

# ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES  
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES  
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS  
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

Our Ref. GB/AS/1588-Add.Inf\_1

Charenton-le-Pont, 1 October 2018

H. E. Mr Kyaw Zeya  
Permanent Delegation of the Republic of the Union  
of Myanmar to UNESCO  
Ambassade de la République de  
l'Union du Myanmar  
60, rue de Courcelles  
75008 Paris

World Heritage List 2019  
**Bagan (Myanmar)**

Dear Sir,

ICOMOS is currently assessing the nomination of 'Bagan' to the World Heritage List, and an ICOMOS evaluation mission visited the property to consider matters related to protection, management, conservation and interpretation. ICOMOS is very grateful for the time, expertise and support given to the evaluation mission by the State Party, local experts and other involved in the nomination process.

In order to help with our overall nomination process, we would be grateful to receive further information to clarify several points and to augment the material that has already been submitted in the nomination dossier.

We would be grateful if the State Party could consider the following points and kindly provide additional information on these matters:

## **Development Projects**

ICOMOS acknowledges receipt of the letter dated 21 June 2018 which lists seven development projects in and around Bagan.

ICOMOS would be pleased if the State Party could provide further information about these projects. For each of them:

Could the State Party please clearly indicate whether the proposal is located inside the property, buffer zone (or both), and provide a brief summary of the scope and nature of the project.

Could the State Party please provide an update concerning the review of these projects by the BAGANCOM, and their current status?

Could the State Party also please indicate whether these projects have been subject to the 'interim HIA' process described in the nomination dossier?

## **Management System components**

ICOMOS would be pleased to receive further clarification as regards to the management system in order to better to understand the timeframes in which certain elements are expected to be finalized. These include: the 'Archaeological Risk Map', the 'One Map', 'Disaster Risk Strategy', 'Heritage Impact Assessment'.

### **Ungraded Monuments**

The nomination dossier outlines the ways in which the Guidelines apply to the conservation of monuments at Bagan. This appears to rely on the grading of the monuments, yet many of them are 'ungraded'. It would be helpful if further clarification could be provided that explains how the Guidelines work in relation to ungraded monuments. Is there a timeframe for achieving a comprehensive grading for all of Bagan's monuments?

The nomination dossier indicates on p. 246 that an amendment to the Protection and Preservation of Cultural Heritage Regions Law 1998 is foreshadowed. ICOMOS would be pleased if the State Party could provide additional information on the purpose and timeframe for this process.

### **Community Involvement/Private Owners**

The nominated property traverses a large area, involving a number of townships, communities and ongoing cultural and religious practices

ICOMOS would appreciate if further information could be provided on the awareness of associated communities (including sangha) about the World Heritage nomination. To what extent will local communities be directly involved in the management system? How will the management system assist private owners to contribute to the overall conservation of the nominated property?

ICOMOS appreciates that the timeframe for providing this additional information is short. Brief responses are required at this stage, and can be discussed further with the State Party if needed during the ICOMOS World Heritage Panel process.

We look forward to your responses to these points, which will be of great help in our evaluation process.

We would be grateful if you could provide **ICOMOS** and the **UNESCO World Heritage Centre** with the above information by **Friday 2 November 2018 at the latest**.

Please note that the State Party shall submit two copies of the additional information to the UNESCO World Heritage Centre so that it can be formally registered as part of the nomination.

We thank you in advance for your kind cooperation.

Yours faithfully,



Gwenaëlle Bourdin  
Director  
ICOMOS Evaluation Unit

Copy to            Department of Archaeology and National Museum, Ministry of Religious Affairs and Culture  
                         Department of Archaeology and National Museum, Bagan Branch  
                         UNESCO World Heritage Centre

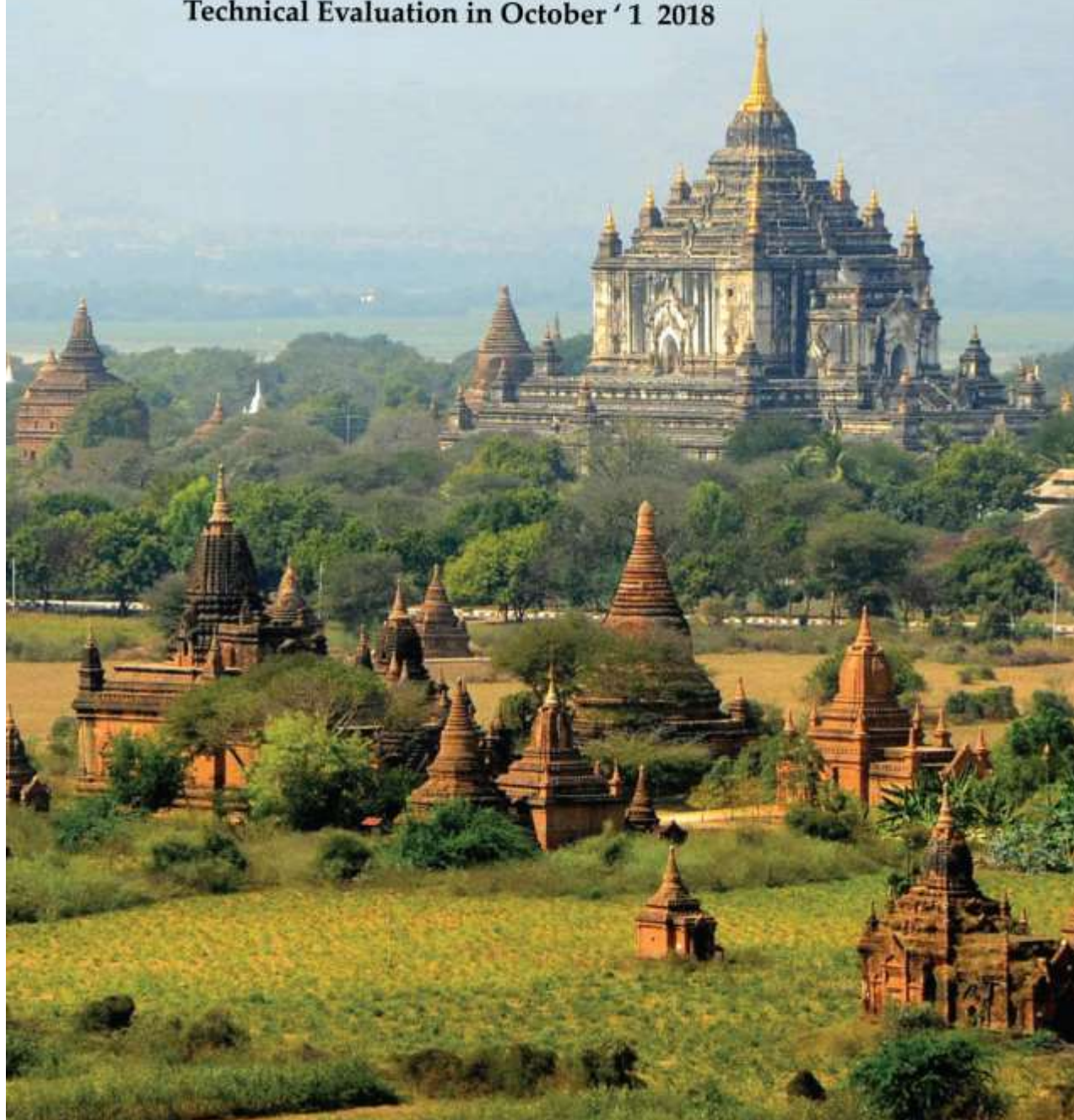


The Republic of The Union of Myanmar

Nomination Dossier for  
Inscription on the World Heritage List

**BAGAN**

Report of Bagan: Additional Information of ICOMOS  
Technical Evaluation in October ' 1 2018



**Report of Bagan : Additional Information of ICOMOS Technical Evaluation in October'1 2018.**

*(In compliance with Paragraph 148 of the Operational Guidelines)*

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**Report of Bagan : Additional Information of ICOMOS Technical Evaluation in October'1 2018.**

*(In compliance with Paragraph 148 of the Operational Guidelines)*

**Part. I****1. Name of Proposed World Heritage List : Bagan (2019)**

**State Party:** *Myanmar*

**2. Executive Summary**

Concerned with ICOMOS technical evaluation processes in nomination dossier of Bagan, ICOMOS requested the State Party to clarify for further information and additional information which are supporting to nomination process.

Now, State Party has been implemented with development to sector-specific strategies to complement the IMS of Bagan. State Party, utilizing international technical assistance with respective partner and local institutions, has responded to these requests as follows: Development Project which has been conducted with development guideline and interim HIA procedure; within the timeframe and respective experts and institutions, there must be conducted with Management System Components. Within the respective guidelines and instructions, all of monuments will be taken care with DANM which is responsible institutions. Legal Issues is a vital role for management in Bagan Cultural Heritage Site. Within the timeframe, there must be enacted. In management system, there has already mentioned and taken part for participating of Community. Concerned with the private owner, it is vital role for safeguarding the heritage site.

### **3. Additional Information in Technical Evaluation at Bagan**

With the reference of addressing the letter from ICOMOS to the State Party of Myanmar on 1<sup>st</sup> October 2018, there can be clarified the following additional information which are the great help for ICOMOS evaluation process in World Heritage List for Bagan (2019). These are categorized as follow:-

- (i) Development Projects
- (ii) Management System Components
- (iii) Ungraded Monuments
- (iv) Legal Issue: Condition of an amendment in the Protection and Preservation of Cultural Heritage Regions Law, 1998
- (v) Community Involvement
- (vi) Private Owners

### 3.1 Development Projects

In June' 21<sup>st</sup> 2018, State Party of Myanmar reported to ICOMOS about the development projects in and around the Bagan which will be implemented with Union Government and Mandalay Regional Government with regular budget years of October' 2018 to September' 2019. With the reference letter from ICOMOS on 01-October-2018, ICOMOS asked to State Party that- *"ICOMOS acknowledges receipt of the letter dated 21 June 2018 which lists seven development projects in and around Bagan. ICOMOS would be pleased if the State Party could provide further information about these projects. For each of them: Could the State Party please clearly indicate whether the proposal is located inside the property, buffer zone (or both), and provide a brief summary of the scope and nature of the project. Could the State Party please provide an update concerning the review of these by the BAGANCOM, and their current status? Could the State Party also please indicate whether these projects have been subject to the "interim HIA" process described in the nomination dossier?"*

Concerned with above mention about the query of ICOMOS technical evaluation, there have been replied with Table.1 and Table.2 are as follow:-

No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
1	Project of Eco-Airport of Bagan-Nyaung-Oo			•	<p>It is a national project and a proposed project for upgrading of infrastructure and facilitated utilities at airport. It is a joint-project of Government of Myanmar and Government of Japan with Developer. It is mainly concerned with "Security measure and facilitated for aircraft and visitors".</p> <p>The project will be held in three phases.</p> <p>-In Phase I., there will be intended to focus on reconstruction in Taxiing Way, Terminal, Standing Parking (Apron) and Tower.</p> <p>-In Phase II., there will be intended to "Extension the Terminal"</p> <p>-In Phase III., there will be intended to " Extension the Terminal"</p> <p>-In fact, above mentioned information and data are mainly discussed with Manager of Bagan-Nyaung-Oo Airport. There has not been received the proper project proposal, design stage, work flow and respective</p>	Project under development for consideration, but not decision yet	<p>1. December' 2017_Myanmar Koei International Ltd in (EIA Report) (In English) 2.07-02-2018_ DANM_ Preliminary HIA (In Myanmar) 3. 26-08-2018_ Collaboration Team_ Preliminary HIA, EIA &amp; SIA (In Myanmar)</p>	<p>1. First BaganCom Meeting_ Permanent Secretary explained about nature and condition of project which is fully supported with Japan Government Grant.</p> <p>2. Second BaganCom Meeting_ DDG of DCA explained that the fund of project is changing into ODA Loan from Japan Government.</p>



<b>Table 1. Description of Developing Project (With ICOMOS recommendation)</b>								
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
					phases in detail. As result of discussing in BAGANCOM meeting, the project fund is changing from Government Grant Aid to ODA Loan.			
2	Project of Water Distribution and Storage: Tank for rainwater storage in Nyaung-Oo		•		It is a national project. It is a proposal project for services infrastructure in utilization. It is a joint-project of Government to Government supported by Government of India. It is proposed to construct the rain water storage tank in Nyaung-Oo township area. It is mainly focus on utilization of local community in respective area which is located in dry zone.  In fact, there has not been received the proper project proposal, design stage, work flow and respective phases in detail.	Project under development for consideration, but not decision yet	No HIA conducted	
3	Project of Water Distribution and Storage: Water Pump	<b>Component -1</b>			It is a national project. It is a service infrastructure for local community. The project has already been implemented. It is intended to distribute of water from Irrawaddy	Already implemented and has been operating since 2017 (ICOMOS	Conducted	1. Decided in Regional BAGANCOM (Mandalay) 2. To be submitted in

No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
	Station at Taungbi Village				River to Taungbi Village where is located in component-1, one of proposed nominated area of World Heritage List for Bagan.	expert has been inspected)		Third BAGANCOM Meeting
4	Project of Electrical Supply and Infrastructure: 11 KVA line		•		It is proposed national project. It is a service infrastructure or electrical facilities for local communities in respective area located in buffer zone of proposed World Heritage List of Bagan. In fact, there has not been received the proper project proposal, design stage, work flow and respective phases in detail.	Project under development for consideration, but not decision yet	No HIA conducted	
5	Project of Electrical Supply and Infrastructure: 11/04 KV Transformer		•		It is proposed national project. It is a service infrastructure or electrical facilities for local communities in respective area located in buffer zone of proposed World Heritage List of Bagan. In fact, there has not been received the proper project proposal, design	Project under development for consideration, but not decision yet	No HIA conducted	

<b>Table 1. Description of Developing Project (With ICOMOS recommendation)</b>								
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
					stage, work flow and respective phases in detail implementation.			
6	Project of Road Upgrading: Part of Nyaung-Oo to Kyauk-Padaung Road		•	•	<p>It is a national project. It is a construction of road extension project for local communities and visitors in and around Bagan. The project was implemented by BOT (Build on Transfer) system with Private Company of Myat Noe Thu Co., Ltd in 2017-2018 fiscal year.</p> <p>The project blends across the buffer area to wider setting areas of Bagan. The total length of road is approximately in 4,500 meters. It locates in Buffer Zone passing through approximately in 1,700 meters and the remains part of road, approximately in 2,800 meters, is outside of Bagan (Wider Setting Area).</p> <p>The project has been partly implemented that the sidewalks constructed with brick were removed and refilled with aggregate and gravel. It has not finished the tar</p>	Already Implemented	No HIA assessment	<p>1. Decided in Regional BaganCom (Mandalay)</p> <p>2. To be submitted in Third BAGANCOM Meeting</p>

<b>Table 1. Description of Developing Project (With ICOMOS recommendation)</b>								
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
					coating.			
7	Project of Road Upgrading: Nyaung-Oo to Old Bagan City (Extended the shoulder of width of 2 feet in both sides)	<b>Component -1</b>			It is a national project. It is a construction of road extension project for local communities and visitors in and around the Bagan. The project was implemented by BOT (Build on Transfer) system with Private Company of Myat Noe Thu Co., Ltd in 2017-2018 fiscal year. The total length of road is approximately in 1300 meters. The project has been partly implemented that the sidewalks constructed with brick were removed and refilled with aggregate and gravel. It has not finished the tar coating.	Already Implemented	Conducted	1. Decided in Regional BaganCom (Mandalay) 2. To be submitted in Third BAGANCOM Meeting
8	Project of Rehabilitation at Mya-Kan	<b>Component -4</b>			It is a national project. It is a proposed project for social and cultural heritage. The place is well-known in the emergence of Bagan Civilization. So it is concerned with the implementation of society's value of heritage. In fact, there has not been received the proper project proposal, design	Project under development for consideration, but not decision yet	No conducted	Discussed in Second BaganCom meeting. Proposal Project

Table 1. Description of Developing Project (With ICOMOS recommendation)								
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
					stage, work flow and respective phases in detail implementation.			
9	Project of Communication Tower: Palm-Tree Tower (35 Meter); No. 6 Quarter, Nyaung-Oo Township, (Telenor)		•		It is a national project for service infrastructure for public community in both communication and internet access. The project has already been implemented and operated. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Already Implemented and operated	Conducted	1. Decided in Regional BAGANCOM (Mandalay) 2. To be submitted in Third BAGANCOM Meeting
10	Project of Communication Tower: Palm-Tree Tower (30 Meter); Moe Nat Kone Village, Shwe Twin Group. New Bagan Township,	<b>Component -1</b>			It is a national project for service infrastructure for public community in communication and internet access. The project has not been implemented yet. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Project under development for consideration, but not decision yet	Conducted	Decided in Regional BAGANCOM (Mandalay)

<b>Table 1. Description of Developing Project (With ICOMOS recommendation)</b>								
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
	(Mytel)							
11	Project of Communication Tower: Cow Tower (30 Meter); Taungbi Village, (Mytel)	<b>Component -1</b>			It is a national project for service infrastructure for public community in communication and internet access. The project has not been implemented yet. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Project under development for consideration, but not decision yet	Conducted	Decided in Regional BAGANCOM (Mandalay)
12	Project of Communication Tower: Cow Tower (30 Meter); Myinkabar Village, (Mytel)	<b>Component -1</b>			It is a national project for service infrastructure for public community in communication and internet access. The project has already been implemented and operated. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Already Implemented and operated	Conducted	1.Decided in Regional BAGANCOM (Mandalay) 2.To be submitted in Third BAGANCOM Meeting
13	Project of Communication Tower: Cow Tower (30 Meter); Tharawaddy		•		It is a national project for service infrastructure for public community in communication and internet asset. The project has already implemented and operated. With the HIA assessment, the project	Already Implemented and operated	Conducted	1.Decided in Regional BAGANCOM (Mandalay) 2.To be submitted in Third BAGANCOM

