developed by the new landlords. After the political revolution, a large part of the royal land in old Bangkok was controlled under a new institution called the Crown Property Bureau (CPB) and its holdings have changed very little since then. Both before and after the

creation of the CPB, local people were tenants without rights to be involved in the land development plan. This ownership system has played a key role in Thailand's capitalist economic system and urban development in the following decades.

To date, large areas of old Bangkok are owned by only a very few landlords who are influential in directing government policy. Old Bangkok is usually defined as the Rattanakosin area, which was built up prior to or during the reign of King Chulalongkorn (Rama V, r. 1868-1910) and was designated as a conservation zone and site for the bicentennial celebration of Bangkok in 1982 (see details in FAD 1982).

Based on the 1961 Monument Act, the criteria for listing were: 1) historical and archaeological value, 2) architectural value, and 3) age value of a building aged at least 100 years old (amended to 50 years in 1992). Therefore, buildings built prior to the reign of King Chulalongkorn were considered valuable. However, even if the age value was strictly applied, the conservation zone could have been larger. The currently designated area is predominantly occupied by monuments. Following a paradigm shift in heritage discourse, particularly in relation to cultural landscape and historic urban landscape, new elements valuable to the local people, and regardless of age, should now be considered important. The following sections discuss concerns regarding cultural rights in both the designated and non-designated areas of old Bangkok.

Issues regarding cultural rights in the designated area called Rattanakosin

In preparation for the bicentennial celebration of Bangkok, two committees were established: a committee on the conservation of historic, archaeological, artistic, and architectural structures (established 1976), and a committee on the conservation and restoration of monuments in Rattanakosin (established 1978). Subsequently, these two committees were merged as the Committee on the Rattanakosin Project, renamed in 1988 as the Committee on the Conservation and Development of Rattanakosin and Historic Towns (hereafter the Committee). The original function of this committee was to control the physical change in Rattanakosin. The conservation zone was divided into three areas: inner Rattanakosin, outer Rattanakosin, and Thonburi.

In 1981, the Committee set up land use policy for inner Rattanakosin which can be summarized in brief as follows: prohibit new industry; limit commercial land use; prohibit new residential building, repair structures built in the reign of King Chulalongkorn or before, if rebuilt the height must not exceed 16 meters; regulate the use of river banks and piers; regulate the use of roads and promote pedestrians; control signage; protect historical views; increase open space, particularly on the banks of the Chao Phraya River; encourage the safeguarding of historic buildings and traditional culture; and promote land use for cultural activities (FAD 1982: 670–671). Similar rules were also applied in outer Rattanakosin and Thonburi.

In 1982, the Committee announced a list of 133 valuable structures for

conservation, largely comprising temples, palaces, city walls, and public amenities. In 1997, the conservation idea was incorporated in two masterplans: the Masterplan for Conservation and Development of Rattanakosin, comprising 20 urban design projects, and the Masterplan and Action Plan for Conservation and Development of Thonburi, comprising 21 urban design projects.

Several projects focused on creating open space for the monuments and enhancing the landscaping of Rattanakosin with the aim of conserving what the Committee considered valuable (ONEP 2012). Under these projects, a number of residents would be evicted and many historic shop houses torn down (City Planning Unit, Bangkok Metropolitan Administration 2005). In reaction to this project, one community at Pom Mahakan started to express its concern, and gained support from some Thai and foreign academics such as Michael Herzfeld, professor in anthropology at Harvard University. In 2005, the case was submitted to the Advisory Group on Forced Evictions (AGFE) of the United Nations Human Settlements Programme (UN-HABITAT) as one of fifteen cases of forced eviction around the world (see AGFE 2005). In response to a letter of protest from the Centre on Housing Rights and Evictions (COHRE), an international non-governmental organization that works closely with various UN agencies, Apirak Kosayodhin, governor of Bangkok, sent a reply assuring there would be no eviction:

> I would like to inform you that Bangkok Metropolitan Administration always respects the housing rights of our residents.... Realizing that Mahakan Fort Community preservation should serve as an example for other ancient communities, the residents are not deemed [sic] to eviction. (Apirak Kosayodhin to COHRE, 19 December 2005)

The second report of AGFE presented an update:

> Pom Mahakan is a community of around 300 residents located next to Mahakan Fort, between the old city wall and the canal in central Bangkok, Thailand. In January 2003, the Bangkok Metropolitan Administration (BMA) served the residents with a notice to vacate their homes. Residents were offered relocation to a place 45 kilometres away, on the outskirts of Bangkok. *The proposed relocation was part of the Government sponsored Rattanakosin Island development plan, to make way for a manicured urban park.* (AGFE 2007: 18, emphasis added)

