

Conservation in Sarawak: The case of the Old Kuching Courthouse

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Abstract

The Old Kuching Courthouse (1874) was the second of ten buildings to be gazetted as a Historical Monument by the state government of Sarawak, (in Malaysia) since the legislation was introduced in 1971. Originally the Public Offices of the colonial Brooke government, it was taken over by Kuching's courts by the 1970s. In 2000, the courts were moved, and the government decided to conserve and adaptively reuse the Courthouse as a tourism-based facility. This project was completed in 2003, to commemorate the 40th anniversary of the formation of Malaysia. On the face of it, this was a model heritage project – not only was it completed on time, to the client's requirements, and following the best practice of the time as laid out by the Burra Charter, it also went on to win national and regional architecture and heritage awards. However, its successes mask the relative newness of contemporary heritage practice in the state, as well as a number of gaps and inadequacies in Sarawak's heritage legislation and administration. This relative unfamiliarity and legislative uncertainty, coupled with the political desires of the client body, created a tension that affected the process of conserving and adaptively reusing the courthouse. This paper explores the successes and failures of the approaches, tactics and strategies employed by the conservation architects in the process of the design, procurement and construction of the project; in the context of a developing conservation environment in Sarawak.

The Conservation of the Old Kuching Courthouse Complex project was initiated in 2000 by the state government of the Malaysian state of Sarawak, through the Ministry for Tourism and we, Arkitek JFN, were appointed as the architects. This project presented a number of huge challenges for us, and this paper outlines our experiences during the

research, design and implementation phases of the project, and outlines some of the project's outcomes. Firstly, while we were aware of the ideals of architectural conservation methods from our architectural training, and had been involved in large state projects previously, we had very little experience with heritage projects. Secondly, the project's scope and budget grew, but not its timeframe for completion. The project was originally initiated to address roof maintenance issues, but became a Malaysia Day showcase to commemorate forty years of progress and development since independence from European colonial control. The project was the brainchild of the then minister for tourism, Abang Johari, and the original budget was RM3m (about A\$1.2m). It was later enlarged (including RM15m or A\$6.4m of additional federal funding) to include the conservation and adaptive reuse of the whole complex, although the opening date of the project could not be extended. Thirdly, Sarawak's existing planning and building statutory applications and approvals processes did not have any special provisions for conservation and heritage projects. We were well experienced in negotiating complex statutory approval procedures for commercial and government projects, but were also aware that approaching an architectural conservation project similarly would compromise the result. This also meant that we had to try to develop and facilitate liaison processes between the heritage and the construction and development authorities, as no such formal procedures and connections previously existed. Fourthly, there was not an established pool of conservation consultants, builders and tradesmen in the state who were familiar with heritage construction in Sarawak, which complicated the implementation stage.



Figure 1. View of the front Old Kuching Courthouse after the completion of the conservation and adaptive reuse works, and conservation (Photograph copyright Arkitek JFN.)

Heritage Legislation and Architectural Conservation in Sarawak

This project was affected by the ambiguous and complex relationship between state and national heritage legislation, due to the conditions under which Malaysia was formed. The Federation of Malaysia was created in 1963 by a series of culturally, politically and demographically disparate entities, including newly independent Malaya and the British colonies of Sarawak, Sabah and Singapore. As a concession to being part of Malaysia, Sarawak and Sabah were given higher levels of local autonomy than found in the states of Malaya (now generally called 'West Malaysia'). The result is a legal system where not all federal laws apply to Sabah and Sarawak. Sarawak's laws also have different origins to those of West Malaysia, where they still display the legacy of the semi-independent government of the three Brooke 'White Rajahs' (1841-1941).¹ While the Brookes ceded Sarawak to the British in 1946, Sarawak's current laws, (called 'Ordinances,') still bear the character of the Brooke regime.²