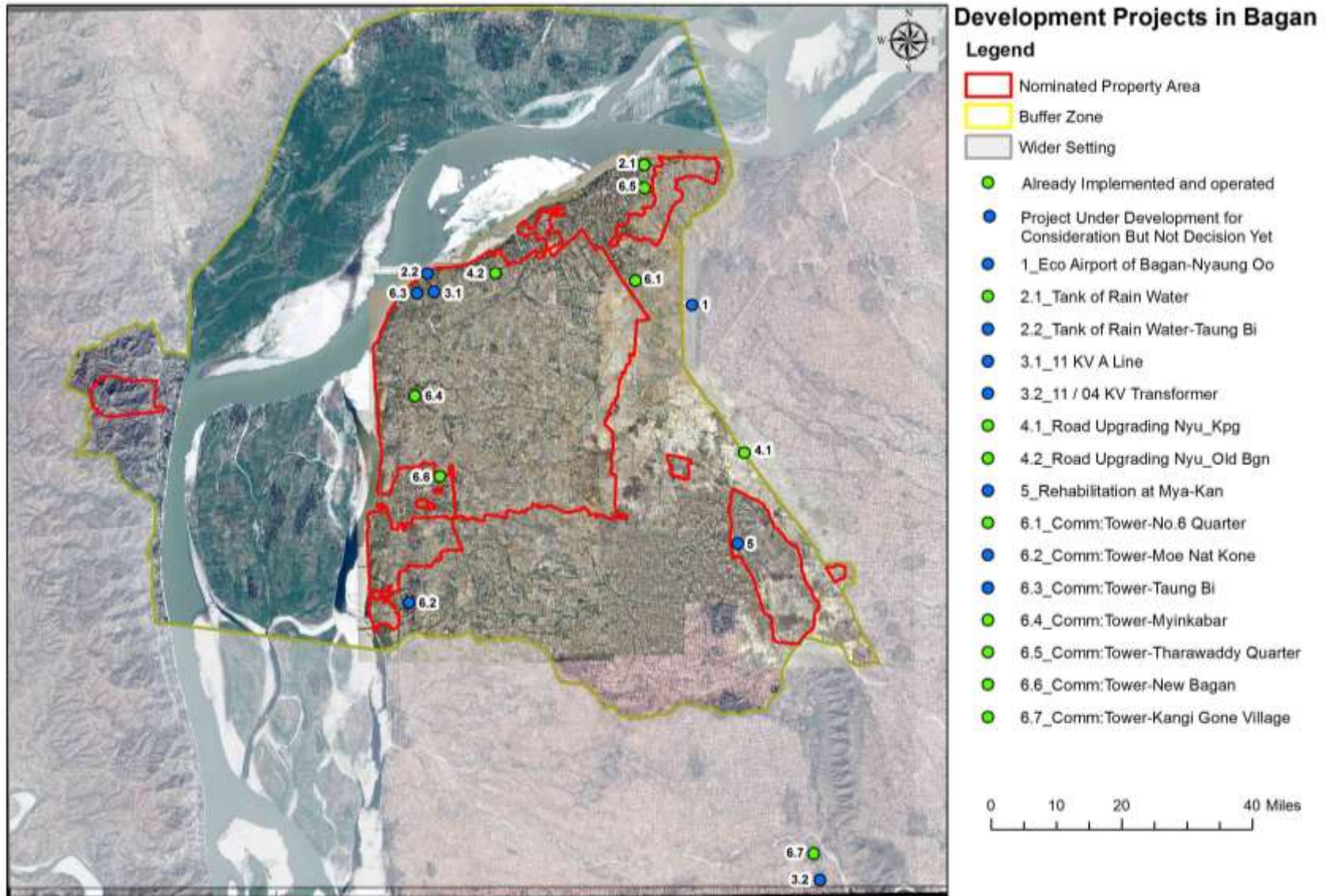
No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
	Quarter, Nyaung-U Township, (Mytel)				doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.			Meeting
14	Project of Communication Tower: Self-supporting Tower (65 Meters), Kyansitthar Quarter, New Bagan Township, (MPT)		•		It is a national project for service infrastructure for public community in communication and internet asset. The project has already implemented and operated. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Already Implemented and operated	No conducted	1. Decided in Regional BAGANCOM (Mandalay) 2. To be submitted in Third BAGANCOM Meeting
15	Project of Communication Tower: Self-supporting Tower (65 Meters), Kangyi Kone			•	It is a national project for service infrastructure in local utilized of communication and internet asset. It is located in wider setting area which is outside of Buffer Zone. With the HIA assessment, the project doesn't contribute to any disturbance to cultural landscape and buried archaeological deposit.	Already Implemented and operated	Conducted	Decided in Regional BAGANCOM (Mandalay)

No.	Name of Project	Location			Scope and Nature	Current Status	Interim HIA	BAGANCOM
		Nominated Property Area	Buffer Zone	Wider Setting				
	Village, Nyaung-U Township, (Mytel)							

No	Name of Project	State of conservation		Responsible Ministry/ Institution
1	Project of Eco-Airport in Bagan-Nyaung-Oo	Transportation Infrastructure	Air transport infrastructure	Collaboration with Ministry of Transportation and Communication- Department of Civil Aviation and Japan International Cooperation Agency (JICA) and Nippon Koei Co., Ltd. Japan
2	Project of Water Distribution and Storage (Tank/ Pump Station)	Service Infrastructure	Utilization	Collaboration with Ministry of Transport and Communication- Directorate of Water Resources and Improvement of River Systems and Government of India, Ministry of Agriculture, Livestock and Irrigation- Irrigation and Water Utilization Management Department
3	Project of Electrical Supplies (11 KVA electrical lines and 11/0.4 KV	Service Infrastructure	Non-renewable energy facilities	Ministry of Electricity and Energy- Department of Electric Power Transmission and System Control



	Transformer)			
4	Project of Road Upgrading in the parts of Kyauk-padaung to Nyaung-Oo and Old Bagan City (Extended the shoulder of width of 2 feet in both sides)	Transportation Infrastructure	Effects arising from use of transport infrastructure	Ministry of Construction- Road Department
5	Project of Rehabilitation at Mya-Kan	Social/Cultural use of heritage	Ritual/Spiritual/ religious and associated use; Society's value of heritage	Ministry of Agriculture, Livestock and Irrigation- Irrigation and Water Utilization Management Department
6	Project of Communication Tower	Service Infrastructure	Localized utilities	Ministry of Transport and Communication- Myanmar Post and Telecommunication with * MPT * Telenor * Mytel



### 3.2 Management System Components

With the addressing the reference letter of ICOMOS in October' 1 2018, it was messaged that *"ICOMOS would be pleased to receive further clarification as regards to the management system in order to better to understand the timeframes in which certain elements are expected to be finalized. These include the "Archaeological Risk Map", the "One Map", "Disaster Risk Strategy", and Heritage Impact Assessment"*.

Archaeological Risk Map has been undertaken initiated from the early 2017 with two pilot projects in Bagan Myot Thit and East of Old Bagan where the places are high density as well as having the vulnerability to the archaeological artifacts and buried deposits in accordance with Nomination Dossier.

As for One Map was initiated in 2016 supported by Italian Fund, Phase III undertook the on-job training and capacity building of staffs of Department of Archaeology and National Museum under the guidance with UNESCO and ICOMOS experts for drawing One Map. In the implementation of One Map was carried out with the association of related departments and stakeholders to get cadastral maps of nominated area while the maps are also supported in preparation of boundary demarcation and enacting guidelines in Nomination Dossier. It can be said that there is only left to entry the database about the registration of land ownership. The timeframe of One Map is demonstrated below in Table 5 and 6.

Disaster Risk Strategy has been conducted since post-earthquake rehabilitation.

In August' 28 2018, the First Meeting of BAGANCOM has already approved the Integrated Management System (Framework and Plan of Action) to implement with related Ministries.

### 3.2.1 Management System Component: Archaeological Risk Map in Bagan

The archaeological risk map for the property area has to be developed as a first priority while it has been started from October, 2018 and completed in 2019. The factors are considered to threaten the monuments, artifacts and archaeological remains as well as attributes which are the building construction and development, transportation, utilities or service infrastructure, social and cultural use of heritage and other human activities.

**Recently, the archaeological risk map is mainly focused to protect the three elements, such as existing monuments, archaeological deposit and artifacts** recorded by field survey method while considering development implementation. Moreover, we have already planned for conducting with "**Magnetometer Survey**" which is methodological implementation has been trained with technical know-how from **Lerici Foundation, Poly-Technique of Milan, Italy.**

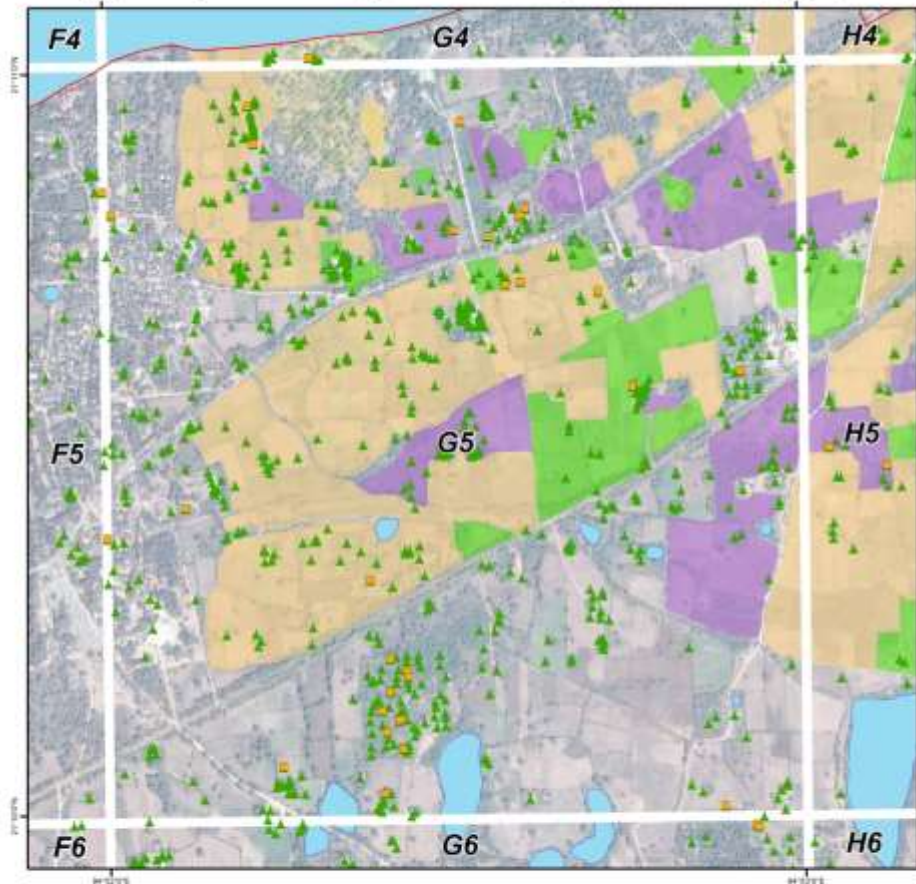
It can be noted that, three phases are identified to develop Archaeological Risk Map in Bagan; Phase I is for nominated property area, Phase II is for buffer zone and Phase III is for wider setting from 2018 to 2025. (See in Table 3).

Now there has been the preparation of Seismic Hazard Map and Seismic Risk Assessment Map around Bagan Nyaung Oo Area conducted together with technical expert team to handle the earthquake-damaged monuments in Bagan, Myanmar Engineering Society, MES and Myanmar Earthquake Committee and Yangon Technological University and Department of Archaeology and National Museum.

**Table 3. Timeframe for Conducting the Archaeological Risk Map in Bagan (2018-2025)**

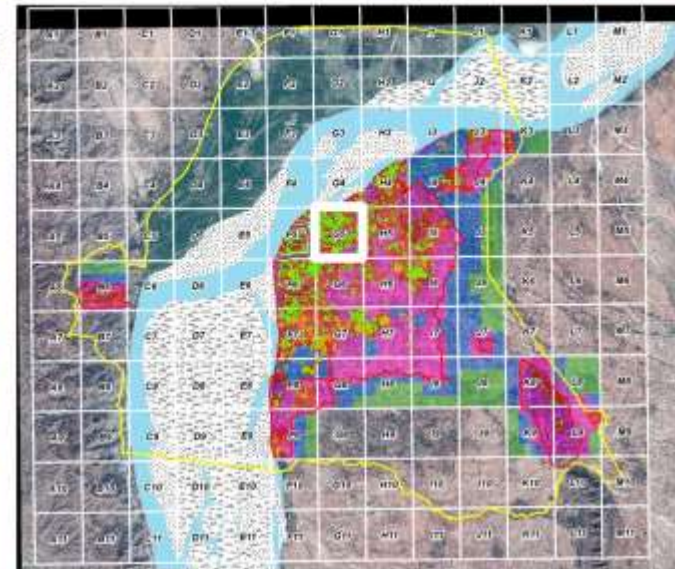
Timeline	Phase. I: Nominated Property Area		Phase. II: Buffer Zone			Phase. III: Wider Setting		
	2018	2019	2020	2021	2022	2023	2024	2025
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
November								
December								

Surface Finding of Archaeology Feature on Very High Risk Area (Survey Grid No - G5)



Legend

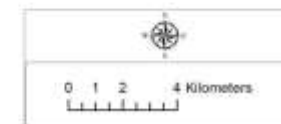
- |                   |                         |
|-------------------|-------------------------|
| Unexcavated mound | <b>Potsherd density</b> |
| Monument          | High                    |
| Paleolithic site  | Medium                  |
| Ancient waterbody | Low                     |



Legend

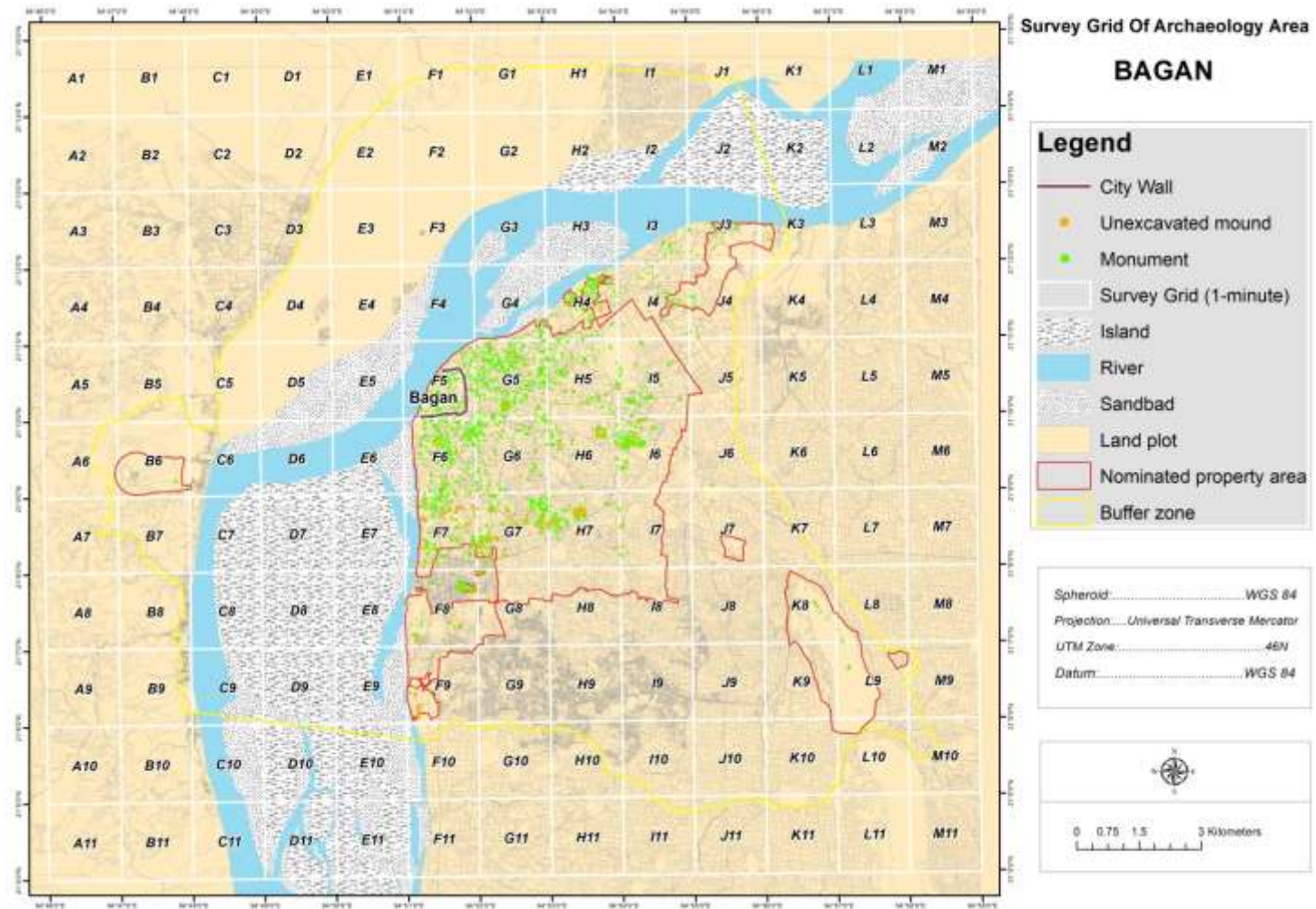
- |                |                         |
|----------------|-------------------------|
| Very High Risk | Survey Grid             |
| High Risk      | Island                  |
| Moderate Risk  | River                   |
| Low Risk       | Sandbad                 |
| City Wall      | Nominated property area |
|                | Buffer zone             |

Spheroid: WGS 84  
 Projection: Universal Transverse Mercator  
 UTM Zone: 48N  
 Datum: WGS 84



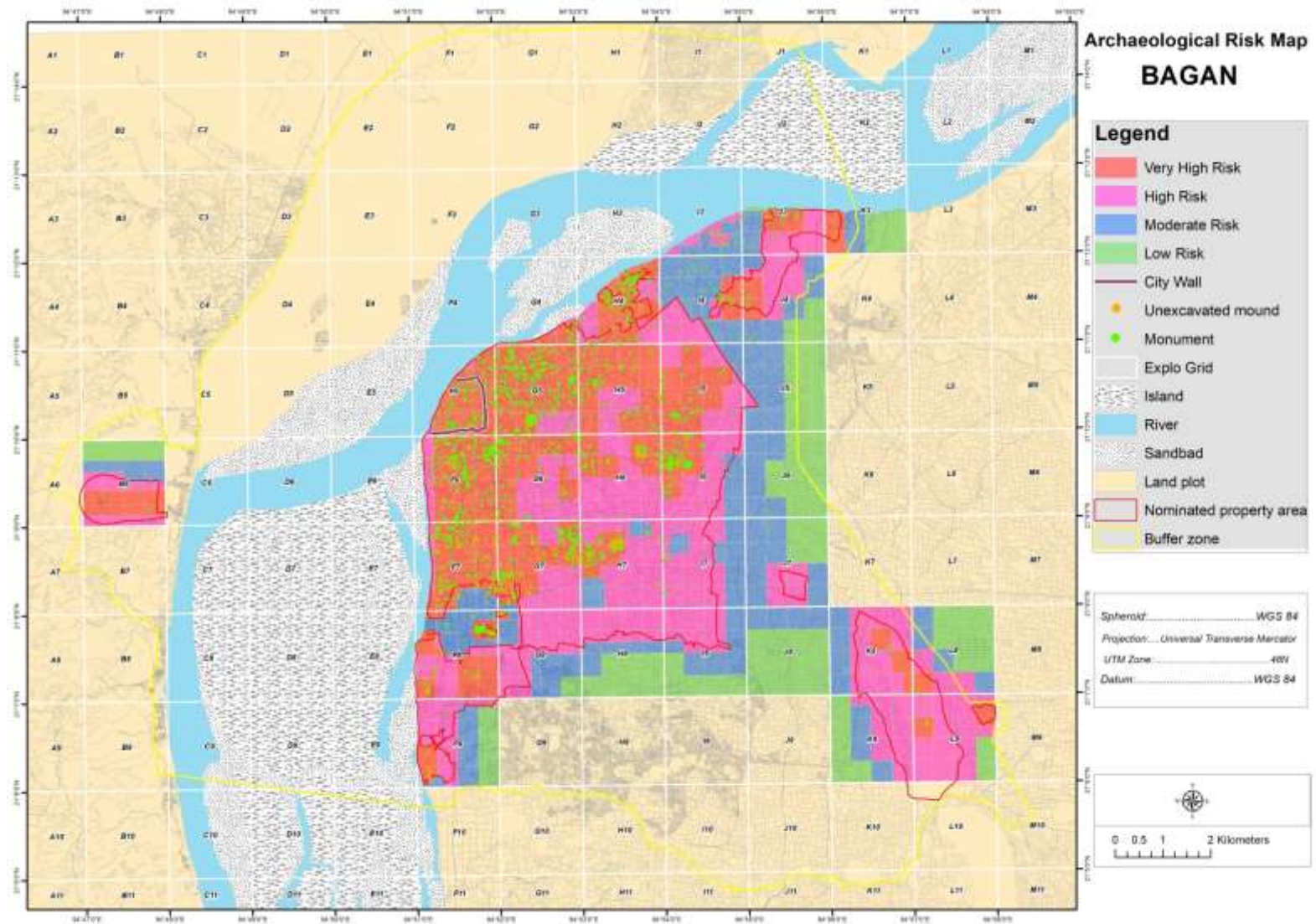
**Table.4 Timeframe for Conducting the Bagan Archaeological Risk Map in 2018 – 2019 (Phase I)**