However, after Apirak Kosayodhin stepped down as Bangkok governor in 2008, the situation of Pom Mahakan became uncertain again. Most parts of old Bangkok are not an economically depressed area. The communities have lived and worked in the same location for generations and most of their businesses depend

on each other. Thus old Bangkok is not only their home but also their workplace and more importantly their cultural space. In other words, traditional commerce is the major characteristic of the local people's culture which forms the identity and unique nature of the place. Thus the eviction of local people to create romantic views of palaces and temples would be a dramatic change, with not only a physical and economic impact but also a cultural and social impact. Although the masterplan is yet to be implemented, it has never been revised.

The original purpose of the designation of Rattanakosin as a conservation zone was to recognize its significance for Thai society. However, as can be noted from the way the masterplan was designed, this intention gradually changed to an expectation for generating more revenues from tourism-related businesses. Today Bangkok welcomes at least 11 million foreign visitors a year, thus the Rattanakosin area is considered a prime resource for international tourism. Although the masterplan is yet to be implemented, major landlords with strong support from the government launched projects to redevelop parts of the area and threatened local people with eviction.

In 2009, the CPB in collaboration with Siam Commercial Bank, SJA+3D Architects, and Bangkok Metropolitan Administration published ideas for redevelopment of the waterfront of the Chao Phraya River. A book appeared entitled *Rattanakosin rim chaophraya* (Rattanakosin beside the Chao Phraya) with Dr Weeraphan Shinawatra as editor and M.R. Sukhumbhand Paribatra (Bangkok Governor), Dr Chirayu Issarangkul Na Ayudhya (director of the CPB), and Dr Sumet Jumsai Na Ayudhya as honorary advisers. However, local people who are supposed to be one of the most important stakeholders were missing from the scene.

The book proposes a redesign of the Chao Phraya riverfront of the Rattanakosin area to promote tourism. It proposes to build floating markets and raft houses, while some historic shop houses will be torn down keeping only their facades (see Figure 1). However, many studies show that a sustainable tourist destination, especially in an urban setting, must offer visitors an authentic experience of the way of life of local people rather than present the place like a theme park as proposed here (for example, MacCannell 1973; Hughes 1995).

Although the idea proposed in the book is unlikely to be implemented, this is not the sole example of such development projects supported by the government. For example, a project to redevelop Ratchadamnoen Avenue was adopted by the Cabinet in 2001, but sharply criticized as it would affect many local communities. The project aims to convert the area along Ratchadamnoen Avenue to be like the Champs Élysées in Paris, as a boulevard with luxury shops, cafés, and so on, using a budget of about 7 billion baht (Jakkamon 2003). The project recently started with renovation of buildings belonging to the CPB, while other parts of the project that will affect local people are still pending. Even though the area is owned by the CPB, the project was sponsored by the government. Moreover, as a study by Porphant

Figure 1. Redevelopment of Tha Tian Market (source: Weeraphan, 2009)

Ouyyanont (2008) shows, the CPB is likely to have special arrangements with the Ministry of Finance. Thus, although the proposed redevelopments in "Rattanakosin beside the Chao Phraya" take place on private land, the scheme could be adopted as a government project in the future.

Rattanakosin is increasingly being exploited by tourism-related businesses, particularly as a result of the development of Khaosan Road for backpackers after the bicentennial celebration of Bangkok in 1982. Today local residents gain little benefit from tourism development, as almost all investments are made by outsiders, but the social impact has become a major issue since most of the area used to be residential. For instance, the Chakkapong Mosque previously kept its gate open for residents around the mosque and any other visitors who wished to pay a visit. However since commercial activities catering to tourists now operate throughout the night, the mosque has to limit access for security reasons. This kind of social impact has not been addressed and local people who are affected have never been compensated.

One of the cases of eviction that had a major impact on the local community occurred in the Wang Burapha area. Soon after the political revolution in 1932, a palace built for HRH Prince Bhanurangsi Savangwongse (1859–1928) was sold to an investor who turned this land into a major entertainment complex comprising three movie theatres: Kings, Queens, and Grand. Shortly after that, Ming Mueang Market and Chalermkrung Theatre were built to celebrate the 150 years of the establishment of Bangkok. All these facilities made Wang Burapha one of the most attractive places for youth in the 1950s when it was the fashion for many adolescents

to dress like James Dean and Elvis Presley. Ming Mueang Market became a hub of tailor shops making this gear, and related businesses spread through nearby districts, such as textile trading at Phahurat, sewing machines at Worajak, and buttons and accessories at Sampheng. However, in 1959, the government closed down Ming Mueang Market, forcing the tailors out and affecting related businesses in other districts. The affected people had no say in this decision and eventually most of the tailors could no longer sustain their businesses and scattered elsewhere in Thailand. These events in Wang Burapha clearly exhibit the lack of public participation in the processes of development in old Bangkok. As for conservation work, a participatory approach can be seen only in recent years.