The federal Heritage Act (2005) is one act that does not apply to Sarawak, where the Cultural Heritage Ordinance (1993) takes precedence. This ordinance was preceded by the Antiquities Ordinance (1954) to administer the state's diverse cultural heritage, especially important moveable antiquities. The main objectives of the earlier Ordinance was not about heritage buildings but to ensure that antiquities discovered during a very active period of archeological excavations, as well as valuable ethnological, natural history and other collections dating from the Brooke period, were not misappropriated and remained in Sarawak. In 1971 the first ten historical buildings (including the Courthouse,) were gazetted under the Antiquities Ordinance.³ A further historical site was listed in 1972, with another six more historical buildings and a further site in 1985. This short list was transferred to the new 1993 ordinance, and grew from there.⁴

Despite the growing list of gazetted buildings, there was a gap between policy and practice (in terms of administrative procedures to implement the Ordinance) when the Courthouse project began. The Ordinance provides for the director of the Sarawak Museum to propose buildings, sites and monuments to be listed to the state government, not that the Museum has a rigorous assessment criteria or a systematic approach to the listing process. The state parliament then needs to approve the list before it is gazetted. Under the ordinance, any proposed changes to gazetted buildings need to be approved by the Museum director but there is no administrative requirement to apply for approval to the Museum, the planning authority, nor the building approval authority. This lack of clarity has caused confusion and misapprehension amongst private heritage building owners fearful of the devaluation of their land values due to listing.⁵ As a result, listed

buildings are mostly state owned, or buildings under public trusts or organizations. When buildings are listed, there are no requirements for conservation management plans for the routine maintenance of those buildings, which have resulted in inappropriate and damaging maintenance and alterations. Under the present state system, all the government buildings, including those listed under the Ordinance, are maintained by the Technical Department of the Public Works Department of Sarawak (JKR Sarawak). Neither JKR, nor the Sarawak Museum, have expertise in the maintenance and conservation of historical buildings, and are unable to advise or specify appropriate approaches and methods. Although Museum approval should be given prior to any work being done on listed buildings, the common approach to conservation in Sarawak is not to apply for approval and not use conservation methods for maintenance and renovation. As a result, despite being gazetted, considerable damage has been inflicted over the years to listed buildings (including the Courthouse.) We were keen to use the project as a test case to formalise the development of implementation processes and their operation by the relevant authorities in state conservation projects. Our intention was also for this process to allow for the training of more conservation practitioners.

During the design stage of the Courthouse project, we needed to do a thorough existing conditions investigation, as well as a historical survey of the building, in addition to finding out as much as possible about modifications to the building to date. We approached the Sarawak Museum for their experience with this. Rather than developing an approach from first principles appropriate to the Sarawak context, the Museum had sought assistance from the National Museum of Malaysia (Muzium Negara, who assist in administering the federal Heritage Act). At that time Muzium Negara was using a modified form of the Historic American Building Survey (HABS) document to guide conservation policy in projects under their jurisdiction. We felt that this was not useful for us, as it focused on documentation processes and practices, rather than conservation approaches, and did not suit Sarawak conditions and resources. We found the Australian ICOMOS Charter for Places of Cultural Significance, 1999 (Burra Charter) was a better practical guide for our purposes, as it was not locked to a particular geography as the HABS seemed to be. The Burra Charter was also more about principles, which gave us more flexibility with conservation approaches and methods. We decided to use the Charter as a basic reference to prepare a comprehensive Conservation Report, containing as much critical information as possible to implement the project.⁶