Grid No. and Survey Method	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun	July	Aug	Sept	Oct	Nov	Dec
<b>Surface Archaeology Survey (Buffer)</b>															
G9 / H9 / I9 / J9	■														
G10 /H10 /I10 /J10 /k10 /L10 /M10		■	■	■											
I11 / J11/ K11/ K7				■	■										
B5/ C5/ D5/ A6/ C6/ A7/ B7/ B8/ B9					■	■	■								
C4/ D4/ E4/ D3/ E2/ F1							■	■							
<b>Magnetometer Survey</b>															
Grid No F7 (Near Bagan Myo Thit)							■	■							
Grid No G7 (Near Bagan Myo Thit)								■	■						
Grid No F8 (Near Bagan Myo Thit)									■	■					
Grid No G8 (Near Bagan Myo Thit)										■	■				
Grid No H4 (Near Nyaung U)											■	■			
Grid No I4 (Near Nyaung U)												■	■		
Grid No I5 (Near Nyaung U)													■	■	
Grid No J3 (Near Nyaung U)														■	■
Grid No J4 (Near Nyaung U)															■

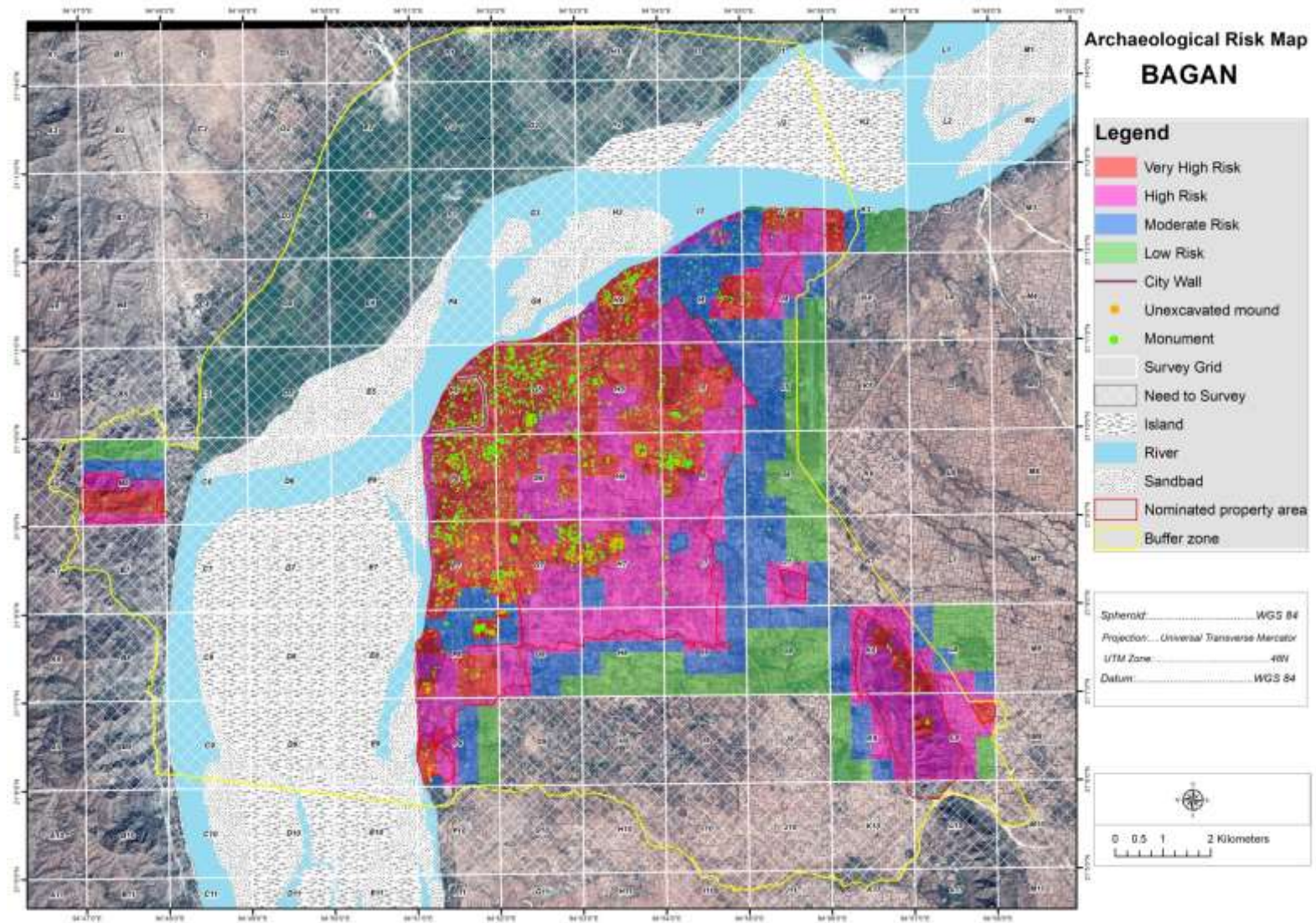


**Archaeological Risk Map: Survey Grid in Bagan**

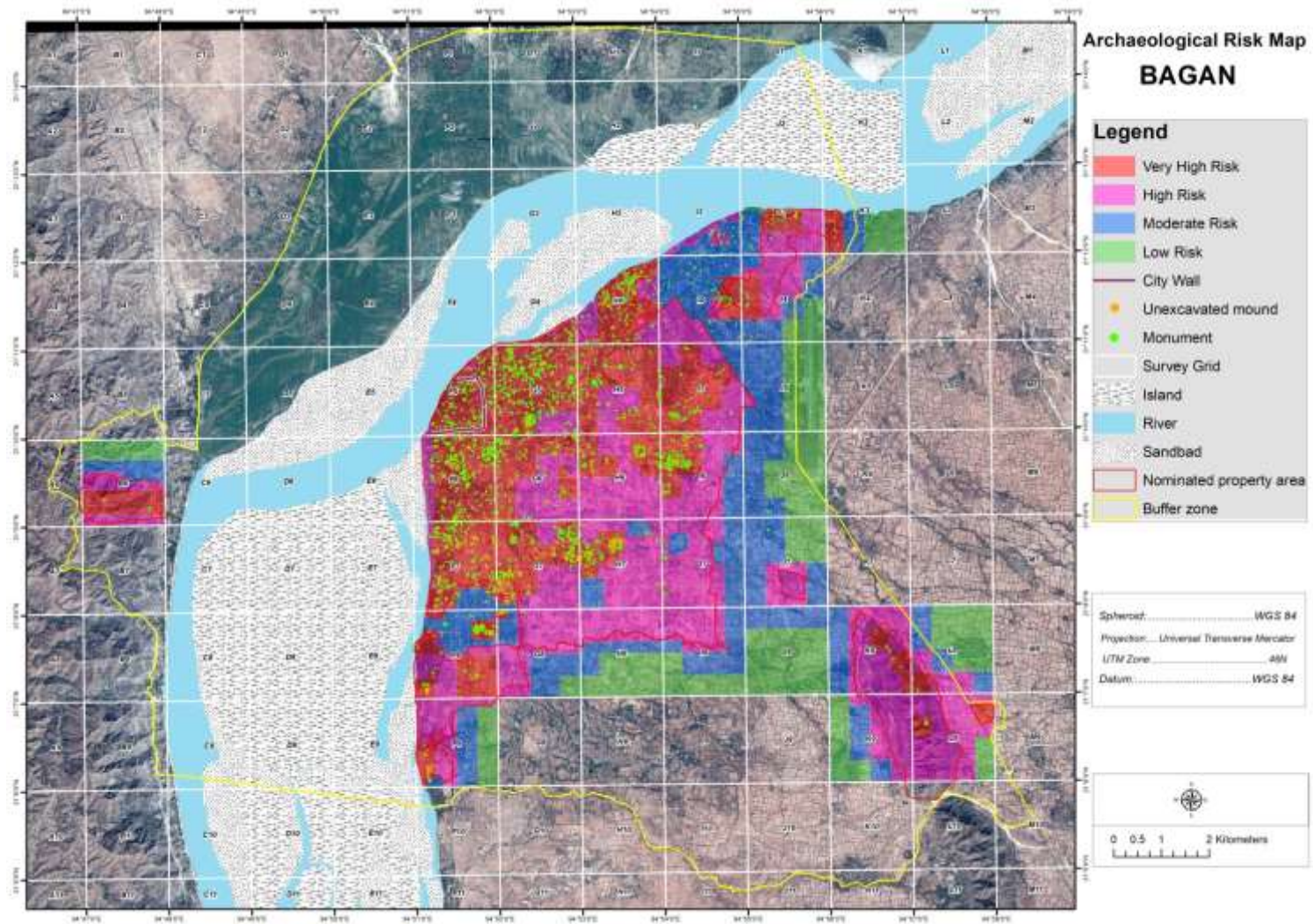




Archaeological Risk Map of Unexcavated Mounds and Monuments



**Archaeological Risk Map of Unexcavated Mounds and Monuments demonstrating the area need to survey**



**Archaeological Risk Map of Unexcavated Mounds and Monuments**

### **3.2.2 Management System Component: Seismic Hazard Map and Seismic Risk Assessment Map around Bagan-Nyaung Oo Area**

Due to the Chauk earthquake (magnitude 6.8) in August 24, 2016, it was recognized and highlighted in previous intervention of conservation measure. As result of conservation measure in heritage of Bagan, there have been formed with Technical Experts Team and Advisory Team have been formed. With the supervision of UNESCO and international experts participated, Rehabilitation Guidelines and Post-Earthquake Rehabilitation have to be lead for safeguarding the Bagan Monuments. So, these are to be implemented for drawing the Seismic Hazard Map and Seismic Risk Assessment Map to make preparedness and mitigation measures in nominated area. Now it has been conducted theses maps in coordination with Myanmar Engineering Society, Myanmar Earthquake Committee and Geoscience University, Singapore and made the micro tremor survey and research projects in specific monuments in the mid of 2018.

Implementation of this project according to the time-schedule is going smoothly. The final maps are to be plotted at the end of this year and the complete report will be finished around March 2019. (See Table 5)

<b>Table 5. Timeframe for Seismic Hazard Map, Research Project (2018-2019)</b>										
Content	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Site Visit										
Micro tremor Survey										
Data Preparation & Collection										
Data Analysis										
SHM Map										
Writing Report										

### 3.2.3 Management System Component: One Map in Bagan

The innovative concept of the establishment of One Map is to assist the management of heritage site for any developments and implementation in coordination with respective authorities and stakeholder. Recently data sharing and decision-making between respective authorities have been conducting since the preparation of nomination dossier in 2015-2017. Department of Archaeology and National Museum has already established the data center called Server to connect and share the data between inter-governmental and respective institution in local and abroad.

DANM has undertaken data collection, field survey and processing database to know land use and land cover firstly for cadastral map in coordination with respective authorities. Department would carry out the data collection and recording the land ownership for Land Use and Land Cover starting from November 2018 to the end of 2019. (See in Table.6)

Overall procedure and timeframe of One Map can be identified as four phases initiating from 2018 to 2022 whereas Phase I has been conducted since mid of 2018. Some procedures and work flow of One Map mainly depend on the Protection and Preservation of Cultural Heritage Law so it can be said that the timeline of One Map might be clearer after December 2018 when the amendment would be adopted. Concerned with the cadastral and completion of land use and cover, there can be proposed timeframe as follow:-

<b>Table.6 Timeframe for registration of ownership of Land Use/Cover and attribute</b>															
<b>Component</b>	<b>Content</b>	<b>2018</b>		<b>2019</b>											
		<b>11</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>1</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>2</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>3</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>4</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>5</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>6</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>7</b>	Cadastral	[Blue bar]													
	Land Use/ Cover	[Blue bar]													
<b>8</b>	Cadastral	[Blue bar]													
	Land Use/ Cover														

<b>Table 7. Tentative Timeframe for land plot, ownership registration and database entry in Nominated Property Area ( 2018-2020)</b>																								
<b>Content</b>	<b>2018</b>						<b>2019</b>												<b>2020</b>					
	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Phase. I:</b>																								
Land Plot																								
Numbering,																								
Record and																								
Database Data																								
Entry in																								
Nominated																								
Property Area																								
<b>Phase. II</b>																								
Land																								
Ownership																								
Record and																								
Database Data																								
Entry in																								
Nominated																								
Property Area																								



Table 8. Timeframe for land plot, ownership in recording, registration and database entry in Buffer Zone ( 2020-2022)																																												
Content	2020												2011												2022																			
	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12												
<b>Phase. III:</b>																																												
Land Plot Numbering Record and Database Data Entry in Buffer Zone																																												
<b>Phase. IV:</b>																																												
Land Ownership Record and Database Data Entry in Buffer Zone																																												

### 3.2.4 Management System Component: Disaster Risk Strategy in Bagan

Department of Archaeology and National Museum has been carried out together with Work Bank and SEMEO-SPAFA for preparing and implementation of Disaster Risk Management Plan of Bagan in 2018. *The Strategic Plan for DRM in Bagan has been drafted that it is response to a range of natural as well as human-induced hazards; identification with existing management framework; and identification with an action plan for reducing vulnerability and enhancing preparedness for response and reconstruction.*

Three phases are divided to conduct the Disaster Risk Management Plan started from 2018 to the end of 2020. In Phase I, there will be implemented with *Stage 1 and Stage 2*. *Stage.1* is specified as the identification of risk factors and previous major events and their impact for all monuments. Field survey of risk identification is now taking place in some monuments hopefully will be completed in 2019 for all monuments. *Stage 2* will also be completed in 2019. At the Phase II, it is indicated to *Stage 3* which is preparedness and response and *Stage 4* which is recovery and rehabilitation tasks. In Phase. III. it is an implementation on pilot projects which will be started the early 2020 and completed in the end of 2020.

Timeframe for specific phases are mentioned below-

**Phase I:** Implementation the Risk Identification, Risk Reduction and Mitigation, (Stage 1& 2)

(Collecting the information on essential site characteristics required for disaster risk management; apart from the component-1, components of 2 to 8 have already been collected the risk factors and examined the respective hazard and vulnerabilities.)

Component	Attribute	2018			2019											
		10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
1	3401	[Blue bar spanning all months from 2018-10 to 2019-12]														
2	67	[Blue bar from 2018-10 to 2019-02]														
3	1	[Blue bar from 2018-10 to 2018-12]														
4	27	[Blue bar from 2018-10 to 2018-12]														
5		[Blue bar from 2018-10 to 2018-12]														
6	18	[Blue bar from 2018-10 to 2018-12]														
7	77	[Blue bar from 2018-10 to 2019-02]														
8	4	[Blue bar from 2018-10 to 2018-12]														

**Phase II: Implementation the Preparedness and Response (Stage 3) and Recovery and Rehabilitation (Stage 4) in Monuments**

Table.10 Phase. II. Timeframe for Preparedness and Response(Stage 3 ) and Recovery and Rehabilitation (Stage 4) in Monuments													
Component	Attribute	2020 Year											
		Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec
1	3401	[Blue bar spanning all months from Jan to Dec]											
2	67	[Blue bar]			[Blue bar]			[Blue bar]			[Blue bar]		
3	1	[Blue bar]			[Blue bar]			[Blue bar]			[Blue bar]		
4	27	[Blue bar]			[Blue bar]			[Blue bar]			[Blue bar]		
5	-												
6	18	[Blue bar]			[Blue bar]			[Blue bar]			[Blue bar]		
7	77	[Blue bar]			[Blue bar]			[Blue bar]			[Blue bar]		
8	4												

**Phase III: Implementation the pilot project with Disaster Risk Strategy in respective monuments**

<b>Table.11 Phase. III. Timeframe for Implementation the Pilot Project Disaster Risk Strategy in Respective Monuments</b>																
<b>Risk factor</b>	<b>Attribute</b>	<b>2018</b>			<b>2019</b>											
		<b>10</b>	<b>11</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>Earthquake</b>	No. 154_ Kyauk-ku-u-min															
	No.xxx_ Myadaung Monastery															
	No.xxx Thinkanyone Temple															
<b>Flood and river erosion</b>	No.xxx Monument of Near the Taungbi bank or cliff															
	No. 1066?															
	No.136 Shwethabeik															
<b>Rainwater Infiltration</b>	No. xxx Shwenanyintaw Complex															
<b>Vegetation Growth</b>	No. xxx Shwesandaw Group															
	No. xxx															

<b>Table.11 Phase. III. Timeframe for Implementation the Pilot Project Disaster Risk Strategy in Respective Monuments</b>																
Risk factor	Attribute	2018			2019											
		10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
	Wittanadaw Group															
	No. xxx Shin Anhan Sima Group															
	No. xxx North Guni															
	No. xxx South Guni															
<b>Human Vandalism</b>	No. xxx Guni Temple															
	No. xxx Tha-htay-moat-gu															
	No. xxx Tarmani Monastery															
	No. xxx Dhammanyangyi															
	No. xxx Ananda Temple															
	No. xxx Hta=lio-min-lo															
	No. xxx															

<b>Table.11 Phase. III. Timeframe for Implementation the Pilot Project Disaster Risk Strategy in Respective Monuments</b>																
<b>Risk factor</b>	<b>Attribute</b>	<b>2018</b>			<b>2019</b>											
		<b>10</b>	<b>11</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
	Alotawpyi															

### 3.2.5 Management System Component: HIA (Heritage Impact Assessment)

Practice and routine work on HIA procedure/ system in Bagan, it has been introduced in 2014. It was part of implementation by Italy fund with UNESCO, "Project Institutional Capacity Building for Managing Bagan within the World Heritage Framework (501MYA4000)" conducted with Archaeological Assessments Ltd. In December' 2014, the team, Archaeological Assessments Ltd undertook the five planning project, ongoing hotel projects and golf course and viewing platform (viewing mounds) in Bagan. (Ref: Heritage Impact Assessment Report on Bagan prepared for Department of Archaeology and National Museum, Myanmar and UNESCO, Archaeological Assessments Ltd. December' 2014.) .

Moreover, DANM has already conducted in other heritage area, such as, Mandalay Region (Taungthaman Estate Project, Tagaung Heritage Region-Development Infrastructure in Communication Tower), Yangon Region (Development Infrastructure in Communication Tower), Mon State and Sagaing Region for some development infrastructure, utilization and services. In fact, there is no third party for performing in HIA system in cultural heritage and its related field. DANM is mainly responsible for those interventions and projects for clarification with HIA system. So, HIA is now in a phase of ongoing implementation since 2015.