In 2010, a participatory approach was initiated in the renovation of historic shop houses belonging to the CPB on Na Phralan Road (see Figure 2). The area is located just opposite to the Grand Palace and thus has very high potential for tourism-related businesses. The tenants were asked to contribute to the matching fund for conservation work in exchange for the right to keep the tenancy contract and return after the renovation was completed. An acceptable new rental rate was negotiated between the owners and tenants.

"The Na Phralan Historic Shophouses Project" was awarded an Honorable Mention at the 2011 UNESCO Asia-Pacific Awards for Cultural Heritage Conservation and received considerable compliments from heritage professionals.

Figure 2. The Na Phralan Historic Shophouses Project (photo: the authors, 2012).

The success of this project led to the hope that such participatory conservation could be a model for other historic communities. However, the original tenants at Na Phralan soon discovered that they could not meet the new rental rate, which they had believed they could afford, and therefore had to move away from the area. The area is now largely occupied by new tenants and franchises targeting tourists. The project successfully restored the shop houses to a good physical condition, but the most important elements of the "place," such as the residents, shop keepers, and activities, changed as a result of the conservation work and the international recognition which encouraged a process of gentrification. The participatory model introduced by the CPB could be a useful model but since a community is a living entity, the act of "conservation" cannot be a one-off physical improvement. A participatory approach requires continuous dialog involving the stakeholders so that the conservation effort can be sustainable.

Issues regarding cultural rights in the non-designated area of old Bangkok

In addition to the designated conservation zone of Rattanakosin, there are other areas that should be considered as historically significant, even under the criteria set by the Committee in the 1980s. One is the area to the east and the north of Rattanakosin which was also developed during the reign of King Chulalongkorn. Many historic communities in this area form important historical layers of Bangkok.

Designation of the conservation zone of Rattanakosin has had positive and negative impacts. The positive impact has been that major historic buildings, particularly palaces and religious buildings, are well preserved. The negative impact has been that pressure for development has been diverted to non-designated parts of old Bangkok where there are many historic shop houses. Many countries undergoing development have made the mistake of destroying their historic urban fabric in pursuit of the immediate economic interests of the time. Fortunately, the non-designated areas of old Bangkok have not changed much largely because there are many listed religious buildings in the area ensuring that conservation controls have been applied more generally throughout the area. However, the historic shop houses, which are important elements of the heritage of common people, are not protected. The construction of a new subway (the Blue Line between Hua Lamphong and Bang Khae) will dramatically change old Bangkok. One area that will be highly affected is the Wat Mangkorn neighborhood of Chinatown where a new subway station is planned. This area is part of one of the oldest and biggest Chinatowns in the world.

The area called the Chinatown of Bangkok is located in Sampanthawong and Pomprab districts to the south of Rattanakosin. Its history goes back to the establishment of Bangkok as the new capital when the Chinese community living on the eastern bank of the river was ordered to move south to Sampeng (Nangnoi 1991). In the late nineteenth century, Charoenkrung Road was built through this area as the first road for automobiles in Siam. Judging from an old map surveyed in 1921 and

published in 1931 by the Royal Survey Department, the shop houses along the road were built late in King Chulalongkorn's reign or before 1910. These old shop houses are therefore historically and architecturally important and should be conserved by designating them as monuments or a conservation zone like Rattanakosin.

In 2007, Yongthanit Pimonsathean, assistant professor in urban planning at Thammasat University, identified heritage buildings on northern Charoenkrung Road. The study argued that the old shop houses near Wat Mangkorn station are significant at the local level because of their historical and architectural value, and thus merited conservation (Yongthanit 2007). Under current circumstances, however, these shop houses are evaluated as less important than national monuments, and could be replaced by new buildings if the local government decided to redevelop the area. There is a tendency for politicians to focus on an immediate economic benefit or have some conflict of interest regarding landownership and construction projects, and thus may well favor large-scale redevelopments. In areas with economic potential, they may vaunt the projected profits in order to legitimize the eviction of local people and the demolition of historic buildings.