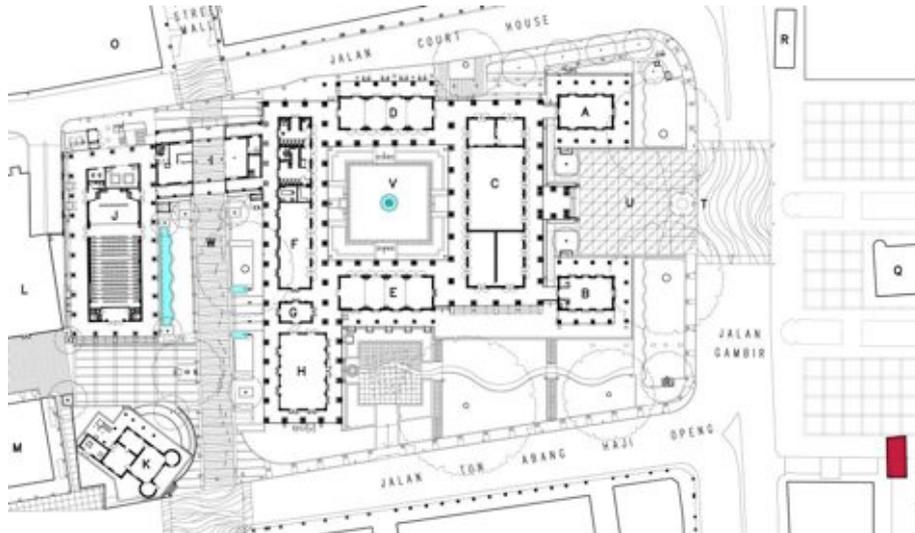


Figure 2. A 2004 plan of the Old Kuching Courthouse after the completion of the conservation and adaptive reuse works.
Key: A & B - The first extension (1883). C - The original wing (1874)
D & E - The second extension (1900). F, G & H - The third extension (1907) I - The 'Japanese' wing built during the Japanese Interregnum (about 1942) J - The fourth extension (1927). T - The Rajah's Memorial (1924).⁷ Plan prepared by Arkitek JFN.)

Our approach was to achieve 'continuity of use through adaptation, reversible alteration and maintenance, moving towards the ultimate goal of authentic restoration and preservation in future'.⁸ Five objectives drove the project design. Firstly, to restore the buildings as far back as possible to their original condition, but within the budgetary constraints and a tight schedule. 1945 was chosen as the date to aim for, as all of the major components of the complex had been established by this year (see Figure 2 above). Secondly, to fulfill our brief, which was to restore the buildings for tourism and convention use. Thirdly, to respond to the urban context of densely packed nineteenth century shop-houses, by creating green open spaces within and around the historical complex. We retained the tall, established trees, and introduced a variety of landscape features to maximise the recreational and aesthetic potential of the open spaces. Fourthly, to maintain accessibility through the complex. We wanted to extend this by improving a pedestrian link (previously established by a 1990s renovation of the 'Japanese building' built by the Japanese during World War Two,) and reinstate a visual axis between historical India and Carpenter Streets. The open spaces along this axis were reinforced by a layered, textured and coloured planting design. Finally, to encourage complementary development and conservation within Kuching's historical precinct.

Our Conservation Report formed the basis for recording the existing conditions, informing the design, and ultimately the development of the submission drawings and documents for statutory approval for the construction. We were left with little time for historical research as we were preoccupied in developing existing conditions measured drawings and surveys, in order to establish the scope of work, prepare technical drawings and specifications for tender. This was compounded by very few records or research about the buildings from the Brooke and British periods at that time. When we began the project, the only drawings available were produced by JKR, showing renovations undertaken in 1960s, 1970s and 1980s. These works introduced non-sympathetic and incompatible modifications to some of the fabric, for example laying concrete over existing timber floors, and spraying textured acrylic paint over existing walls. Fortunately for us, the Sarawak Museum found an unpublished research document that included measured drawings, prepared jointly by the Museum and students from the University of Technology, Malaysia in 1993.⁹ This included a compilation on the building's history, based on published sources and the Sarawak Archives. The basic measured drawings and studies included construction details which we used for our initial design before our own measured drawings were completed. This well researched report provided much needed information, which saved time in producing our proposal.

The Old Kuching Courthouse conservation and adaptive reuse project was the first major conservation work conducted using internationally acceptable conservation principles and practices in Sarawak. While we expected the other consultants involved to be inexperienced in, and even resistant to conservation projects, we did not have any control over their appointment. Unlike our appointment by the Tourism Ministry, they were appointed by JKR as it had become a construction project, and as our client had no experience in implementing construction projects. JKR then became the Client, and the Ministry became the End User. This arrangement created another layer of administrative procedures, where all consultants took instruction from JKR, despite the main briefing coming from the Ministry. While the other consultants were happy for their appointment to a government project and its generous fee structure, some of them were unsympathetic to the spirit of conservation and the aim of trying to preserve the existing fabric of the courthouse. We expended considerable effort in persuading the structural engineers to consider unconventional solutions to consider the preservation of the existing construction and structural materials, despite their non-conformance with some overly conservative codes.