<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
1	(24.11.2014) to (4.12.2014)	Heritage Impact Assessment in Bagan Ms. Ellen Cameran, Ms. Julie Van Den Bergh	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -Daw Aye Aye Khaing ( Staff Officer) -U Lin Tun Kyi (Tutor) -U Aung Zaw Min (Junior Staff Officer)	- Training
2	(17.1.2015) to (25.1.2015)	Heritage Impact Assessment in Bagan Mr. Kai Weise Architect in UNESCO Consultant, Ms. Julie Van Den Bergh	-U Thein Lwin (Deputy Director General) -U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Naing Win	- Training

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			(Staff Officer) -U Aung Soe (Assistant Engineer)	
3	(2.3.2015) to (11.3.2015)	Heritage Impact Assessment Capacity Building Workshop Ms. Ellen Cameran, Ms. Julie Van Den Bergh	<b>Internal</b> -U Nyein Lwin (Deputy Director) -U Soe Soe Lin (Vice Principal) -U Zaw Myo Kyaw (Deputy Director) -U Kyaw Myo Win (Assistant Director) -U Aung Khin Moe (Assistant Director) - U Ko Ko Aung (Assistant Director)	- Workshop

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			- U Aung Soe (Assistant Engineer) - Daw Myo Sandar Oo (Assistant Director) - U Aung Tun Hla (Staff Officer) -U Tun Tun Win (Senior Assistant Engineer-2) -U Phyo Pyae Ko Ko (Junior Staff Officer) -U Saw Nyaing Oo (Junior Staff Officer) -U Arkar Aye (Junior Staff Officer) -U Thein Tun Aung (Junior Staff Officer) <b>External</b> -Architect Myanmar	

<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			Association -Education of Archaeology Department(Yangon) -District Administration Department -Municipal Committee -U Myo Nyunt Aung (Bagan Heritage Trust)	
4	3.10.2017	HIA of View Point for Bagan Cultural Heritage Region	-Dr Than Hteik (Deputy Director) -U Kyaw Myo Win (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Aung Soe (Assistant Director)	<ul style="list-style-type: none"> <li>- Reduce to clime to ancient monuments</li> <li>- Connected Sulamani Temple and Phothutaw lake by the cultural tradition</li> <li>- NyaungLatPhat Mound inside the MZ Zone</li> <li>- Changed layer condition</li> <li>- Extended car parking, souvenir shops near the mound</li> </ul>
5	3.10.2017	Shwezigon Pagoda and Nan-Kyint-Kon of South of Shwezigon for Bagan	-Dr Than Hteik (Deputy Director)	<ul style="list-style-type: none"> <li>- Southern part of Shwezigon Pagoda,</li> <li>- 7 feet above the ground level</li> <li>- Have Ceti and Pagoda near this area</li> </ul>

**Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions**

No	Date	Content	Participants	Remarks
		Cultural Heritage Region	-U Kyaw Myo Win (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Aung Soe (Assistant Director) -U Min Zaw Htwe (Staff Officer) -U Tun Tun Win (Senior Assistant Engineer-2) -U Zaw Min Aung (Tutor)	- Should collected historical background and Maps for it - Inside the MZ Zone
6	24.10.2017	HIA Report of Sandar Hotel Co.Ltd	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko	- Inside the MZ Zone - Contracted already finished 70% sand inside the Hotel Zone(2) - Inside the Hotel area have unexcavated mound and 5 demarcation posts - Should be used suitable colour and shade for the Communication Tower inside the cultural heritage area

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			(Staff Officer)	- Obey rules and regulations by the DoA and UNESCO
7	15.11.2017	HIA of Telenor Tower Pole	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Should not be damage the visual view - Inside the MZ Zone. - Should be thought it is the development project of Government - Should be limited the high of Tower - Obey rules and regulations
8	22.11.2017	HIA of Hti-Lo-Min-lo Car Parking	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Inside the MZ Zone - It is the very important place of MZ Zone - Required the helpful and co-operative of international and local experts - Should not be damage view of cultural heritage and visual image
9	7.3.2018	HIA of Tethered Helium Balloon Service (North of NaGyoI village, South of ThaHtayKan village, North and South of Konetangyi village)	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director)	- Helium Balloon is first time for Bagan - Inside the Nominated property and protected area - Required the opinions of Department of Archaeology and National Museum experts, UNESCO experts , local people

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			-U Phyo Pyae Ko Ko (Staff Officer)	and management team - Should not be permitted inside the Nominated property and protected area - Should be carried out and permitted by management committee of Bagan
10	2.5.2018	HIA of Bagan Hotel	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Repaired the original Hotel - Inside the MZ Zone - Should be done HIA assessment because it have't lay out plan, drawing plan and detail estimate for conservation monument
11	5.5.2018	HIA of Mytel Tower Pole Co.Ltd	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Inside the MZ Zone and near the settlement area - Should be limited the quantification pallor - Should be permit by the requirement of local development - Required the opinions of Department of Archaeology and National Museum experts, UNESCO experts, local people and management team
12	7.5.2018	HIA of Hot Air Balloon Service	- U Soe Soe Linn	- Should not be permitted because it is

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			(Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyto Pyae Ko Ko (Staff Officer)	inside the PZ Zone - Should be carried out by the permission of Bagan Management Committee - Required the opinions of Department of Archaeology and National Museum experts, UNESCO experts, local people and management team - It will be starting with 7 Ballrooms
13	2.7.2018	HIA of First Eco-Airport for Bagan-Nyaung Airport	-U Win Kyaing (Principal) -U Ko Ko Aung (Assistant Director) -U Arkar Aye (Junior Staff Officer) -U Zaw Min Aung (Junior Staff Officer)	- Obey rules and regulations by Department of Archaeology and National Museum - Should be used ILS system on northern and southern side of airport - Should be examined heritage impact assessment(HIA)
14		HIA of Helium Balloon Ride (inside the Dhamma Center )	-U Ko Ko Aung (Assistant Director) -U Aung Soe (Assistant Director)	- Project area is inside the Dhamma center and MZ Zone - It place is pre stone age and near the ancient monuments - Required the opinions of UNESCO experts, MAA, Local people and



<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			-U Phyo Pyae Ko Ko (Staff Officer)	management team because it is religious area - More suitable near the airport and south of New Bagan Township
15		HIA of Electrical Tower for East of Phawe-Saw Village	-U Ko Ko Aung (Assistant Director) -U San Tun (Assistant Director) -Daw Ohnmar Aung (Senior Assistant Engineer-2)	- Inside the MZ Zone - This project is development for Rural Area - Not to inflict visual view - Not permit to excavate - Not permit to extend
16		HIA of Communication Tower KBZ Bank Limited	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Inside the AZ Zone - To reduce recent high of Tower - Should be used suitable colour and shade for the Communication Tower inside the cultural heritage area - If the inflict to environmental condition, can be changed shape and design communication tower
17		HIA of Fiber Cable Line of Ocean Wave Communication Co. ltd	-U Soe Soe Lin (Deputy Director)	- Inside the AZ Zone - This project is development for local area and inside the settlement area

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			-U Ko Ko Aung (Assistant Director) -U Kyaw Tun Win (Assistant Research Grade-3)	- It is more suitable Nyaung Oo and New Bagan and not inflict cultural landscape - Should not to inflict view of Shwe Zi Gone Pagoda - Have a former Myanmar Communication Tower this area
18		HIA of Communication Tower during Nyaung-Oo Township(National Tower Department Co. ltd)	-U Ko Ko Aung (Assistant Director) -U Naing Tun Lin (Assistant Security Grade-3) -U Kyin Hlaing (Assistant Research Grade -4)	- Have 15 villages near the Tower - Not permit this submitted area
19		HIA of Palm Tree Site Tower of OCK Yangon Private Ltd	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko	- Inside the MZ Zone - Palm tree tower design is adaptation for cultural land scape thus should permit.

<b>Table. 12 List of HIA Implementation in Bagan and Other Heritage Regions</b>				
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Participants</b>	<b>Remarks</b>
			(Staff Officer)	
20	8.10.2018	Hot Air Balloon Service ( Report on Primeval Bagan Co.Ltd)	-U Soe Soe Lin (Deputy Director) -U Ko Ko Aung (Assistant Director) -U Phyo Pyae Ko Ko (Staff Officer)	- Will use (15) Hot air balloons and (15) Hot air balloons (immobile) - Outside the Zone - It is decreased Cultural Impact thus should permit. - Required the opinions of Department of Archaeology and National Museum experts, UNESCO experts, local people and management team
21		Royal Tethered Helium Balloon	-	- Project Proposal
22		Bagan Sky Tower the i360 Opportunity Bagan, Myanmar	-	- Project Proposal

### 3.3 Ungraded Monuments

With the reference letter of dated (01-10-2018) from ICOMOS technical evaluation process, ICOMOS asked that *"Ungraded Monuments: The nomination dossier outlines the ways in which the Guidelines apply to the conservation of monuments at Bagan. This appears to rely on the grading of the monuments, yet many of them are "ungraded". It would be helpful if further clarification could be provided that explains how the Guidelines work in relation to ungraded monuments. Is there a timeframe for achieving a comprehensive grading for all of Bagan's Monuments?"*

#### ***Guidelines with ungraded monument***

We identified the grading of the monuments according to the historical, archaeological or technological importance in association with UNESCO experts and local experts.

Conservation activities largely focus on routing monitoring, minor repairs, basic maintenance, strengthening of weaken parts and emergency interventions for graded and ungraded monuments in complied with Conservation Guideline while identifying Active and Inactive Monuments. We handle all monuments whether graded monuments or ungraded while considering the emergency response or time bound intervention in accordance with Conservation Guideline and Rehabilitation Guideline.

Timeframe for grading of monuments approximately takes 1yr and 3months (See Table 12)

Concerned with graded monuments in Bagan which is mentioned at nomination dossier, it has followed with the "guidelines of Mr. Pierre Pichard". He has been devotedly working since 1976 onward in Bagan. The guidelines of identification are as follows:-

***"...A priority list for conservation purpose selects 422 monuments for their historical, archaeological or technological importance, under three decreasing grades (see Annex 2):***

***Grade 1: 34 outstanding monuments, to be systematically inspected and preserved in perfect condition,***

***Grade 2: 100 exceptional monuments, to be regularly inspected, maintained and repaired,***

**Grade 3: 288 important monuments, to be periodically inspected, maintained and repaired when urgently needed. (Pichard, Pierre. (1995). (MS). "Myanmar: Draft application for inclusion of Pagan Site in the World Heritage List".)**

Department of Archaeology and National Museum has been accepted and followed. Due to the rate of deterioration and decay in monuments, remains or existence, architectural values, signified with community's value (historical integrity/ context), these value and criterion are also added with as follows:-

**Grade 4: valuable monuments, to be periodically inspected, maintained and repaired when necessary,**

**Grade 5: archaeological deposit, to be periodically inspected, maintained and protected,**

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မှတ်စု	အမည်/အစွဲအရာ	အမျိုးအစား	အရွယ်အစား	အခြေအနေ	အခြေအနေ	အခြေအနေ	အခြေအနေ	I	II	III	IV	V
၁.	၁၁၃၇	၁	၀.၅	၀.၅	-	၁	၃				✓	
၂.	၁၁၃၈	၁	၁	၀.၅	-	၁	၃.၅				✓	
၃.	၁၁၃၉	၁	၀.၅	-	-	၁	၂.၅				✓	
၄.	၁၁၄၀	၁	၀.၅	-	-	၁	၂.၅				✓	
၅.	၁၁၄၁	၁	၀.၅	-	-	၁	၂.၅				✓	
၆.	၁၁၄၂	၁	၀.၅	-	-	၁	၂.၅				✓	
၇.	၁၁၄၃	၁	၀.၅	-	-	၀.၅	၂				✓	
၈.	၁၁၄၄	၁	၁	-	-	၀.၅	၂.၅				✓	
၉.	၁၁၄၅	၁	၀.၅	-	-	-	၁.၅					✓
၁၀.	၁၁၄၆	၁	-	-	-	-	၁					✓
၁၁.	၁၁၄၇	၂	၁	-	-	၀.၅	၃.၅				✓	
၁၂.	၁၁၄၈	၂	၁	-	-	၁	၄			✓		
၁၃.	၁၁၄၉	၁	၂	၀.၅	-	၁	၄.၅			✓		

**Identification of Monument Grading in Bagan, (Sample Chart)**

Table.13 Grading of monuments in Bagan																				
No	Monument	Period	Architectural Value	Remain of Stucco	Remain of Mural	Historical Context	Total	Grade					Component							
								I	II	III	IV	V	1	2	3	4	5	6	7	8
		3 M	3 M	3 M	3 M	3 M														
1																				
2																				
3																				
4																				
5																				

**Grade 1: > 8 marks**

**Grade 2: Between 5 to 8 marks**

**Grade 3: Between 3 to 5 marks**

**Grade 4: Between 3 to 2 marks**

**Grade 5: < 2 marks**

**M = Marks**

**Table.14 Sample Chart for Grading of Monuments in Bagan**

No.	Inventory No.	Period	Architectural Value	Stucco Molding	Mural Paining	Significant value	Total	I	II	III	IV	V
1	1137	1	0.5	0.5	--	1	3				✓	
2	1138	1	1	0.5							✓	
3	1139	1	0.5								✓	
4	1140	1	0.25								✓	
5	1141	1	0.25								✓	
6	1142	1	0.5								✓	
7	1143	1	0.5								✓	
8	1144	1	1								✓	
9	1151	1	0.5									✓
10	1153	1										✓
11	1154	2	1								✓	
12	1157	2	1							✓		
13	1159	1	2							✓		

<b>Table. 15 Timeframe of Implementation the Grading the Monuments in Bagan</b>																
No	Implementation	2018			2019											
		10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
1	Desk Review															
	I. 150 Monuments	█														
	II. 556		█													
	III. 600			█												
	IV. 600				█											
	V. 600					█										
	VI. 676						█									
2	Editing (GIS data)															
	600							█								
	500								█							
	500									█						
	500										█					
	500											█				
	582												█			
3	Finalization and checking													█		



### 3.4 Legal Issue

As the Additional Information of ICOMOS Technical Evaluation processes, there are mentioned as- *"..The nomination dossier indicates on p.246 that an amendment to the Protection and Preservation of Cultural Heritage Regions Law 1998 is foreshadowed. ICOMOS would be pleased if the State Party could provide additional information on the purpose and timeframe for this process."*

- \* 2010\_ DANM & Attorney General Office \_ Started with drawing the draft amendment of Heritage Region Law,1998
- \* 2010-2016\_ Several Time discussion on above law amendment of Heritage Region Law, 1998
- \* 2014-2016\_ Discussion with Committee of Special Issue and Legal in Parliament (5 Time)

Protection and Preservation of Cultural Heritage Regions Law was enacted by the State Peace and Development Council on 10<sup>th</sup> September 1998. The main purposes of this law is to protect and preserve the cultural heritage regions and the cultural heritage so as not to deteriorate due to natural disaster or man-made destruction and to protect from destruction while not specifically made consideration for community need and desire. So it is needed to amend in accordance with the development of socio-economic of local community ensuring the management of the site in coordination with community and respective authorities in different levels. The following reasons are to amend the Protection and Preservation of Cultural Heritage Region Law, 1998-

1. Need to form National Bagan Management Committee to protect and preserve the cultural heritage region identified as World Heritage List or cultural heritage region identified as National Heritage including respective authorities, representatives of governmental departments, technical experts at conservation of heritage site and local community
2. Current Law is only mentioned for the protection of Ancient Monuments and Ancient Sites while not considering the socio-economic of local community who are living together with heritage which place is in villages and Townships

3. Need to form as Bagan Com including local people and Departmental concerns for Central level, Division level and District level in accordance with cooperation together while making decision the management plan
4. All the government authorities and line agencies working within Bagan Cultural Site and buffer zone must coordinate their activities through BAGANCOM
5. Current law is not including the international involvement in the management and safeguarding of Bagan Cultural Heritage Site is required particularly in respect to specific technical expertise and financial support
6. Current law is handled by Department of Archaeology and National Museum and Ministry of Religious Affairs and Culture mentioned for the limitation of land use, development of region and economic while not including local people and Pyithut Hluttaw representatives
7. Current law is not taking measure for the permission of social and economic development Programmes of local peoples who are staying inside zone
8. Need to promulgate for setting up funding collecting fees, defining fines and spending fund in accordance with rules and regulations of Finance for the preservation of Cultural Heritage
9. Current law is not taking measure for any development or project that has to be made decision by Heritage Impact Assessment (HIA)
10. There is needed to develop the awareness to coordinate local community more and more in management of cultural heritage site

<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Remark</b>
1	04- August-2017	Formed the Committee of review and revise the Regions Law, 1998. The committee headed by the respective Minister of Mandalay Region Government. It is totally (26 members) and they are- 1. Attorney General from (7) Region and (7) State 2.Parliament Representative from Mandalay Region 3. Representative from DANM 4. Representative of Lawyer in Bagan Region 5. Representative from Local Community in Bagan	Notification of date (04-08-2017) letter from President Office
2	September' 2017 to March' 2018	Committee discussed with local communities in twelfth times about draft amendment law.	
3	01-October-2017	First Meeting of Revised and Reviewed the Protection and Preservation of Cultural Heritage Regions Law, 1998; Bagan Archaeological Museum	First Draft (In Myanmar)
4.	22-December-2017	Second Meeting of Revised and Reviewed the Protection and Preservation of Cultural Heritage Regions Law, 1998; Bagan Archaeological Museum	Second Draft (In Myanmar)
5	25-August-2018 to 27-August-2018	Third Meeting of Revised and Reviewed the Protection and Preservation of Cultural Heritage Regions Law, 1998; Bagan Archaeological Museum	<b>Third Draft</b> (In Myanmar)
6	30-August-2018	Committee has been submitted the " <b>Third Draft of Amendment of Regions Law,1998</b> " to Ministry of Religious Affair and Culture.	(In Myanmar)
7	04-September-2018	Ministry of Religious Affair and Culture has been submitted the "Third Draft of Amendment of Regions Law,1998" to as follow:- 1. Attorney General 2. Related Ministries	(In Myanmar)
8	26-September-2018	Received the "Feedback, Advice and Suggestion"	(In Myanmar)
9	28-September-2018	Ministry of Religious Affair and Culture has been submitted all documents of "Amendment of Regions Law,1998"to as follow:-	(In Myanmar)

<b>Table 16. Timeframe of Revised and Reviewed the Protection and Preservation of Cultural Heritage Regions Law, 1998</b>			
<b>No</b>	<b>Date</b>	<b>Content</b>	<b>Remark</b>
		1. President Office 2. Union Government Office 3. Speaker of Parliament (Pyidaung Su Hlattaw) 4. Committee of Legal and Special Issues in Parliament 5. Legal Drafting Committee in Parliament	
10	October-2018	1. Currently, all these documents have being discussed in Committee of Drafting the Law. 2. MORAC has being discussed with Legal Drafting Committee in Parliament and Attorney General Office	To be a final draft of "Amendment of Cultural Heritage Regions Law, 1998."
11	12-November-2018	<b>Prepare to submit the Amendment of the Protection and Preservation of Cultural Heritage Regions Law, 1998</b> <b>"Second Session on tenth Meeting of Pyidaungsu Hluttaw, Pyithu Hluttaw, Amyotha Hluttaw"</b>	
12	End of November' 2018	<b>To be enacted and promulgated the Law</b>	Due to the occurrence of situation, the procedure will be continuously carried out in <b>"Second Session on eleventh Meeting of Pyidaungsu Hluttaw, Pyithu Hluttaw, Amyotha Hluttaw"</b> in January 2019

### 3.5 Community Involvement

The management of Bagan Cultural Heritage Site cannot be carried out as an isolated system and will need to collaborate with authorities and partners from various sectors and communities that are strictly mentioned in Operational Guidelines. Resource management for the monitoring, conserving and safeguarding the heritage property must go hand-in-hand with the socio-economic development of the area. This is particularly necessary to include the local community as stakeholders who are caretakers of the heritage both monitoring and maintenance particularly in respect to settlements and landscape but also through carrying out rituals and celebrations to maintain the intangible of the property.

The major role of contribution to be Bagan is traditional merit-making practices in Theravada Buddhism by private donations to pagodas and other religious institutions. These donations enable the upkeep and ritual renewal of the pagodas, as part of the living tradition and integrity of the site.

Bagan, a living heritage site, sacred and heart of Myanmar People, has been cared by their intrinsic with active participation. The stewardship of the property over centuries by traditional guardians- such as the pagoda trustees and pilgrims who have cared for the temples and local residents who have maintained the land – has ensured the current high level of integrity of the property to this day. They continue to play a major role in the on-going protection of the property, and need to be managed in proper way by Department of Archaeology and National Museum. The collaboration of local community was apparently highlighted in 2016 earthquake destroyed the monuments. So local community in and around Bagan came to participate in cleaning and removing the debris though in rehabilitation process of monuments in close cooperation with respective authorities. Local community and voluntary groups participation continued to post earthquake rehabilitation by routine work by cleaning the monument and its environ to be litter free heritage zone are mentioned with table in annex.

The role of local community involve in management and monitoring of the site is mainly categorized in different sectors are-

- Law Amendment
- Boundary Demarcation
- Drawing the Disaster Risk Strategy
- Building Guidelines
- Meeting with Mandalay Regional Government

Concerning with above categories, community involvement, action and attendance of local people and representative of local community at meeting have been already recorded. They have been participating in world heritage nomination process since before world heritage submission and after submission.

Numerous community interactions and future events need to be arranged systematically although there is no regulation enacted for local people involvement, the followings are particularly considered for community involvement;

- To develop and implement a strategy for appropriate community livelihood linked to a comprehensive approach to sustainable development
- To develop marketing strategy and ensuring added value for Bagan products as a sustainable means of livelihood for local community
- To promote traditional skills as a means of livelihood, but also to ensure continuity for maintenance of the monuments and artifacts
- To ensure that local communities are not displaced whether due to economic, political or technical reasons
- To ensure empowerment of the local communities to allow them to partake in decision making and local governance

### 3.6 Private Owner

The private owners are important in Bagan Heritage Region. Especially, those who are settling in Bagan, those people are potential partnership in implementation of management plan (IMS). Concerned with private owner, we are not so clear that to query for ICOMOS.