In recent years, some plans to redevelop large land plots in parts of Chinatown including the Charoenchai community, Woeng Nakhon Kasem and Loenrit community, were halted because they were in conflict with the existing building codes and because of concerns over the local people's opposition. However, this situation might change as a result of the construction of the new subway line and the enactment of new urban planning protocols by the BMA. In the draft of the new Bangkok City Plan (2012–2016), areas within a radius of 500 meters from a subway station are encouraged to have more high-rise buildings for residential, condominium, commercial, hotel and office purposes. This guideline will be applied to the new stations located in old Bangkok and will unquestionably increase pressure to develop areas occupied by historic communities. If this plan is implemented, more than half of the Chinatown area will be irreversibly changed. In mid-2012, an area of about 2.3 hectares in Woeng Nakornkasem was sold to Charoen Siriwattanapakdi, the third richest person in Thailand according to the ranking by Forbes Magazine in 2010. At the time of writing, the prospect for Woeng Nakornkasem is still unclear.

One aim of bringing the subway line into this area is to facilitate and boost the flow of visitors. However, if the cultural identity of Chinatown, expressed through architecture, people, and commercial activities, is lost, the place will no longer be attractive for visitors and will not be sustainable. In sum, major landlords with strong support from the government have plans to develop parts of the non-designated area of old Bangkok as much as in the designated area. Recently, this concern has been taken up by the Siam Society and the network of cultural heritage conservation bodies, such as Thailand ICOMOS, the Association of Siamese Architects Under Royal Patronage, and some academic institutions.

Also in a non-designated area of old Bangkok, the government plans to build a

new parliament on the banks of the Chao Phraya River at Samsen Road, an old area developed since the reign of King Chulalongkorn. In 2009, the Secretariat of the House of Representatives judged Arsom Silp Institute of the Arts as winner of the 200 million baht prize in a competition to design the new parliament. The estimated construction cost is around 12 billion baht (400 million USD). Some communities and schools will be relocated, and the design is problematic (see Figure 3).

The Arsom Silp Institute of the Arts, which claims to be a non-profit, private institution of higher education, proposed a new parliament in a style based on the concept of the three worlds, *tri-bhumi* or *trailokya* in Sanskrit, *tiloka* in Pali. In Brahmanical philosophy, the three worlds are heaven, earth, and the lower regions. In early Buddhist texts, the meaning shifted to signify the world of desire, the world that has form, and the world without form (Theosophical University Press 1999). With little explanation on how exactly they employ this concept of *tri-bhumi*, the designers proposed to create what they call a *monthon saksit* (most commonly translated as "sacred place"). The building has wings for the house of representatives and the upper house. Between them, there is a museum, hall for royal ceremonies, and hall for *Phra Siam Thevathiraj* (a guardian deity of the kingdom). This latter element, the highest and most visually dominant part of the complex, is built in traditional Thai architectural style resembling a Buddhist temple. Some people say the parliament looks outdated but the more problematic issue is that the design lacks respect for other religions.

Although the majority of the Thai population is Buddhist, there is no legal obligation to use Buddhist architecture for institutional or government buildings. Many countries avoid using religious motifs in the design of state buildings as this could offend citizens of different religious communities. In Thailand, which is home to people of many different religions (including animism), applying a particular religious concept to a building housing the nation's legislature would seem, at the very least, to be insensitive, if not flying in the face of the cultural rights of some citizens. The proposal to place a symbol of one religion on top of the building may be considered offensive by some religious groups. One can imagine that members of religions other than Buddhism might well doubt whether they have rights equal to those of Buddhists as they walk through the hall of a legislative building topped by a Buddhist symbol.

In the judging criteria for the design competition, 40 percent weighting was given to the "identity" expressed in the exterior and interior design, without defining "identity". The designers seem to have interpreted this to mean that the design must have traditional Thai style found in Buddhist architecture. This also reflects an understanding among the majority of Thai people that Thailand is a Buddhist state. This image is probably shaped by the government through media and the work of government agencies such as the Department of Religious Affairs that focuses primarily on Buddhism. Given that Thai society is diverse and likely to become yet