Architectural Conservation and Statutory Approvals for Construction Projects in Sarawak.

Another challenge was to address the lack of coordination processes between the various ordinances and government departments that had jurisdiction over the project. While the ordinances themselves are only nominally linked to each other, an informal procedure has developed by built environment consultants to negotiate the approvals needed for building projects. Despite needing specialised procedures, conservation projects in Sarawak have not been considered differently, and are seen as ordinary building projects that need approvals for town planning, building, fire prevention and safety, and so on. However, it is likely that following normal processes would have ended badly, resulting in either an administrative quagmire that would delay completion, or the rebuilding of the courthouse in all new materials so it conformed to the building regulations. Unlike more established conservation environments elsewhere (such as in Singapore and in Australia) where the state facilitates and provides statutory dispensations for planning and building approvals on conservation building projects, such facilities and process did not exist in Sarawak.

We also had to devise an approach to facilitate the fast tracking of these processes by producing a report that contained all the information required, which was simultaneously submitted to various relevant authorities and agencies for their approval. As it contained all the information that all agencies required, it cut short the process. When official approval was not able to be granted for procedural reasons, the authorities and agencies were willing to give conditional approval or allow us to proceed while waiting for formal approval. Our first step involved the Museum. They normally cooperate to review the submissions of renovations to historical buildings, but are usually left out of the process by councils, as their core function is not related to construction. However, we were mindful that non-inclusion of the Museum by the council would be politically detrimental to the process. We circumvented this potential problem by submitting our report to the Museum directly for their blessing, which then accompanied our council submission for building approval.

Under the Building Ordinance, all building projects are also required to get planning approval from the State Planning Authority (SPA) through the Headquarters and Divisional Offices of the Land and Survey Department who have previously vetted the applications. The SPA controls planning matters related to variation of title conditions, land and building use, set-backs, form and appearance, and was inexperienced in dealing with conservation projects. While the planning rules are clear, the approval

process is very hierarchical, where at every level, almost all decisions are referred to a higher level, regardless of the simplicity of the application. This is usually a daunting administrative environment, and it was obvious to us that the project could only be advanced by circumventing the normal procedures. We presented the design proposal directly to the top of the administrative hierarchy, Sarawak's Chief Minister, in a private meeting arranged by the Minister of Tourism. The Chief Minister was supportive of the proposal, with a few conditions, mainly that the structure should be sound and properly restored. His other conditions were minor, touching on his landscaping and paving preferences (Figures 3 & 4). The design was then accordingly revised and submitted directly to the SPA committee on the Chief Minister's instruction, who also happened to chair that committee. This direct access to the SPA's committee chair bypassed the need to apply to both Divisional and Headquarters of the Land and Survey Department.

When our planning application was approved, we began the process of submitting for building approval to the local council. This process revealed a contradictory and paradoxical administrative situation of questionable legal standing and authority, which we had to negotiate. The site lay within a 'Historical Precinct,' administered not by the planning authorities or by the council but by the Land Custodian and Development Authority (LCDA). They had prepared the 'Policy Plan and Concept Plan Kuching City 2000', which included some conservation guidelines.¹⁰ Although the guidelines had not been approved as legislation, the LCDA was implementing it with the collaboration of the council. Their intention was to take responsibility for approving building work within the Historical Precinct. The guidelines added an additional step to the building approval process, which required the council to refer the application for building approval to the LCDA, who were supposed to review the submission and give a 'consent to develop,' after which the council could continue the process of approving the building works.