Nowadays, private sectors of Myanmar Tourism Federation, Civil Society, Bagan Heritage Trust, Bagan Development Organization, Philanthropic Groups, Sake Satana Free Clinic and Public Aids, Regional Economic development Association, Myanmar Lacquer ware Association, Myanmar Engineering Society, Association of Myanmar Architects, Myanmar Red Cross Association and Myanmar Geosciences Society, are actively taking part in supporting the management of cultural heritage site.

In management plan, there are recognized and supported for private owner with local communities. They are the most important partners in monitoring and management of the site. Concerned with local communities, management plan identified as that those who are lived in Urban Area, Town Area and Village Area, they will be in equal to right of opportunities with rule and regulation. DANM has already recognized that they are to be contributor and who could and do report on the condition of monuments and other attributes.

There are monuments that are under the management of Temple Trustees who are also responsible for monitoring their respective monuments, and for reporting to the Department of Archaeology and National Museum on any impacts or threats that the monument might face. Monuments will also be monitored by visitors, vendors or even local community members who farm, live nearby or pass through an area.

There are, however, objects that are still venerated by religious communities such as Sanga Association which would be monitored by the respective religious communities. They are one of the important holding to maintain the religious practices while retaining the intangible cultural heritage. They would report to the Department of Archaeology and National Museum if these have been affected or major threats are identified. Routines activities such as cleaning and fixing small damages by private association such as Bagan Heritage Trust has been undertaking the eradication of vegetation growth from monuments. This is an activity that must be constantly implemented closely linked to the monitoring of the site.

#### 4. Other Related Information

With the reference of addressing the letter from ICOMOS to the State Party of Myanmar on 1<sup>st</sup> October 2018 is mentioned below.

**ICOMOS**  
INTERNATIONAL COUNCIL ON MONUMENTS AND SITES  
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES  
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS  
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

Our Ref. GB/AS/1588-Add.Inf\_1

Charenton-le-Pont, 1 October 2018

H. E. Mr Kyaw Zeya  
Permanent Delegation of the Republic of the Union  
of Myanmar to UNESCO  
Ambassade de la République de  
l'Union du Myanmar  
60, rue de Courcelles  
75008 Paris

World Heritage List 2019  
**Bagan (Myanmar)**

Dear Sir,

ICOMOS is currently assessing the nomination of 'Bagan' to the World Heritage List, and an ICOMOS evaluation mission visited the property to consider matters related to protection, management, conservation and interpretation. ICOMOS is very grateful for the time, expertise and support given to the evaluation mission by the State Party, local experts and other involved in the nomination process.

In order to help with our overall nomination process, we would be grateful to receive further information to clarify several points and to augment the material that has already been submitted in the nomination dossier.

We would be grateful if the State Party could consider the following points and kindly provide additional information on these matters:

##### **Development Projects**

ICOMOS acknowledges receipt of the letter dated 21 June 2018 which lists seven development projects in and around Bagan.

ICOMOS would be pleased if the State Party could provide further information about these projects. For each of them:

Could the State Party please clearly indicate whether the proposal is located inside the property, buffer zone (or both), and provide a brief summary of the scope and nature of the project.

Could the State Party please provide an update concerning the review of these projects by the BAGANCOM, and their current status?

Could the State Party also please indicate whether these projects have been subject to the 'interim HIA' process described in the nomination dossier?

##### **Management System components**

ICOMOS would be pleased to receive further clarification as regards to the management system in order to better to understand the timeframes in which certain elements are expected to be finalized. These include: the 'Archaeological Risk Map', the 'One Map', 'Disaster Risk Strategy', 'Heritage Impact Assessment'.



**Ungraded Monuments**

The nomination dossier outlines the ways in which the Guidelines apply to the conservation of monuments at Bagan. This appears to rely on the grading of the monuments, yet many of them are 'ungraded'. It would be helpful if further clarification could be provided that explains how the Guidelines work in relation to ungraded monuments. Is there a timeframe for achieving a comprehensive grading for all of Bagan's monuments?

The nomination dossier indicates on p. 246 that an amendment to the Protection and Preservation of Cultural Heritage Regions Law 1998 is foreshadowed. ICOMOS would be pleased if the State Party could provide additional information on the purpose and timeframe for this process.

**Community Involvement/Private Owners**

The nominated property traverses a large area, involving a number of townships, communities and ongoing cultural and religious practices

ICOMOS would appreciate if further information could be provided on the awareness of associated communities (including sangha) about the World Heritage nomination. To what extent will local communities be directly involved in the management system? How will the management system assist private owners to contribute to the overall conservation of the nominated property?

ICOMOS appreciates that the timeframe for providing this additional information is short. Brief responses are required at this stage, and can be discussed further with the State Party if needed during the ICOMOS World Heritage Panel process.

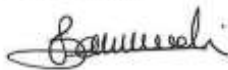
We look forward to your responses to these points, which will be of great help in our evaluation process.

We would be grateful if you could provide ICOMOS and the UNESCO World Heritage Centre with the above information by **Friday 2 November 2018 at the latest**.

Please note that the State Party shall submit two copies of the additional information to the UNESCO World Heritage Centre so that it can be formally registered as part of the nomination.

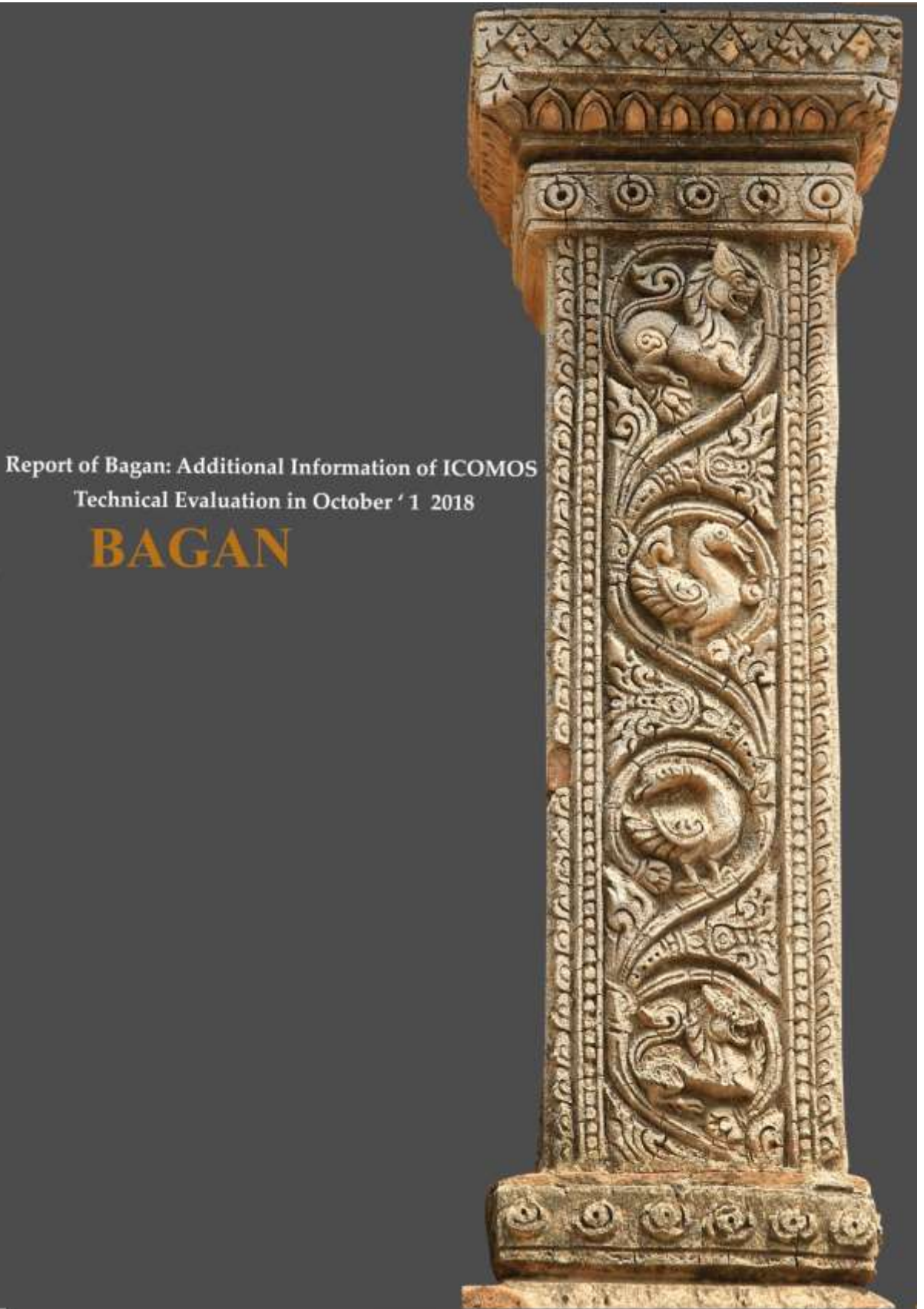
We thank you in advance for your kind cooperation.

Yours faithfully,



Gwenaëlle Bourdin  
Director  
ICOMOS Evaluation Unit

Copy to Department of Archaeology and National Museum, Ministry of Religious Affairs and Culture  
Department of Archaeology and National Museum, Bagan Branch  
UNESCO World Heritage Centre



Report of Bagan: Additional Information of ICOMOS  
Technical Evaluation in October '1 2018

# BAGAN

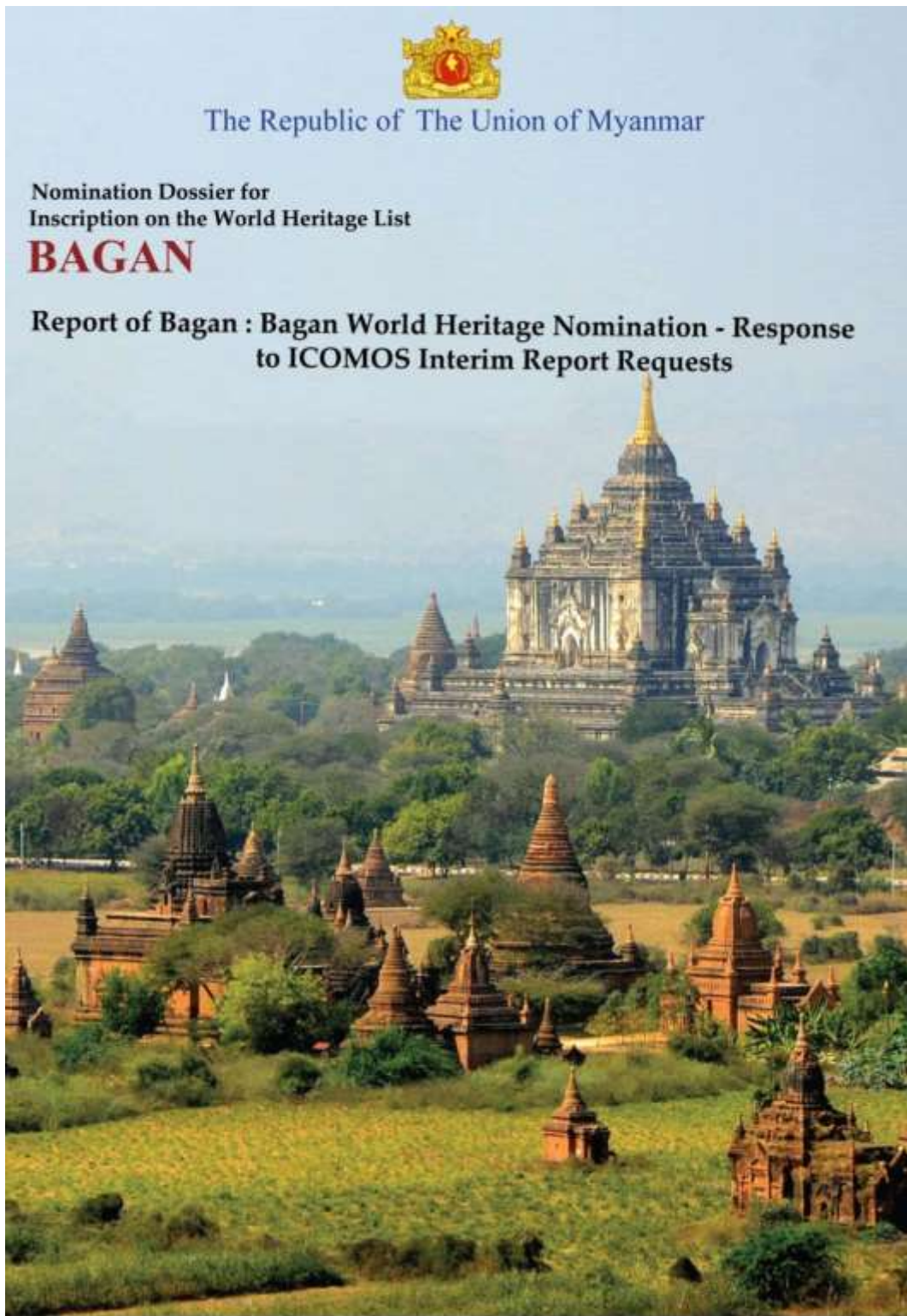


The Republic of The Union of Myanmar

Nomination Dossier for  
Inscription on the World Heritage List

**BAGAN**

Report of Bagan : Bagan World Heritage Nomination - Response  
to ICOMOS Interim Report Requests



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## **Bagan World Heritage Nomination – Response to ICOMOS Interim Report Requests**

### **Content**

<b>Justification of inclusion of Component 5</b>	<i>Page. x</i>
<b>Justification of inclusion of Component 6 and possible boundary revision</b>	<i>Page. x</i>
<b>Justification of inclusion of Component 7 and possible boundary revision</b>	<i>Page. x</i>
<b>Buffer Zone for Component 4</b>	<i>Page. x</i>
<b>Legal Protection</b>	<i>Page. x</i>
<b>Development Pressures</b>	<i>Page. x</i>
<b>Landscape Approach to Management and Presentation</b>	<i>Page. x</i>
<i>Annex-1</i>	<i>Page. x</i>
<i>(Draft Translation of New Heritage Law)</i>	



The Government of the Republic of the Union of Myanmar  
Ministry of Religious Affairs and Culture  
Nay Pyi Taw



Reference No: 1 / 4 - 7 / Culture (1545)  
Date: 22<sup>nd</sup> February, 2019

Director

ICOMOS Evaluation Unit

**Subject: Submission of Interim Report and Additional Information of Bagan**

Reference: The letter of International Council on Monuments and Sites (ICOMOS) dated ( 21-12-2018 ), Letter No, GB/AS/ 1588 /IR

International Council on Monuments and Sites ( ICOMOS ) has requested the Interim Report and Additional Information of Bagan since 21<sup>st</sup> December 2018 according to the above-mentioned reference letter through Ambassador of Myanmar to France ( Permanent Delegation of Myanmar ).

Thus, we would like to submit hard copy and soft copy of Interim Report and Additional Information of Bagan which has been compiled by Department of Archaeology and National Museum, Ministry of Religious Affairs and Culture of Myanmar to ICOMOS Evaluation Unit.

Sincerely yours,

Htun Ohn ( for Union Minister )  
Permanent Secretary  
Ministry of Religious Affairs and Culture  
Myanmar

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## **Bagan World Heritage Nomination – Response to ICOMOS Interim Report Requests**

### **Justification of inclusion of Component 5**

Component 5 consists mainly of a reservoir, Alan Bagan Kan, which is part of the ancient system of water management for Bagan during the Bagan period. The system included a number of linked features, and Alan Bagan Kan is a major reservoir between another reservoir, Mya Kan in Component 4 and Old Bagan in Component 1. This system was integral to support the urban civilisation.

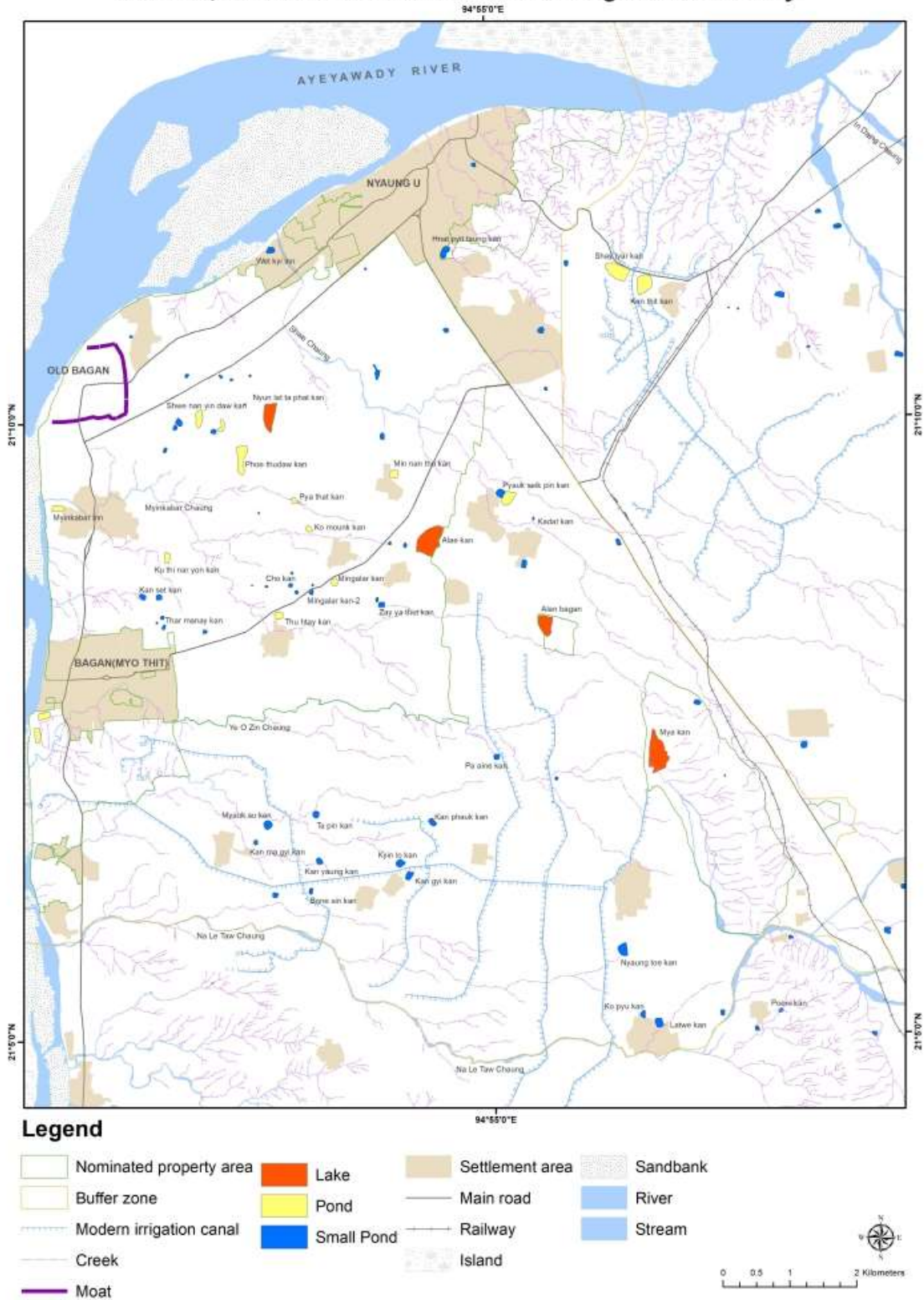
Alan Bagan Kan is a constructed or at least modified natural feature, not simply a natural water body. It was also the location for an 11<sup>th</sup> century CE inscription stone which dates the reservoir, now in the Bagan Archaeological Museum, recording a related royal donation. When full, the reservoir is the largest surviving feature of the ancient water management system and remains in use. The system has been clearly identified as an important attribute of the property which conveys its potential OUV and is exceptional testimony of the Bagan civilization under criterion (iii).