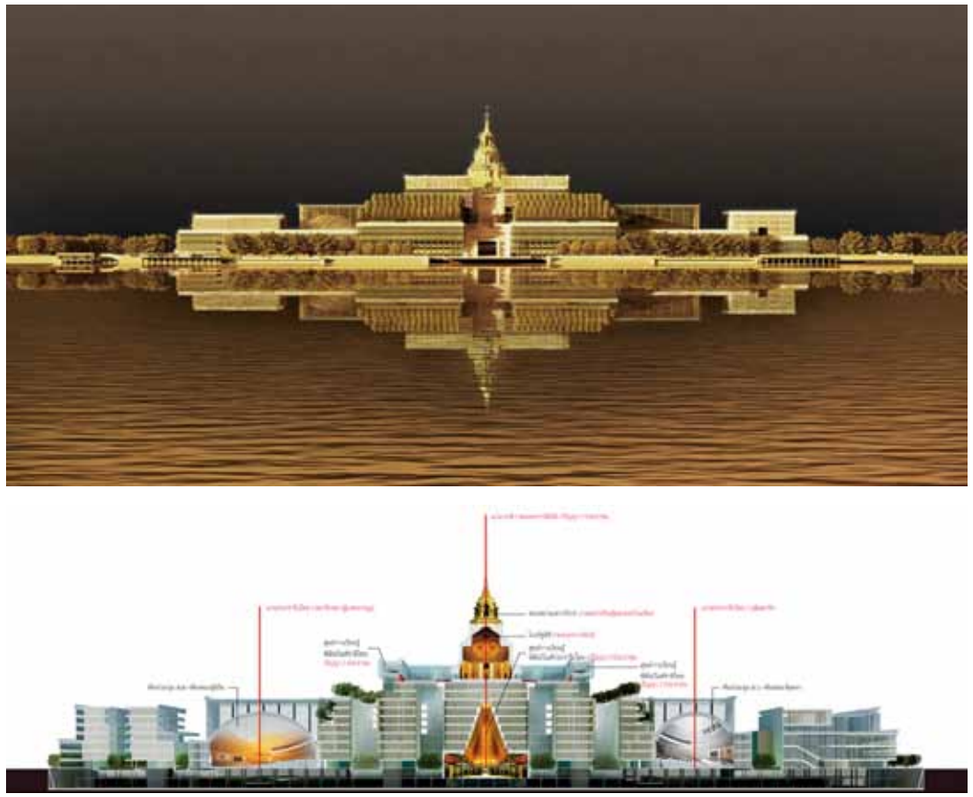

Figure 3. Drawings of the new parliament designed by the Arsom Silp Institute of the Arts (http://newthaiparliament.multiply.com/, accessed 2 March 2012).

more diverse, after the establishment of the ASEAN Economic Community, it may not be too late to rethink the handling of religious image.

Conclusion

Historic communities in the era of globalization need to adjust to keep up with the pace of change. Heritage conservation is just one of many ways to deal with change. Heritage conservation should not try to freeze objects at one point in the past, but can be part of development which builds on the culture of each place in order to strengthen the place's identity and to enhance a sense of belonging. The key issue in thinking about heritage is not the conflict between development and conservation, but the concern for the cultural rights of local communities. These cultural rights may include the right to express a local culture, to take part in development planning, and to be empowered to make decisions and have the right to self-determination rather than being simply subject to orders.

The policy and projects of urban development tend to be directed by the central government. As there is little scope for public participation, even projects planned with the best of intentions are likely to face public opposition and may not be implemented as effectively and sustainably as planned. Amara Pongsapich (2010) suggests that Thai people, as Buddhists, tend to accept and tolerate injustice in society. Moreover, they seem indifferent when it comes to issues that may not affect them directly. Increasingly, this attitude has led Thai society to become highly self-interested, and unwilling to consider the interests of marginal people. Government regularly justifies mega projects by reference to the "public benefit" with little thought about the local people who will be affected.

In the case of old Bangkok, the local culture is the way of life of a people who are deeply associated with traditional commercial activities and the history of development (see also Akagawa and Tiamsoon 2005a; 2005b). These economic and social activities represent the cultural roots of Bangkok and also of the nation. In areas that have been designated for conservation, the physical condition is well controlled but local communities are under pressure, especially because of tourism development supported by the government (Tiamsoon 2009). A top-down approach to making development policy prevents local communities from exercising the right to safeguard and express their diverse cultures. Non-designated areas face a similar situation but with even more development pressure due to the looser regulations. Most local people have no rights over land and hence are insecure over housing. As the value of these communities is not recognized, it is not difficult for the government to legitimize new development and eviction of local communities on the grounds of "public benefit." As a result, the possibility for the communities to exercise their cultural rights is relatively slim.

Given the relationship between government and investors, the interests of

certain communities are unlikely to be a priority, particularly in an urban context with many stakeholders and multiple layers of bureaucracy. Both the government and society need to accord more recognition to cultural rights and find ways to conserve the economically, socially, and culturally important characteristics of a community or district within the context of today's needs. Maintaining cultural diversity and acknowledging cultural heritage is an important aspect of any community or nation. A society must develop ways to safeguard the "right to effective participation" in order to build an inclusive society. In heritage projects, such as those discussed above, the necessity of local participation is central to their success.

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