Despite only being unlegislated guidelines, the council moved to compel their requirement as law, including imposing steep daily fines on construction work that commenced without the approval of the LCDA. While the original aim was to take responsibility for the conservation of historical buildings within the Precinct, a procedure was never formalised, and it transpired that neither LCDA nor the council wanted to be accountable for approving conservation projects when we made our application. This system had also been allowed to lapse following a series of management and technical staff movements in LCDA, which opened the possibility for this step to be ignored. Ironically, the LCDA had retreated to the position that the guidelines were just that, an optional guide, rather than a legal requirement, despite operating to the contrary

previously. The council, on the other hand, insisted that they are only empowered to enforce the Building Ordinance, which regulates building issues only. While this might have meant that LCDA approval could be sidestepped, the danger was that the 'guidelines' could be re-enforced at any time, possibly adding delays that we could not afford. Our approach was to conform strictly to the LCDA's guidelines and to approach them directly to seek their written approval, which they gave to us. Armed with that, we delivered the letter of conformity with the guidelines to the council to allow them to continue the approval of the building plans.



Figure 3. View of the Old Kuching Courthouse from Jalan Tun Openg after the completion of the conservation and adaptive reuse works. (Photograph: copyright Arkitek JFN.)

Our next hurdle was the Protection and Prevention Department of the federal Fire Brigade (BOMBA,) whose approval is required by the council. Their issue lay with the timber floor and roof structure of the building, which were not fire rated. While council enforces nearly all of the Building Ordinance regulations, fire protection and prevention are regulated by BOMBA, a federal authority, due to the lack of a local one. This arrangement becomes an administrative vicious circle, as the Building Ordinance relies on BOMBA's approval, while at the same time not recognising BOMBA's enabling federal legislation, the national Uniform Building Bye-Laws (1984) as it is overridden by Sarawak's Building Ordinance.¹¹ Unlike more established conservation jurisdictions, such as the City of Melbourne in Australia, there was no special dispensation mechanism for conservation and heritage projects to allow the non-conforming historical *belian* timber structure to be retained for the Courthouse's class of building.¹² On the other hand, changing the structure of the Courthouse went against all our conservation principles. In the end, this absurdly impossible situation was resolved by negotiation and compromise,

where we convinced BOMBA that *belian*, which is not found in West Malaysia, in the sizes in which it was employed in the Courthouse, was able to withstand collapse in a fire for one hour.



Figure 4. A view of the courtyard of the Old Kuching Courthouse after the completion of the conservation and adaptive reuse works. These landscape works, while not strictly in accordance with the 1945 landscape, are separate from the building conservation works. (Photo by John Ting)

The Implementation Process

Our approach above was to minimise the time needed for statutory applications to achieve one of the main political objectives of this project, to have it completed in time for the opening ceremony, which coincided with the 40th anniversary of the formation of Malaysia (24th July 2003.) Both federal and state government agencies were also anxious that the project was completed to schedule. However, there was always the potential for interference from the political rivals or superiors of the commissioning minister, which we had to carefully manage to avoid delays. In order to avoid attracting comments and unnecessary requests for design changes from regularly visiting officials and politicians, (possibly affecting the timeframe and authenticity of the conservation), we prepared elaborate briefings for such visits. We strategically invited comments about the landscape design to distract their attention from the actual conservation work on the building, as planting and paving is easily changed. Controlled, but not necessarily sympathetic landscape design changes were made to accommodate the opinions and personal preferences of important political figures, with minimum impact on the tight construction schedule of the Courthouse (Figure 4).

Our first step during the implementation process was to find an able builder to construct the project. Because this project was mostly funded by the Federal government, and formulated as a 'conservation project', we were required to use a builder that was federally accredited to take on conservation projects. The problem was that there were no builders in Sarawak, (and very few nationally), that had this accreditation. In addition, the scope of this project was too small for these large accredited builders. To overcome this, we reformulated the project as the 'upgrading of an existing building' rather than a 'conservation project,' which allowed us to widen our search to include smaller, local builders. We were lucky that the builder, Polybuilding Construction Company, selected through an open public tender process, had experience in renovating adjacent nineteenth century historical brick shop-houses. However, while we had become familiar with the conservation construction methods required, the builder had difficulties in sourcing specialist all the sub-contractors and tradesmen. We had to constantly brief the builder's site team to assist them to brief and supervise some of the tradesmen more effectively on site. It was an effort to change the mindset of younger tradesmen for conservation work while at the same time trying to learn traditional construction techniques from the older ones, especially *belian* carpentry work, traditionally used throughout the Courthouse buildings. It was a steep learning curve for both the consultant and construction teams.