There is also clear evidence of the reservoir being related to a royal donatory act and merit-making, which makes it important evidence of the cultural tradition under criterion (iii), extending beyond religious structures.

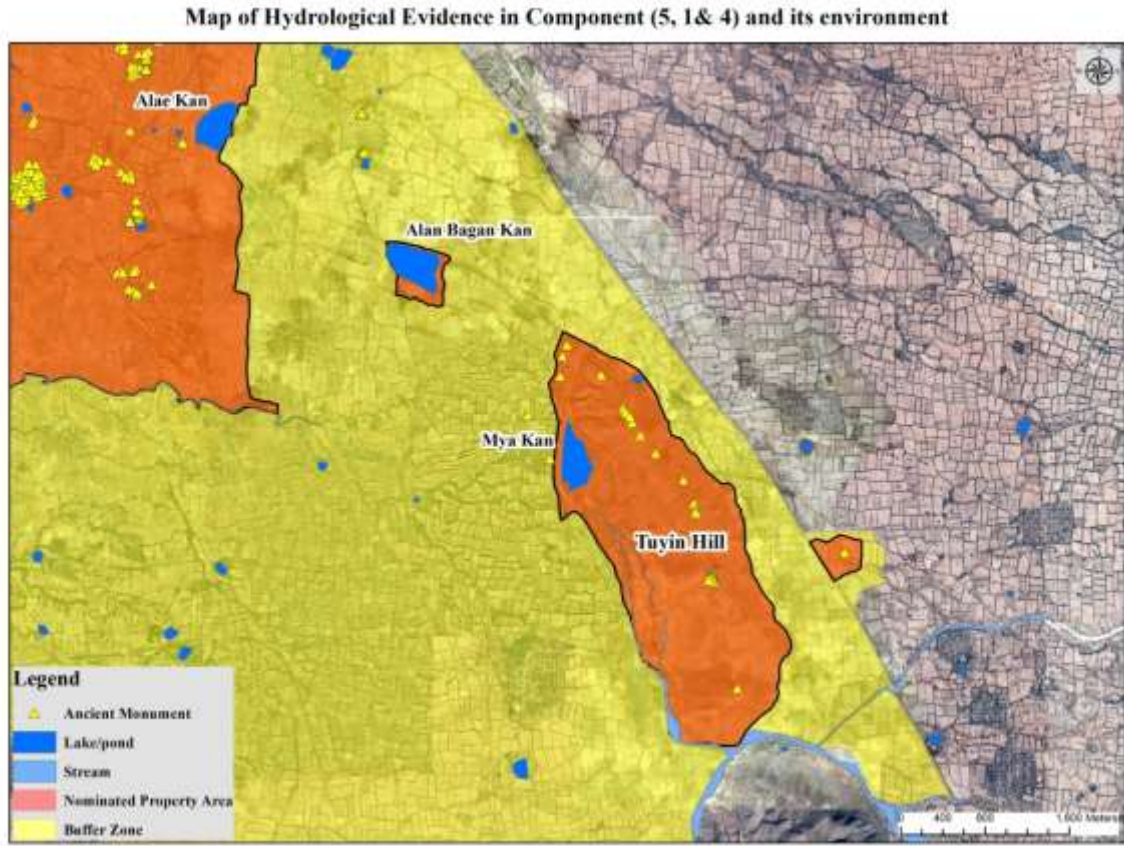
Several maps showing elements of this ancient water system are below.

## Map of Hydrological Evidence in Component 4 and 1

### Streams, Creeks and Ponds / Lakes of Bagan Ancient City



## Map of Hydrological Evidence in Component (5, 1& 4) and its environment





## Justification of inclusion of Component 6 and possible boundary revision

All monuments at Bagan are attributes of the proposed OUV and ideally the nominated boundary would have been for a single major component on the Bagan plain. However, modern developments such as New Bagan raise protection and management issues which make such a boundary impractical. This has led to the serial approach with components, in order to include the monuments but not the modern developments as far as possible. Accordingly, it is important that a cluster such as that within Component 6 should be included within the boundary of the property. The component includes 7 stupas, 3 temples, 3 monasteries, 3 unexcavated mounds as well as one archaeological element.

The State Party, after deliberations with authorities and experts, agrees to the suggestion by ICOMOS to include an area with the plinth of a monks' residence. Revised mapping is below.

While the State Party accepts this proposed boundary change, finalising this change through the relevant administrative process will likely take until June 2019.

### Map of Proposed Extended Boundary for Component 6



### Justification of inclusion of Component 7 and possible boundary revision

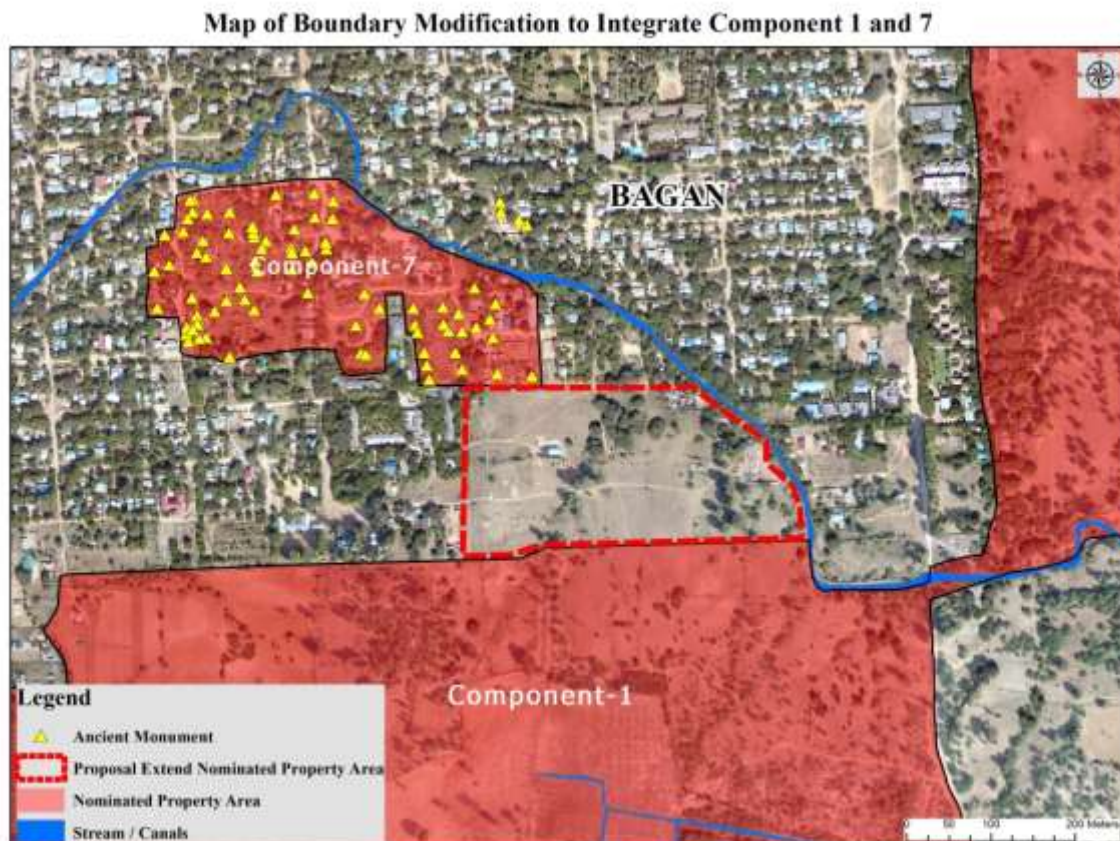
The State Party, after deliberations with authorities and experts, agrees to the suggestion by ICOMOS to include an area connecting existing Components 7 and 1, such that the total area will now be Component 1, and Component 7 will no longer exist as a separate area. Revised mapping is below.

The original rationale for Component 7 is similar to that noted for Component 6 above – to include the monuments and other attributes of OUV, but not modern developments as far as possible because of protection and management issues.

This change overcomes the need for justification of the smaller component, as Component 1 is clearly justified, and would be enhanced by the addition of Component 7 which includes 53 temples and 9 monasteries. This is an important collection of attributes of the proposed OUV and strengthens the justification of Component 1.

While the State Party accepts this proposed boundary change, finalising this change through the relevant administrative process will likely take until June 2019.

### Map of Boundary Modification to Integrate Component 1 and 7

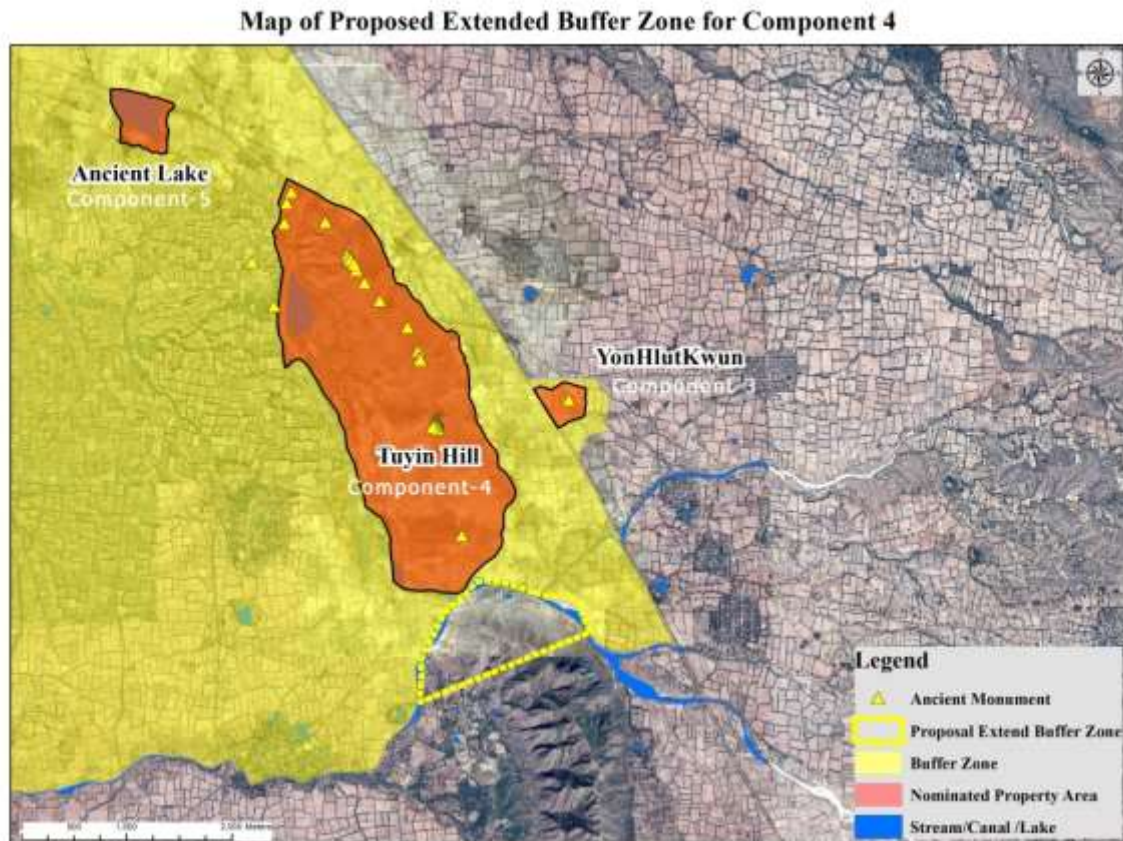


## Buffer Zone for Component 4

The State Party, after deliberations with authorities and experts, agrees to the suggestion by ICOMOS to extend the buffer zone to better protect the southern end of Component 4. Revised mapping is attached.

While the State Party accepts this proposed boundary change, finalising this change through the relevant administrative process will likely take until June 2019.

### Map of Proposed Extended Buffer Zone for Component 4



*Proposed New Map in Nominated Property of Bagan*

**MAP INDICATING THE PROPERTY OF EACH COMPONENT AND BUFFER OF BAGAN ARCHAEOLOGICAL AREA**

**Legend**

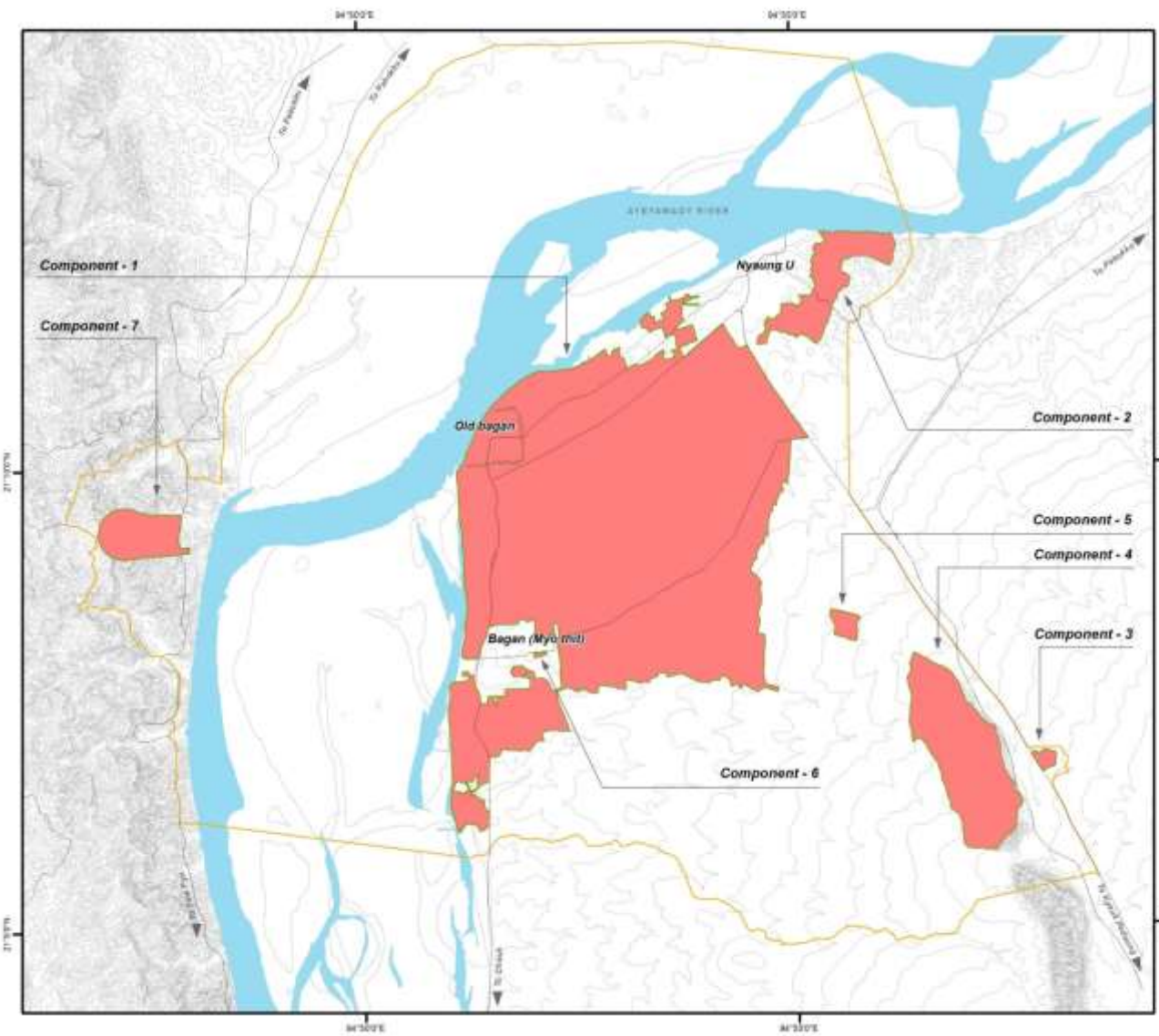
- Nominated property area
- Buffer zone
- Contours (10-m interval)

Nominated property area	5005.49 ha
Buffer zone	18148.83 ha
<b>Total</b>	<b>23152.32 ha</b>

Component-1	4151.52 ha
Component-2	212.27 ha
Component-3	13.61 ha
Component-4	459.05 ha
Component-5	25.21 ha
Component-6	2.1 ha
Component-7	141.73 ha
<b>Total</b>	<b>5005.49 ha</b>

Spheroid:..... WGS 84  
 Projection:..... Universal Transverse Mercator  
 UTM Zone:..... 46N  
 Datum:..... WGS 84

1:100,000



## Legal Protection

A new law is being prepared that will supersede the 1998 Protection and Preservation of Cultural Heritage Regions Law. The justification for and content of the new law was provided in the additional information submitted in October 2018. Particularly important has been the need to align the law to ensure the protection of the cultural heritage regions while allowing participation of communities and ensuring sustainable development.

The process to adopt all new laws in Myanmar involves three stages of parliamentary approval. The new heritage law passed the first stage in December 2018 and the second stage on 21<sup>st</sup> February 2019. According to agreement with *Amyotha Hluttaw* and *Pyithu Hluttaw*, there is no discussing in third stage of parliamentary of *Pyidaungsu Hluttaw's* implementation. The new heritage law will be prepared to sign by President of the Republic of The Union of Myanmar on 25<sup>th</sup> February 2019.

*(Reference: Amyotha Hluttaw (House of Nationalities) and Pyithu Hluttaw (House of Representative), Pyidaungsu Hluttaw (The Pyidaungsu Hluttaw is made up of two houses, the Amyotha Hluttaw (House of Nationalities), a 224-seat upper house as well as the Pyithu Hluttaw, a 440-seat lower house (House of Representatives.))*



## Development Pressures

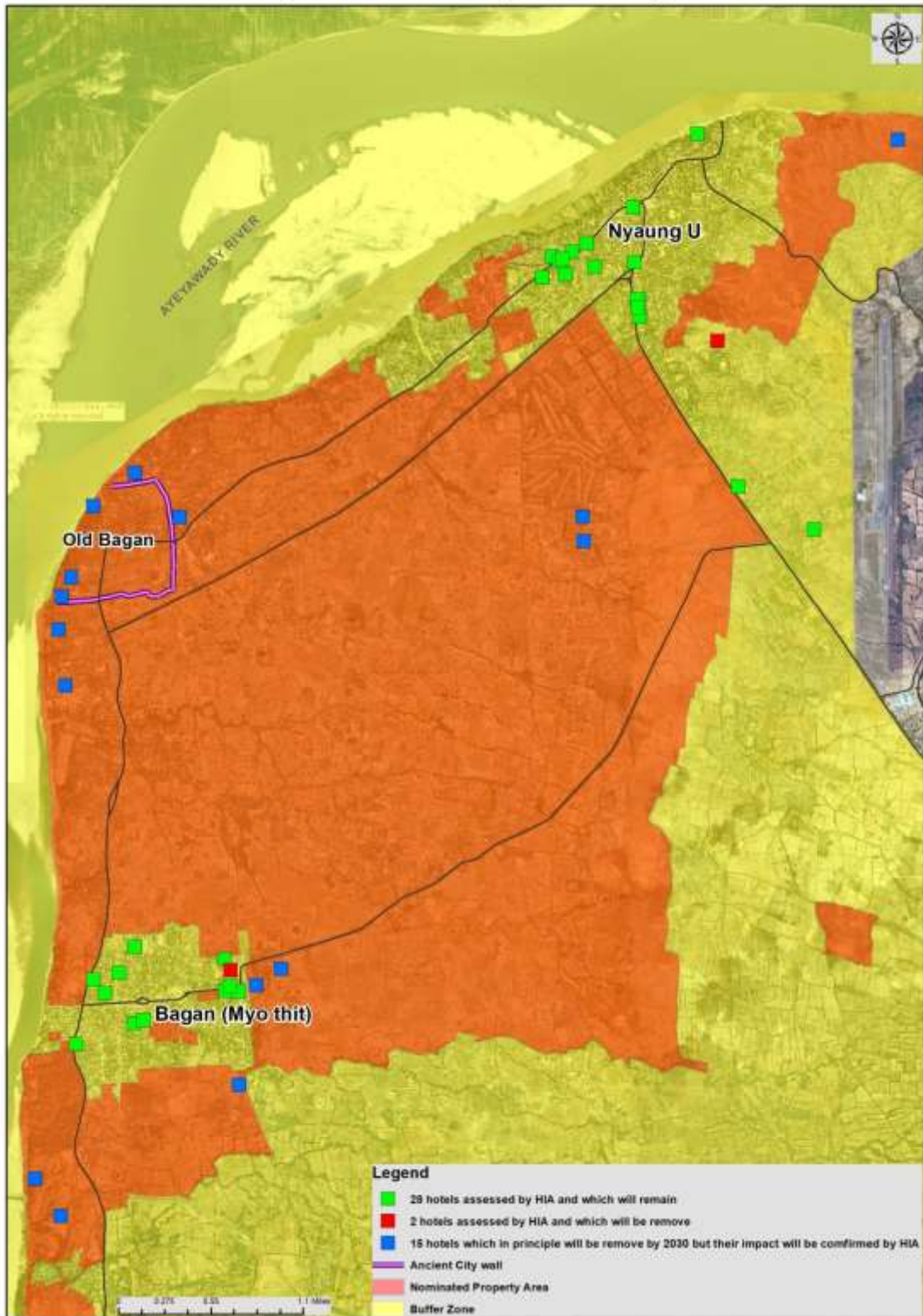
Over the past decades there have been numerous activities that would be considered to be inappropriate for the property. These activities which particularly included construction infrastructure and tourist accommodation have been documented and, in some cases, HIA assessed. According to HIA recommendations, some hotels had already conducted to dismantle and remove the structures which affected to the OUV of the property.

A remaining concern relates to 15 existing hotels, mostly along the banks of the Ayeyarwady River, all of which have been previously approved. It is the decision of the State Party that these hotels should be removed by 2030. It is proposed to undertake a further stage of assessment to consider the remaining hotels, to confirm whether all need to be removed, and if any mitigation works are desirable in the short term (for hotels eventually to be removed) or long term (for hotels which can remain). Short term mitigation works will also be considered for those existing hotels to be able to act appropriately in the property before the phasing out. The mitigation works will be informed by the rectification guidelines, zoning regulations and building bylaws. The further stage of assessment will be phased, and completed by 2020.

A map showing these various hotels is below.

Map of Hotel Development in Bagan

Map of Hotel Development in Bagan



The management system reflects a strategy for hotel development, siting and design with three approaches:

- reducing the pressure for development by providing development areas outside the property and buffer zone;
- gradual phasing out and removal of the inappropriate structures and facilities; and
- rectification of inappropriate interventions that have already taken place.

These approaches are briefly described below.

The management system that has been adopted by the State Party has taken the approach of reducing this pressure through regional planning that provides opportunities in the surrounding area. This particularly addressed the need to develop appropriate areas for tourism accommodation as well as expansion of settlements for the local population (Nomination Dossier Volume III, Annex R, Section 3, Bagan Conceptual Regional Planning, p. 275).

The management system has also provided for a gradual phasing out over a period of a decade or more the inappropriate structures and facilities within the property. This would particularly focus on inappropriate hotels and resorts built within the property (Nomination Dossier Volume III, Annex R, Section 4, Bagan Sustainable Tourism Strategy, p. 401).

Furthermore, there are legal provisions that provide the procedure for rectification of inappropriate interventions that have already taken place, particularly considering activities carried out in the past (Nomination Dossier Volume III, Annex R, Section 1, Integrated Management Framework, 3.3.5. Rectification Guidelines p. 88). The site manager is assessing short, medium and long-term measures of mitigation and correction.

As stated in the Management Framework ‘In cases where the legal framework would be considered to provide insufficient guidance, a Heritage Impact Assessment (HIA) will be carried out. This shall be done based on the annexed document “Practical Steps for Implementing the Interim HIA System at Bagan” (Nomination Dossier Volume III, Annex R, Section 1, Integrated Management Framework, 3.3.1. Legal Framework Introduction p. 45). In other words, the process of HIA will be used to determine whether an existing development should be removed or if it may remain with rectification, in cases where such a determination does not already exist. It will also be used for any new development proposals.

All of the above measures have been adopted and currently operate.

In the case of HIA, it is authorised in the new heritage law referred to above, the policy has already been adopted in the third BAGANCOM meeting on 20-February-2019 in Bagan. It is agreed that HIA will apply to all new substantial hotel developments and other constructions (eg. viewing mounds/structures) which may affect the property. In addition, it is worth noting that the Department of Archaeology is currently reviewing the project budgets for government institutions in Bagan for the 2019-20 financial year in order to identify those projects which should be subject to HIA.

As per the Management Framework document, BAGANCOM will be the main authority coordinating and monitoring all major activities within the property (Nomination Dossier Volume III, Annex R, Section 1, Integrated Management Framework, 3.2.3. Institutional



Framework BAGANCOM p. 38). This has been established, BAGANCOM is already operating, and BAGANCOM will respond to any ongoing and future development threats.

## Landscape Approach to Management and Presentation

Though Bagan has not been nominated as a cultural landscape, after deliberations with authorities and experts, the State Party agrees to the suggestion by ICOMOS that a landscape approach to management and presentation is beneficial. The State Party would, however, like to clarify that the management system which has been established for Bagan has already taken into account the principles of a landscape approach. Over time this will be further refined.

Bagan has not been nominated as a cultural landscape, particularly since the landscape itself has changed over time. The attributes are, however, found within the current landscape which is largely defined by cultivated fields. It is therefore critical that the continued cultivation of land does not change in a manner that would totally alter the context within which the monuments and heritage structures are currently found. Furthermore, such activities must also be monitored to ensure that they do not negatively impact the attributes that convey potential OUV. This has been one of the main objectives of the management system established for Bagan.

As per the *Operational Guidelines Annex 3*, the landscape approach to management stresses a few points:

- that the relationships/connectivity and dynamic functions in the landscape need to be maintained;
- the categories of landscape can suggest different management implications (eg. in the case of living versus relic landscapes); and
- the need for local communities to be involved.

Furthermore, the *World Heritage Cultural Landscapes, a Handbook for Conservation and Management* (World Heritage Papers 26, UNESCO 2009) provides six basic principles for a cultural heritage approach to management. In the light of the existing management system for Bagan, responses to these principles are as follows.

Principle 1: People associated with the cultural landscape are the primary stakeholders for stewardship

- This is the case in Bagan. The landscape is made up of monuments scattered across an agricultural landscape. The support of the religious community has been sought particularly in the maintenance and upkeep of the living monuments where there are often temple trustees, monks as well interested locals involved. Furthermore, to maintain the agricultural landscape there are provisions in place to work closely with community members who are farming, to help them improve their farming methods without impacting monument or subsurface archaeology. (Nomination Dossier Volume III, Annex R, Section 4.3.1 Prioritization of attributes for monitoring p. 139 and Section 4.2.4, Agriculture Sector, p. 131)

Principle 2: Successful management is inclusive and transparent, and governance is shaped through dialogue and agreement among key stakeholders

- The development of the current management system for Bagan has evolved over several years with increasing levels of inclusiveness and transparency, involving stakeholder engagement with the objective of seeking agreement. This process has not ended, and continues to develop within the framework of the current management

system. The World Heritage nomination process has been instrumental in encouraging such management, in the context of wider social changes in Myanmar.

Principle 3: The value of the cultural landscape is based on the interaction between people and their environment; and the focus of management is on this relationship

- This interaction is recognised, and management is focused on the relationship. Refer to the comments regarding Principle 1.

Principle 4: The focus of management is on guiding change to retain the values of the cultural landscape

- This is an objective in the current management of Bagan. Guiding change in the landscape is to be achieved through zoning, legislation as well as involving the community. The monitoring will focus on change taking place over the entire area of the property, and its impact on the attributes that express Outstanding Universal Value (Nomination Dossier Volume III, Annex R, 4.3.1 Prioritisation of attributes for monitoring p. 139). The tourism sector has also committed to prioritise heritage (Nomination Dossier Volume III, Annex R, Sustainable Tourism Strategy p. 401).

Principle 5: Management of cultural landscapes is integrated into a larger landscape context

- This is the case with the current management of Bagan, which considers the management of the nominated property within a wider regional planning context. Indeed, solving the management challenges of Bagan has only been possible with such an approach. (Nomination Dossier Volume III, Annex R, Section 3, Bagan Conceptual Regional Planning, p. 275)

Principle 6: Successful management contributes to a sustainable society

- The objective of achieving a sustainable society is targeted through regional planning linked to development considering social, economic and environmental issues. This has been the basis particularly for the sector plans. (Nomination Dossier Volume III, Annex R, Section 3. Bagan Conceptual Regional Plan p. 277, Section 4. Bagan Sustainable Tourism Strategy p. 403 and Section 5. Bagan Disaster Risk Management Strategy p. 505)
- The nomination dossier notes,

‘Sustainable Development must be pursued in Bagan World Heritage property. This means that conservation of cultural and natural heritage must go hand-in-hand with social and economic development, taking into account of the needs of future generations.’ (Nomination Dossier Volume III, Annex R, Section 2.4 Conservation and Sustainable Development p. 23)

- Under Key Management Objectives (Nomination Dossier Volume III, Annex R, Section 2.5.2 Key Management Objectives p. 26) sustainability has been stated under various objectives...

‘15. To develop regional plans that ensure appropriate and sustainable development in the surrounding region, particularly in respect to land-use, settlements, infrastructure and environment...

17. To develop tourism in a sustainable manner defusing the pressures for infrastructure and services as well as not exceeding the bearing capacity of the

heritage site by extending planning to a region encompassing Pakokku and Chauk...

30. To develop and implement a strategy for appropriate community livelihood linked to a comprehensive approach to sustainable development;

31. To develop marketing strategy and ensuring added value for Bagan products as a sustainable means of livelihood for local community;'

- Furthermore, there is a section, 3.4.4 Resource management and sustainable development (Nomination Dossier Volume III, Annex R, Section 3.4.4 Resource management and sustainable development p. 99),

'The management of Bagan Cultural Heritage Site [the property] cannot be carried out as an isolated system and will need to collaborate with authorities and partners from various sectors. Resource management for the monitoring, conserving and safeguarding the heritage property must go hand-in-hand with the socio-economic development of the area. This is particularly necessary to include the local community as stakeholders who are caretakers of the heritage both through monitoring and maintenance but also through carrying out rituals and celebrations to maintain the intangible heritage of the property. The livelihood of the community is paramount in ensuring democratic procedures in decision making are established.'

*(Draft Translation of New Heritage Law)***Annex-1****The 2019 Law for the Protection and Preservation of Cultural Heritage Zones****(2019-Pyidaungsu Hluttaw Law No. (    )****1380                      Month                      Day****2019                      Month                      Day**

The Pyidaungsu Hluttaw hereby enacts the following law.

**Chapter I****Title and Definition**

1. This Law shall be called the 2019 Law for the Protection and Preservation of Cultural Heritage Zones.
2. The following expressions contained in this Law shall have the meaning given hereunder:
  - (a) **Cultural Heritage** means ancient site or ancient monument for which protection and preservation is required by virtue of its historical, cultural, archaeological, artistic, anthropological, geological or biological values;
  - (b) **National (Level) Cultural Heritage** means the cultural heritage designated as such through a notification issued by the Ministry on approval of the (Union) Government.
  - (c) **World Heritage** means the cultural heritage designated and listed under the World Cultural and Natural Heritage Convention (1972), and proclaimed with the approval of United Nations Educational, Scientific and Cultural Organization, (UNESCO).
  - (d) **Cultural Heritage Zone** means the region where the cultural heritage is situated or the buffer zone as specified under this Law.
  - (e) **Cultural Heritage Site** means the region where ancient monuments or ancient sites are situated as specified under this Law.
  - (f) **Buffer Zone** means the zone specified under this Law to avoid damages to the Cultural Heritage Site.

(g) **Ancient Site** means places where natural fossils, stone weapons are found, where early human had settled or taken refuge that had existed 100 years prior to the verification work by the Department as to the authenticity as ancient site, or in the process of excavation, as recognized cultural heritage site, or such places as yet to be excavated.

(h) **Ancient Monument** means structures of 100 years and above in existence, above ground or subterranean, afloat or submerged including fossilized geological environs where human habitation had been utilized, including the following:

- (1) Pagoda, stupa, cave, monastery/brick monastary, public rest house, religious structures such as ordination hall, places and buildings of worship, brick mounds fallen or destroyed and the debris.
- (2) Ancient city, palace, city wall, moat, embankment, gateway, entrance, fort, residential buildings, dwelling sites, garden, worksite, old mounds inhabited by ancient people, and the remains.
- (3) Natural or man-made dwelling caves, natural caves, ancient stone caves and other human inhabited sites such as high grounds, brooks, depression holes, trenches, gorges, tiered banks and other geological environs where primates and other fossilized remains are found.
- (4) Production sites of ancient artifacts, namely, pottery kiln, glaze kiln, iron kiln, glass kiln and other mineral melting kilns and associated sites.
- (5) Ancient structures, road, bridge, excavation site, well/lake, pond, irrigation, monumental stone henge, stone pillar, stalagmite,/cemetery, graveyard, sepulchral site, sepulchral structure, tomb, and multi-tiered roof.
- (6) Stone inscription, records and the structure where these exist, or stone inscription cave, structures erected as monuments, pillars and marble slabs.

**Exception:** Structures to be listed under the ancient inventory by notification issued by the Ministry, and those the State of deem proper to protect and preserve by virtue of their cultural, historical, architectural and artistic values to be designated as ancient monuments even though they may not be 100 years in existence.

- 
- (7) Such structures of great cultural, historical, architectural, and artistic value as the State should protect and preserve.
- (8) Other structures designated by the Ministry as included in the list of Ancient Monument through a notification to that effect.
- (i) **Precincts of Ancient Structure** means the enclosure of an Ancient Structure as prescribed under this Law.
- (j) **Urban Area** means the area within the Cultural Heritage Zone designated under this Law as urban area by the Ministry Concerned through a notification to that effect.
- (k) **Village** means the area within the Cultural Heritage Zone designated under this law as village area by the Ministry Concerned through a notification to that effect.
- (l) The Layout of Cultural Heritage is the prominent scenario within the natural environs a compound of noticeable substantive and non-substantive social traditions.
- (m) The National (Level) Committee means the national level committee formed under this Law for the protection and preservation of cultural heritage zones.
- (n) **The Region or State Preservation Committee** means the Region or State committee constituted under this law for the protection, and preservation of the World Heritage Zones and National (Level) Cultural Heritage Zone.
- (o) **Regional Preservation Committee** means the Regional Committee constituted under this Law for the protection, and preservation of Cultural Heritage of respective region apart from the World Heritage Zone and National (Level) Cultural Heritage Zone.
- (p) Government means the Government of the Union of Myanmar.
- (q) Ministry means the Ministry of Culture and Religious Affairs of the Union Government.
- (r) Department means the Department of Archaeology and National Museum.

## **Chapter II**

### **Aim/Objectives**

3. The aims of this Law are as follows:
  - (a) To promote and implement the policy of protecting and preserving for the perpetuation of cultural heritage that had existed for many years in the past.
  - (b) To protect and preserve cultural heritage regions and the cultural heritages within these regions against deterioration caused by natural or man-made disasters or by vegetation, pests, birds and animals.
  - (c) To uplift hereditary pride and to cause dynamism of the Union spirit of the citizens by protecting and preserving the cultural heritage regions.
  - (d) To promote public awareness and perception on the high value of the protection and preservation of cultural heritage regions.
  - (e) To provide protection for cultural heritage regions from being destroyed.
  - (f) To carryout protection and preservation of cultural heritage regions in conformity with the International Convention ratified by the State.
  - (g) To cooperate with World Heritage Organizations at home and abroad.
  - (h) To carry out protection and preservation tasks of cultural heritage within the cultural heritage region in equal momentum with those of the social and economic development of the local people.

## **Chapter III**

### **The National Level Committee: Formation and its functions and responsibilities**

4. The Government-
  - (a) shall form the National Level Committee for the Protection and Preservation of cultural heritage zones comprising suitable person.
  - (b) May reconstitute the Committee as and when necessary.
5. The Ministry, with the approval of the Union Government, determines the honorarium and expenses for the National Level Committee Members who are not Government employees.
6. The functions and responsibilities of the National Level Committee are as follows.



- (a) Laying down policies and guidelines for the protection, preservation, and management of cultural heritage zones and supervision.
- (b) Co-ordinating with preservation committees on the performance of tasks.
- (c) Submitting annual reports to the Government regarding the preservation of cultural heritage by Region or State preservation committees, and local preservation committees.
- (d) Carrying out tasks and responsibilities assigned by the Government from time to time.

**Chapter (IV)**

**Formation of Cultural Heritage Preservation Committees**

7. The National Level Committee shall-

- (a) for the purpose of protecting and preserving the World Heritage and the National Level Cultural Heritage Zones in coordination with Region/State Governments from Regional and State Preservation Committees comprising the following persons.
  - (1) Chief Minister of  
 the Region or State concerned ..... Chairperson
  - (2) Region or State Minister assigned by the Government of  
 the Region or State concerned ..... Vice-Chairperson
  - (3) Director, Department of General Administration of  
 the Region or State ..... Member
  - (4) Deputy Director, Department of Farmland Management and Statistics  
 of the Region or State ..... Member
  - (5) Head of Department of Urban and Housing Department of the  
 Region or State ..... Member
  - (6) Director, Directorate of Hotels and Tourism of the  
 Region or State ..... Member
  - (7) Director, Development Committee  
 of Region or State ..... Member
  - (8) Head of Department of Environmental Conservation of  
 the Region or State ..... Member

- (9) Director, Department of Water Resources and Improvement of River Systems of the Region or State ..... Member
- (10) Director, Department of Social Welfare ..... Member
- (11) 3 experts on the protection and preservation culture heritage ..... Member
- (12) 3 to 5 persons from among the locals involved in the protection and preservation tasks of cultural heritage..... Members
- (13) Section In-Charge of the Department of Archaeology and National Museum Department ..... Secretary

(b) The Region or State Preservation Committee may be reconstituted as and when necessary.

(c) Honorarium and expenses must be determined for members of the Region or State Management Committee who are not State employees.

8. The respective Region or State Government, or the Nay Pyi Taw Council, or the Administrative Body of Self-Administered Division, or that of Self-Administered Zone shall –

(a) For the purpose of protecting, and preserving the cultural heritage zones, apart from those of the World Heritage Regions, and National (Level) Cultural Heritage Regions, form Local preservation committees comprising the following persons.

- (1) One departmental official assigned by the District or Township Head of Department of General Administration ..... Chairperson
- (2) Head of Department of Township Rural Development ..... Member
- (3) Head of Department of Township Farmland Management and Statistics ..... Member
- (4) One official from the Township Development Committee..... Member
- (5) 2 locals involved in the protection and preservation tasks of the cultural heritage ..... Members
- (6) Section In-charge of the Department of Archaeology and National Museum ..... Secretary

- (b) The Region or State Preservation committee may be reconstituted as and when necessary.
- (c) Honorarium and expenses must be determined for members of the Local management committee who are not State employees.

## **Chapter V**

### **Determining Cultural Heritage Zone**

9. The Ministry may, with the approval of the Government, issue notification demarcating any, or more than one of the following kinds of zones as cultural heritage region.
  - (a) Zone where cultural heritage exists
  - (b) Buffer zone
10. The Ministry may if required carry out management of land for the cultural heritage zone, and buffer zone as follows;
  - (a) If the land is under the administration of any government department, or government organization, coordinating in advance with the relevant government department, or government organization, and if required submitting to the government.
  - (b) If it is the land on which a person or a private organization has the right of cultivation, right of possession, right of utilization, beneficial right, right of succession, or right of transfer, co-ordination in advance with the respective person or private organization, in accordance with relevant laws.