Actual construction started on 15th July 2002 and stage one was handed over on time, twelve months later. The process started by demolition of unsympathetic and incompatible additions and alterations to the existing historical fabric back to 1945. While we applied what we knew to be the best practices for architecture conservation, and took meticulous care in returning the fabric to its known earlier state, we also consciously designed new elements so that they were easily distinguishable from the original fabric. This included new functions, services and lighting, which contrasted with the conservation works. This non-purist approach in conservation makes it easier to identify the new works from the old, in order to avoid confusion and to better facilitate an appreciation of the spirit of the place. While there were some new functions within the conserved fabric, such as public toilets, most of the reversible additions were external works and landscape features. Along this vein, a steel and glass canopy was added leading pedestrians from the main mall to the courtyard.

During the demolition phase, which also served as the main investigation stage for previously buried elements such as footings, we discovered a variety of footing types that partly represented the different stages in which the complex was built. Block C had strip limestone footings with sun dried clay brick stumps, whereas most of the other buildings

had *bakau* timber piles, a Borneo timber species that does not degrade when buried as piles. Block J had a reinforced concrete strip footing. Column footings, stumps, and load bearing walls were underpinned with micro-piles to prevent possible further settlement. New stumps were added to reduce the span of the existing bearers where necessary. All of the floor structure had *belian* bearers and joists, except for Block J, which had precast concrete planks, and a marble tile floor finish. The vast majority of the *belian* floor bearers were in good condition and were retained. In modern terms, some of the floors might have been considered to have too much vertical movement with the additional live loads anticipated, so additional *belian* floor joists were added. As the original floorboards and decking had been replaced or damaged beyond repair, the floors were restored with new *belian* ones.



Figure 5, View of the courtyard of the Old Kuching Courthouse after the completion of the conservation and adaptive reuse works (Photograph by John Ting.)

The walls and columns were mostly load bearing sun-dried clay bricks with a rendered finish, except Blocks H and J, which had reinforced concrete frames in-filled with rendered handmade brickwork. Over the years, many of these rendered walls and columns had received inappropriate non-permeable coatings, which did not allow the brickwork and render to breathe. In addition, no damp proof courses were available when the buildings were originally constructed, and some of the brickwork was suffering from rising damp and salt efflorescence. To address these issues, existing columns and walls were stripped back to the bricks, chemical damp proof courses were applied to stop rising damp, and we came across and employed a desalination process call 'cocooning'.¹³ The treated brickwork was then rendered with sand lime plaster to match the original rendering mixture. A lime wash, similar to the original finish, was applied to allow the

bricks to breathe and release moisture. The process results in some patchy areas of render, and a more permanent finishing coat was to be applied once the bricks are in a stable state. Most of the original roof structure had been removed during a major renovation in the late 1980's, but some of the original *belian* rafters and cast iron trusses remained. We retained these, and replaced newer rafters with new *belian* roof structure, to match the original details and sizes. A new *belian* shingle roof was installed over metal trays that were battened off the rafters, a modern compromise to make the roof more watertight, while still using timber shingles. Our design included temporary gutters and rain collection jars to prevent staining of the pavement from the unseasoned *belian's* red sap. Finally, new *belian* strip ceilings (Figure 5) replaced asbestos cement sheet soffits. With records of original door designs made during the demolition phase, replicas of original *belian* panel doors, including ironmongery, were assembled in their original positions. The old doors and windows with small glass panes were restored and reinstated wherever possible. Painted ceiling panels and mild steel grilles introduced in the 1950s renovation to the main court chamber were carefully taken down and given to the Sarawak Museum.

Despite the potential for delays and disaster, and our relative inexperience in conservation, we managed to complete the project on time and on budget. The complex has been successful in fulfilling its new tourist, public and urban functions, and has won awards at local, national and regional international levels, confirming to us that the project at least managed to fulfill the heritage and conservation criteria of independent bodies. Those awards included the Award of Excellence as part of *Badan Warisan Malaysia's* (Malaysian National Trust's) National Heritage Awards in 2004. At the awards ceremony, *Badan Warisan* encouraged us to set up a heritage society, as they saw the Courthouse project as a convenient platform for public education, in order to further raise public awareness of conservation issues in Sarawak. We used the project's multiple awards considerable media attention, in Sarawak and more widely in Malaysia, to develop conservation awareness. The Sarawak Heritage Society was established soon after that in 2006, and has since developed to become an active platform for voicing concerns over threats to cultural heritage in Sarawak.

Lessons Learnt and Broader Implications of the Project and Outcomes

The Courthouse, as a conservation project, has been an important learning experience for us. On reviewing our efforts with this project, there are many undertakings and processes we implemented which we would not repeat. Despite the success of the

project, in terms of winning awards and gaining recognition for conservation in Sarawak, we recognise that we made mistakes. Additionally, significant advancements in information technology over the past decade has made access to detailed conservation research and information easier. Since that time, more research has been done on the courthouse complex, in parallel and in conjunction with us, which has revealed even more about the history of the building.¹⁴ The availability of this sort of research when we began this project, or additional time to allow this research to be done before the construction stage, would have informed how we approached things. Formally relating the processes we followed is a start in completing a major critical review what happened. Such documentation would comprise an accurate record to serve as a reference for future projects. By documenting our activities accurately, and in detail, it is possible that, as funding opportunities become available, we will be able to rectify our mistakes. After all, conservation is a continuing process to do as little and as much as necessary to continue the life of heritage buildings. We understand that over time, the Old Courthouse complex may be adapted for other uses. With this in mind, the 2001-2003 renovation process has been documented and lodged in the Sarawak Archives for future public reference.

Since the completion of the project, we have been involved in the establishment of the Sarawak Heritage Society, and much has happened with relation to conservation in Sarawak. The Society has adopted a role in advising the state government on heritage policy, and Arkitek JFN has been commissioned to undertake other heritage projects in the state. We recently completed the conservation of the Square Tower in Kuching, a nineteenth century rendered brick fort across the road from the Courthouse. We are also involved in two additional conservation projects – Fort Margherita, another rendered brick fort across the river from the Courthouse in Kuching, and Fort Alice, a nineteenth century timber fort in Sri Aman. We have as yet been unable to extend the government's commitment to conservation to include a Conservation Management Plan for either the Courthouse or the Square Tower, despite this being a requirement of the Museum. This has meant that aspects of the Courthouse conservation that need to be followed up, such as the removal of the temporary gutters and the more permanent coatings on the conditioned masonry, have yet to be done. In addition, the new restaurant tenants at the Courthouse have not had a Conservation Management Plan to guide their alterations to the building.

In terms of the effect of conservation projects on statutory approvals, the major achievement to date has been the undertaking by the state government to set up a Heritage Unit to undertake the management of heritage conservation of the built

environment in Sarawak, under the terms of the Sarawak Cultural Heritage Ordinance, 1993. We hope that the unit will take on the role of facilitating and coordinating the circuitous and often tortuous statutory approvals process in a way that includes all stakeholders. What is needed is a recognition of the special needs of conservation projects and how they contrast from non-conservation construction projects, a process to allow certain non-conforming heritage construction practices to be assessed and used (perhaps through a dispensation system), and a clear legal hierarchy of stakeholders, which resolves the paradoxes and contradictions of the approvals process. What is also needed is to grow the group of conservation consultants and builders who are aware of what is required and able to execute the work in the spirit of heritage conservation. While the path that we took resulted in a fair result, it was one that put too much responsibility on the architect to 'do the right thing', and one that exposed the project to gross negligence or unethical practices.