## **Chapter VI**

### **Protecting and Preserving Cultural Heritage Zone**

11. The Region or State Preservation Committee and the Local preservation committees can, in accordance with prescribed specifications, prohibit the construction of any structures that might disturb or obstruct the layout of surrounding natural landscape, and remove any other illegal construction within the cultural heritage zone.

12. The Region or State Preservation Committee and the Local preservation committees may, in coordination with the Ministry, prescribe rules and specifications to be adhered to in constructing buildings/structures in the respective cultural heritage region.
13. The Region or State Preservation Committee and the committees shall carry out Local preservation protection and preservation tasks within the cultural heritage zone in accordance with prescribed stipulations.
14. The Region or State Preservation Committee and the Local preservation committees are required to obtain the approval of the Ministry for the following undertakings in the cultural heritage region.
  - (a) Demarcating the precincts of ancient monument/structures
  - (b) Prescribing stipulations to abide by for tasks undertaken in the demarcated precincts under sub-section (a).
  - (c) Forming boards of trustees or maintenance bodies to safeguard the ancient monument/structures.

## **Chapter VII**

### **Functions and Responsibilities of the Ministry**

15. The functions and responsibilities of the Ministry are as follows:
  - (a) Protecting and preserving, disclosing cultural heritage regions and carrying out research.
  - (b) Prioritizing those cultural heritage regions famous and well-known for their high cultural value in the protection and preservation task.
  - (c) Designating ancient sites, ancient monuments within the cultural heritage region with the approval of the Government.
  - (d) Carrying out with the approval of the Government, to enable the cultural heritage to be included in the list of world cultural heritage.
  - (e) Taking measures, as may be necessary, to prevent smuggling of antiquities from the cultural heritage region to foreign countries, and to recover those antiquities that have been taken outside of the country, and the recovered ancient items to be reinstated/maintained at their original sites..

- (f) Carrying out educative works for the protection and preservation of cultural heritage regions and for taking pride in the value of the cultural heritage.
- (g) Carrying out tasks for the protection and preservation of cultural heritage specified by the Government from time to time.
- (h) Proceeding works as required, on the submissions put up by the National Level Preservation Committee and Local preservation committees.
- (i) Making arrangement for compensation for damage to be paid for by the culprit, for contributions to be made by organization that gain benefits from the cultural heritage, and allotting certain amount such contributions to the protection and preservation tasks of the cultural heritage.
- (j) Setting up, in addition to the national budget, a heritage management fund within the State account in conformity with State financial rules for the effective implementation of the protection and preservation tasks of cultural heritage.

### **Chapter VIII** **Functions and Duties of Preservation Committee**

16. The functions and duties of the National (Level) Management Committee are as follows.
- (a) Carrying out the maintenance and Preservation tasks of the World Heritage and National (Level) Cultural Heritage Zones.
  - (b) Adhering to the comprehensive management process as approved in the application for the World Heritage List.
  - (c) Implementing development projects for the future urban and villages of the local people within the cultural heritage.
  - (d) Granting or carrying out after scrutinization or rejecting the following undertakings at the urban area and at the villages within World Heritage, and National (Level) Cultural Heritage Zone.
    - (1) Construction, extension, alteration of buildings and extending the estate.
    - (2) Alterations made on the existing hotels, motels, guest houses, lodging houses or industrial structures.

- (3) Exercising close supervision over economic and social undertakings of the local people so as to be in conformity with the stipulations prescribed under this Law.
  - (4) Altering and extending the estate of the ancient area of the ancient monument.
  - (5) Constructing roads, bridges, irrigation works, embankments, and carrying out electricity and communication works.
  - (6) Construction of essential structures and public utilities infrastructures for the purposes of protection and preservation of cultural heritages.
  - (7) Altering and demolishing of structures that do not conform to specifications.
  - (e) Submitting annual reports to the National Level Committee on matters the preservation of cultural heritage within the World Heritage and National Level Cultural Heritage Zones.
  - (f) Carrying out duties assigned by the National Level Committee
17. The functions and duties of Local cultural heritage preservation committees are as follows.
- (a) Carrying out preservation tasks within the cultural heritage zone and the buffer zone.
  - (b) Adhering to comprehensive management process as approved in the application for the World Heritage List.
  - (c) Implementing future urban and rural development projects for the local people within the cultural heritage zones.
  - (d) Altering and demolishing of structures that do not conform to specifications.
  - (e) Submitting annual reports to the National Level Committee on matters the preservation of cultural heritage within the World Heritage and National Level Cultural Heritage Zones.
  - (f) Carrying out duties assigned by the National Level Committee
18. The Local Preservation Committee may, with the approval of the Union Ministry, grant permission or carry out measures as follows.
- (a) Altering the ancient structures and extending the boundaries of its enclosure.
  - (b) Constructing roads, bridges, waterways embankments and carrying out electricity and communication works.

(c) Construction of essential structures for purposes of management and public utilities infrastructures.

19. The Region or State Preservation Committees, and the Local Preservation Committees shall scrutinize the application for prior permission under the provisions of Section 26 of this Law, in addition to a Heritage Impact Assessment analysis.

20. The Region or State Preservation Committee, and the Local Preservation Committee may revoke the prior permission if terms and conditions specified when granting it are not met.

### **Chapter IX** **Application, Scrutinizing and Issuance of Prior Permission**

21. Any person desiring to carry out any of the following undertakings within World Heritage or National Level Cultural Heritage Zones must abide by existing laws besides ensuring on grounds of causing no damage to the cultural heritage, a prior permission is to be applied to the Region or State Preservation Committee or for those apart from the said zones, to the Local Preservation Committee in the prescribed form.

(a) Within the boundaries of urban areas and villages where the cultural heritage exists-

(1) Constructing structures or extending them.

(2) Renovating, or fencing, altering or extending any other structure apart from the ancient structure

(3) Renovating and constructing the new buildings, relevant infrastructure for education and health that would not affect any damage to the cultural heritage.

(4) Extending and repairing roads and wharfs.

(5) Extending, renovating and operating wells, ponds and swimming pools, reservoirs, fishery ponds, livestock farms and perennial plantations.

(6) Establishing new handicraft factories and extending the same.

(7) Establishing, extending and renovating and commercial centres as restaurants, souvenir shops and tour companies.

- 
- (8) Constructing and extending new galleries, showrooms.
  - (9) Renovating existing hotels, motels, guest houses, lodging houses or small and medium enterprises.
  - (10) Arranging right of air passage flights by helicopters, hot balloons and other power-driven or non power-driven vehicles.
- (b) In the buffer zones of the cultural heritage regions,
- (1) Construction of new roads, wharfs, parking lots, rail tracks, railway station, gymnasium, sport grounds, buildings and bridges or extension of such infrastructures.
  - (2) Erecting pylons, laying underground works, underground electric power lines, high voltage power lines, transformer stations, lamp posts and gas pipelines.
  - (3) Arranging right of air passage of flights by helicopter, hot balloons and gliders.
  - (4) Constructing such entertainment buildings as theatres and accommodation facilities as, leisure camps, riding camps, race courses and infrastructures.
- (c) In the cultural heritage zone-
- (1) Growing perennial plants and trees on farmland or cultivation plots detrimental to the environment and obstructing the surrounding landscape view
  - (2) Undertaking the following works which may cause damage to the original terrain.
    - (aa) gold panning, sand and pebble extraction brick kiln, waste dumping and sewage works
    - (bb) demolishing natural mounds, hillocks leveling or digging earth, and barring waterways.
    - (cc) land filling of lakes, streams, irrigation, embankment, gorges and depressions.
  - (3) Felling of existing flora, destroying groves and planting other non-native species perennials
  - (4) Barring the view of ancient monument in an enclosure on purpose, and blocking easy access to and putting fences around it.



22.

(a) Regarding applications made under Section 21.

(1) The Region or State Preservation Committee shall in conformity with prescribed stipulations decide within a 60-day period,

(2) The Local Preservation Committee in conformity with prescribed stipulations scrutinize within a 30-day period.

(b) The Region or State Preservation Committee may under subsection (a) (1), issue prior permission, after scrutinizing, or refuse on valid grounds.

(c) The Local Preservation Committee shall scrutinize under Subsection (a) (2), and may issue prior permission, or refuse on valid grounds, and if necessary put up to the Government through the Ministry along with remarks.

23. The Ministry scrutinizes the report under Section (22), subsection (c) and if necessary, coordinates with the Government Department or Organization concerned.

(a) On finding it appropriate for the issuance of a prior permission, shall issue the same to the applicants.

(b) On finding it inappropriate for the issuance of a prior permission, shall refuse the application on valid grounds.

24.

(a) Those desiring to carry out the following undertakings within the cultural heritage zone must put up an application as prescribed, to the Region or State Preservation Committee, or the Local Preservation Committee for a prior permission stating that there could be no negative impact, on the cultural heritage.

(1) Renovation, maintenance works, or alteration, or extending precincts boundaries without any changes made, on the original ancient design of the ancient monument.

(2) Carrying out archaeological excavation

(3) Constructing and operating of museum.

(4) Constructing structures, and public utilities infrastructures essential for the protection and preservation of cultural heritage.

- (b) To be forwarded to the Ministry along with the recommendations of the Region or State Preservation Committee and Local Preservation Committee.
25. The Ministry, under Section 24, shall have the Department scrutinize, and inform its recommendations to the Region or State Preservation Committee or Local Preservation Committees.
26. Regarding with the undertakings mentioned under Section 24, Subsection (a), the Region or State Preservation Committee or Local Preservation Committee, in conformity with the recommendations of the Ministry shall,
- (a) issue prior permission to the applicant if found justifiable to do so
- (b) refuse the application if found unjustifiable to issue prior permission.
27. The Ministry shall,
- (a) in the case of differing opinions between the Region or State and Local Preservation Committees and the Ministry, representatives of the Ministry and Department and those of the committees concerned must hold a coordination meeting to reach a decision, and -
- (b) If necessary, matters discussed along with the minutes of the meeting must be submitted to the National Level Committee for approval.
28. The Region or State Preservation Committee and the Local Preservation Committees in deciding to deny the granting of a prior permission under Section 22, Sub-section (b), and Section 26. Subsection (b), the justification for denial must be made known to the applicant.
29. In conveying the opinion by the Ministry and in scrutinizing for granting of prior permission by the Region or State Preservation Committee and Local Preservation committees under Section 22 and Section 26 the following facts must be based on.
- (a) Whether the World Heritage Zone and the National Heritage Zone are in conformity with the prescribed norms and standards for World Heritage.
- (b) Whether it is detrimental to the cultural heritage environs and the ecosystem.
- (c) Whether it is liable to mar the scenic view of the Cultural Heritage Zone.
- (d) Whether it is liable to be a barrier or an obstruction to the natural surroundings
- (e) Whether it is free from infringing the ancient site.

- (f) Whether it is affecting the grandeur of the Ancient Monument
  - (g) Whether it is deteriorating the ancient cultural heritage on land surface or subterranean, afloat or submerged.
  - (h) Whether it is affecting the security of the cultural heritage
  - (i) Whether it is polluting the environment
  - (j) Whether it is infringing stipulation of the laws, rules and regulations, notifications and directives and conforms to procedures under this Law.
30. With regard to application for prior permission under Section 21, and Section 24, subsection (a), the Region or State Preservation Committee and the Local Preservation Committees are to direct the Department concerned to carry out the Heritage Impact Assessment and monitor the adherence to stipulations on the permitted tasks and to report back. The permission can be cancelled for non-adherence to such stipulations.

## **Chapter X**

### **Prohibitions**

31. No individual can carry out the following undertakings within the urban area and villages of the Cultural Heritage Zone without the prior permission of the Region or State Preservation Committee or the Local Preservation Committee.
- (a) Constructing of buildings or extending the same
  - (b) Renovating, constructing, or fencing estate boundaries of structures other than the Ancient Structure.
  - (c) Renovating, or constructing new religious buildings and infrastructures relating to education and health that do not affect the Cultural Heritage.
  - (d) Extending, and repairing roads and wharfs.
  - (e) Extending and renovating wells, ponds, swimming pools, and reservoirs and operating fish breeding ponds, livestock ranches and perennial plantations.
  - (f) Establishing new handicraft factories, extending and altering the same
  - (g) Constructing, extending and altering of establishments for commercial purposes such as restaurants, souvenir shops, and tour companies.

- (h) Constructing new structures to house galleries and extensions and alternations made on the same.
  - (i) Renovating existing hotels, motels, guest houses, lodging houses or small and medium industries.
  - (j) Arranging right of passage flights by helicopters, hot air balloons, other propelled vehicles and gliders.
32. No one must carry out the following undertakings within the cultural heritage zone, and the buffer zone without the prior permission of the National Level Preservation Committee or Local Preservation Committee.
- (a) Contributing roads, wharfs/jetties, parking lots, rail tracks, railway station, gymnasium, sports ground, new structures and bridges extending the same.
  - (b) Constructing communication pylons, subterranean work, subterranean power lines, high voltage power pylons, power transformer plants, lamp posts, gas pipelines.
  - (c) Arranging right of passage flights by helicopter, hot air balloons, gliders.
  - (d) Constructing entertainment structures as theaters, or accommodation facilities as resorts, riding camps, race courses and infrastructures.
33. No one must carry out any of the following undertakings within the Cultural Heritage Zone without prior permission.
- (a) Arranging out maintenance works without making any alterations to the original design and workmanship of the Ancient Monument or alteration and extending the boundaries of its enclosures.
  - (b) Carrying out archaeological excavation.
  - (c) Construction of museums and operating the same.
  - (d) Constructing public utility infrastructures essential for the protection and preservation of cultural heritage.
34. No one must carry out any of the following within the Cultural Heritage Zone without prior permission issued under this law:
- (a) Altering the existing structure of hotels, motels, guest houses, lodging houses, or that of industrial plant

- (b) Planting perennial on arable land that could affect the natural environment and surrounding view
  - (c) The following undertakings which can destroy the original terrain\_
    - (1) Panning gold, extracting sand, quarry works, operating brick kilns, dumping waste, and disposing sewage
    - (2) Demolishing, leveling, and digging of natural mounds and hills and barring of water courses
    - (3) Filling earth on lakes, streams, irrigation embankment, ravines, and depressions
  - (d) Felling of existing natural flora, destroying elevations across the surface, planting perennials species not belonging to the flora
  - (e) Grazing cattle within Ancient Structures and their precincts
  - (f) Purposively hiding the view of Ancient Structures that happen to be inside a certain estate; barring convenient access and fencing the same
35. No one must do any of the following undertaking within the Cultural Heritage Zone
- (a) Demolishing the Ancient Structure, or part of the same
  - (b) Purposefully undertake to alter the original ancient design, or original ancient workmanship of the Ancient Monument
  - (c) Excavating for ancient artifacts
  - (d) Excavating for oil, natural gas, gemstones or mineral exploration
36. No one shall/ must fail to adhere to rules, orders, notifications and directions issued by the Ministry, Department or Region or State Management Committee or Local management committees
37. No one shall carry out in the specified boundaries of the Cultural Heritage Zone, cultivations or anything affecting the same

## **Chapter XI**

### **Crime and Punishments**

38. Anyone convicted for violations of any prohibitions prescribed under Section 31 or Section 33 may be sentenced to a minimum of one year to a maximum of three

- years imprisonment, in addition to a minimum of Ks 1,000,000 to a maximum of Ks 5,000,000 in fines
39. Anyone convicted for violation of any prohibitions prescribed under Section 32 or Section 34 may be sentenced to a minimum of six months to a maximum of one year imprisonment, in addition to a minimum of Ks 1,000,000 to a maximum of Ks 3,000,000 in fines
40. Anyone convicted for violation of any prohibitions prescribed under Section 34 may be sentenced to one year imprisonment or Ks 3,000,000 in fines, or both
41. Anyone convicted for violation of any prohibitions prescribed under Section 35 may be sentenced to a minimum of three year to a maximum of five year imprisonment, in addition to a minimum of Ks 1,000,000 to a maximum of Ks 5,000,000 in fines
42. For anyone convicted of any crime under this Law, the court shall give one of the following verdicts to be carried out within the specified time as regulations prescribed under this Law.
- (a) To demolish the structure that was built
  - (b) Extended buildings or estate boundaries to be reinstated to the original form
  - (c) Buildings altered in design or estates undergone the same to be reinstated to the original form
  - (d) Evidential effects to be confiscated
43. Everyone shall comply with the verdict served under Section 42. Failure to do so within the specified time shall be fined a minimum of Ks 100,000 per day.

## **Chapter XII**

### **Establishing a Trust Fund for Management of Cultural Heritage Trusteeship and Management**

44. For the effective and successful implementation, the protection and preservation of the cultural heritage, the Ministry shall, with the approval of the Government, establish a trust fund to be raised from the following revenues\_
- (a) donations made by the governments organizations and well-wishers from abroad and at home.

- (b) specified proportionate percentage of revenues collected at cultural heritage regions and entrance fees.
  - (c) fines charged by the preservation committee
  - (d) interest accrued from the trust fund
45. For the trusteeship and management of the funds, the Ministry will form a management committee with appropriate representatives from Region or State Preservation Committees and Local Preservation Committees.
46. The committees for managing the trust fund under Section 45 –
- (a) can allot appropriate subsidies to management committees concerned.
  - (b) shall maintain, manage, and spend in accordance with financial rules
  - (c) shall ensure that income and expenditures be subject to auditing by the Office of the Union Auditor-General
  - (d) shall submit annual its financial statement and income-expenditures balance sheet to the Ministry.

### **Chapter XIII Miscellaneous**

47. With regard to exploration of oil, natural gas, gemstones, or minerals in the interests of the State...
- (a) Such undertakings are prohibited in the Cultural Heritage Zones recognized as World Heritage Zone and those of the National (Level) Cultural Heritage Zone
  - (b) **Except for those Cultural Heritage Zone under Sub-section (a) such undertakings can be carried out with the approval of the Government**
  - (c) In carrying out undertakings under Sub-section (b) the potentially vulnerable cultural heritage may be moved, substituted, and maintained in conformity with internationally recognized procedures
- 48.
- The respective preservation committees shall carry out the following with the approval of the Ministry.
- (a) Specify the collection of fees, and entrance fees at the Cultural Heritage Zones
  - (b) Specify amount of fines to be paid for causing damages to the cultural heritage.

49. The Region or State Preservation Committee or Local Preservation Committee may, on finding that the holder of prior permission has failed to abide by any of the rules for preservation of the cultural heritage, or failed to comply with any rules, notification, order and directive issued by the Ministry, Department, Region or State or Local Preservation Committees, impose the violator with one of the following managerial orders.
- (a) To give warning to abide by the rules, and to sign the pledge on that
  - (b) To pay fines in order to assure the adherence to rules.
  - (c) To revoke the prior permission thus granted
50. (a) Any person not satisfied with any order made under Section 49 has the right to appeal to the Ministry within sixty days from the day the order was served.
- (b) The Ministry may after scrutinizing the appeal made under sub-section (a), confirms, announced, or quash the same
  - (c) The decision of the Ministry is final and conclusive
51. The Ministry shall bear the expenses and the honorarium granted to committee Members who are not State employees.
52. Offences under this law are regarded as cognizable.
53. Notwithstanding any provision under any other Laws, offences related to this Law must be taken action under this Law.
54. For the implementation of the provisions of this Law-
- (a) the Ministry may issue rules and regulations with the approval of the Government.
  - (b) the Ministry, Department, Region or State Preservation Committee and Local Preservation Committee may issue notifications, orders, directives, and procedures.
55. Ancient Monument Zones and Ancient Site Zones specified by the Law for Protection and Preservation of Cultural Heritage Zones (State Peace and Development Council Law No. 9/1998) are to be regarded as Cultural Heritage Zones and the Protected Zones as Buffer Zones.
56. Rules, procedures, notifications, orders and directives issued/ under the Law for the Protection and Preservation of Cultural Heritage Zones (State Peace and



Development Council/Law No. 9/1999) are to be adopted unless repugnant to this Law.

57. The Law for the Protection and Preservation of Cultural Heritage Zones (State Peace and Development Council/Law No. 9/1999) is repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd: Win Myint

President of the Republic of the Union of Myanmar