In conclusion, the conservation of the Old Kuching Courthouse has become a catalyst to help focus the Sarawak Government and the community more broadly on heritage and conservation issues relating to Sarawak's unique built environment. The project required the development and enhancement of conservation skills, practices and policies. Our progressive development of conservation techniques and systems for the restoration of old buildings in a difficult tropical environment through four restoration projects has provided an important skills base among specialist tradesman and contractors provides a sound basis from which to advance heritage conservation. With ongoing political commitment from the Chief Minister and other senior Government figures, and enhanced public awareness of the cultural significance and tourism opportunities of heritage, there is a very real chance that more of Sarawak's heritage can be preserved in the future.

Notes

¹ For example, see John Walker, *Power and Prowess: The Origins of Brooke Kingship in Sarawak* (Honolulu: University of Hawaii Press, 2002); Bob Reece, *The Name of Brooke: The End of White Rajah Rule in Sarawak* (Kuala Lumpur; New York: Oxford University Press, 1993), and Robert Pringle, *Rajahs and Rebels: The Ibans of Sarawak under Brooke Rule, 1841-1941* (Ithaca, N.Y.: Cornell University Press, 1970).

² As outlined in Vernon Porritt, *British Colonial Rule in Sarawak, 1946-1963* (Kuala Lumpur; New York: Oxford University Press, 1997).

³ For the original list of historical buildings, sites and monuments please see Lucas Chin, *Cultural Heritage of Sarawak* (Kuching, Sarawak: Sarawak Museum, 1980), 89.

⁴ Since 2007, thirteen more historical buildings, one monument and five sites have approved by the State Cabinet for inclusion in the list, and await gazettal. An additional ten buildings, eight monuments and three sites have been recently proposed to be listed, but have yet to be approved.

⁵ Listing is seen as a perceived limitation on the potential of the property, and has seen the demolition of some significant privately owned heritage structures.

⁶ Arkitek JFN Sdn Bhd, *Conservation of Kuching Old Court House Complex for Adaptive Re-use as the Sarawak Tourism Complex* (Kuching, Malaysia: unpublished report, 2002).

⁷ The sequence of construction was recently established by John Ting – see *Courts in Kuching: The development of settlement patterns and institutional architecture in colonial Sarawak, 1847 – 1927*, in this volume.

⁸ Arkitek JFN, *Conservation of Kuching Old Court House*, 3.

⁹ Architecture Department, UTM and the Sarawak Museum, *Bangunan Court House Main Bazaar Kuching Sarawak, Kajian Bersama Lukisan Terukur Oleh Jabatan Senibina Universiti Teknologi Malaysia dan Muzium Sarawak* (Kuching, Malaysia: unpublished report, 1993)

¹⁰ Planning and Development Section, Land Custody and Development Authority, *A Policy Plan and Concept Plan for Kuching City 2000, with Special Reference to Modernisation and Character Conservation, A draft report for Discussion* (Kuching, Malaysia: unpublished report, 1989). These guidelines were properly developed by a professional team, using the Singapore model of 1980s and 1990s conservation of its Quay areas.

¹¹ *Buildings Ordinance 1994. The Sarawak Government Gazette Part 1 (Main Series), Vol. II (N S) 30th June, 1994 no. 2* (Kuching, Malaysia: Percetakan Nasional Malaysia, 1994) and MDC Legal Advisers (compilers), *Uniform building by-laws 1984, including all amendments up to September, 2000 (Act 133)* (Kuala Lumpur, Malaysia: MDC Publishers Printers, 2000).

¹² *Belian* also known as 'ironwood,' is a termite and water resistant, dense, hard timber species only found on the island of Borneo, and has been used as a construction timber since pre-colonial times.

¹³ This involves involved multiple applications of paper mesh material soaked in pure water and attached to the brick work to extract the salts.

¹⁴ For example, John Ting, 'The Kuching Courthouse Architecturally Considered' in *Limits: Proceedings of the 21st annual conference of Society of Architectural Historians Australia and New Zealand*, Helene Frichot and Harriet Edquist (eds), (Melbourne: SAHANZ, 2004), 473 – 78. See also other papers on the Old Kuching Courthouse in these conference proceedings.