

**KATHMANDU VALLEY WORLD HERITAGE PROPERTY
NEPAL**

Ref. 121bis

ADDENDUM 2023
to
STATE OF CONSERVATION REPORT 2022



Table of Content

1. Background to Addendum Document	2
2. Additional Information	3
3. Signature of the Authority	11

1. Background to Addendum Document

Due to the extraordinary circumstances of the World Heritage Committee Session not taking place in 2022, and the next Session being planned for September 2023, this document, with additional information, is being submitted. This document is to be taken as an addendum to the 'State of Conservation Report 2022' for the Kathmandu Valley World Heritage Property, Nepal.

This report provides additional information on the progress made on implementing various activities requested by the World Heritage Committee in 2021, during their 44th Session in Fuzhou, China, which was largely held on-line due to the COVID-19 pandemic.

Response to the Decision of the World Heritage Committee

We would like to again thank the World Heritage Committee, the World Heritage Centre and the advisory bodies, ICOMOS and ICCROM, for their support and for providing us with valuable recommendations, particularly after the devastating Gorkha Earthquake. Concerning the discussion of inscribing the Kathmandu Valley on the List of World Heritage in Danger, the Government of Nepal is not in favour of such a decision and requests the World Heritage Committee, the World Heritage Centre, the Advisory Bodies and the International Community to provide more proactive support.

Things have moved forward, particularly with the establishment of the International Scientific Committee for Kathmandu Valley (ISC-KV). Details on the discussions have been provided in the following section.

Other current conservation issues

The main focus, in all seven monument zones of the Kathmandu Valley, is still the continued completion of post-earthquake reconstruction, restoration and recovery activities. Please refer to the Kathmandu Valley SOC 2022 Report. There is nothing further to report.

Reporting on Major Developments (OG Para 172)

Points specifically mentioned during the 2021 World Heritage Committee Session are being reviewed through the ISC-KV meetings. Beyond the points mentioned under the section on ISC-KV there is nothing further to report. Please refer to the Kathmandu Valley SOC 2022 Report.

2. Additional Information

This document is to be read in conjunction with the Kathmandu Valley SOC 2022 report (which is being resubmitted along with this document). The State Party of Nepal would like to highlight the progress made in the past years in addressing the issues raised by the World Heritage Committee.

2.1 International Scientific Committee for Kathmandu Valley (ISC-KV)

Decision : 44 COM 7B.33

Kathmandu Valley (Nepal) (C 121bis)

5. Also urges the State Party to expedite the establishment of the **International Scientific Committee (ISC)** to assist with the development of structures and resources to guide the recovery of the property and its Outstanding Universal Value (OUV), and requests the State Party to submit the **ISC's Terms of Reference and membership** to the World Heritage Centre;

The Terms of Reference of the International Scientific Committee for Kathmandu Valley (ISC-KV) has been finalised and adopted by the Government of Nepal and has been submitted to in the SOC 2022 report. In the meantime the following ISC members have been finalized.

ISC-KV meetings:

1. 26 February 2022
2. 4 March 2022
3. 29 January 2023
4. 12 February 2023
5. 20 February 2023
6. 27 February 2023

The names of the national and international experts have also been finalised.

- 1) Prof Yukio Nishimura – Architect and Urban Planner (International Expert)
- 2) Prof Robin Coningham – Archaeologist (International Expert)
- 3) Ms Catherine Forbes – Conservation Architect (International Expert)
- 4) Mr Kosh Prasad Acharya – Archaeologist (National Expert)
- 5) Mr Bhim Prasad Nepal – Legal Expert in Conservation (National Expert)
- 6) Mr Kai Ube Prasad Weise – Heritage Management Expert (National Expert)

Continued 2.1 ISC-KV

Arrangements for ISC-KV Meeting 23 – 24 March 2023

Arrangements are being made for the ISC-KV to meet in Kathmandu on 23rd and 24th March 2023. The broad agenda for the two days and the discussion outline have been provided on the following pages. An initial matrix in response to the individual points of the World Heritage Decisions 44 COM 7B.33 has also been provided. In preparation for the ISC-KV meeting, the Department of Archaeology,

UNESCO Kathmandu Office and the National Experts have met several times. The representatives of the municipalities have also participated in the preparatory meetings. The preparatory meetings discussed the meeting agenda, the expected outcome of the ISC-KV meeting, and the issues to be discussed.

Kathmandu Valley ISC meeting 24th March 2023

BACKGROUND AND OUTLINE FOR DISCUSSIONS

The Kathmandu Valley ISC has been established to assist the State Party to take stock of the post-disaster recovery and to re-establish standard site management procedures. This transition is, however, not simple, and must be carefully planned. The Gorkha Earthquake will soon be eight years in the past. The State Party must move towards closure of the recovery phase, taking into account the remaining work to be done, that might still be considered ‘post-disaster recovery’, while also taking into account the impact of the COVID-19 pandemic. Furthermore, as part of the closure process, a detailed retrospective (and introspective) review needs to be carried out to identify, formulate and document the ‘lessons learned’, and introduce this to the re-established site management procedures. This would require the State Party to carry out three activities: (1) prepare a **‘Recovery Plan: Remaining Activities’**, (2) work on a **‘Post-disaster Recovery: Lessons Learned’** and then (3) the amendment of the **‘Integrated Management Framework’** document, augmented with sector strategies for (a) Heritage Conservation, (b) Urban Planning, (c) Community and Sustainable Development, (d) Disaster Risk Management and (e) Visitor Management. [\[1\]](#) [\[2\]](#) [\[3\]](#)

Beyond this broad framework, there are several very specific activities that the State Party would need to carry out in response to the World Heritage Committee decisions. These activities can be divided into three categories: (1) establishment

of procedures, (2) ongoing capacity building and (3) information management system (database).

Under (1) establishment of procedures, there are five clear activities that are required. Firstly, the procedure for carrying out HIA needs to be established. Second, establish procedures that ensures documentation, research, analysis and the use of traditional materials and techniques. Third, develop the procedures for ensuring traditional craftspeople are involved in restoration and maintenance of monuments. Fourth, ensure a procedure that does not allow contractors with inadequate experience and familiarity with traditional materials and local process. Fifth, establish procedures for the protection of “urban housing and ancient settlements”. [\[4\]](#) [\[5\]](#) [\[6\]](#) [\[7\]](#) [\[12\]](#)

Under (2) capacity building is required on two levels. The first level would be to have international training on the ‘Historic Urban Landscape’ approach, the ‘value based heritage assessment and conservation management planning’ and ‘socio-economic revitalization programmes’. At local level, awareness programmes are required for the site managers and community, as well as the key positions within the federal, provincial and local authorities, possibly linked to the Coordinative Working Committee (CWC). [\[8\]](#) [\[9\]](#) [\[10\]](#) [\[13\]](#) [\[14\]](#)

Under (3) an elaborate information management system needs to be established, closely linked to the IMF and the various procedures that are to be established as mentioned above. For the management of the property, information is critical. This would need to be considered beyond a ‘digital database’. [\[11\]](#)

Finally, to make these activities effective the KV-ISC virtual meetings on a quarterly basis will ensure that there is incremental progress. This would also need to be augmented with regular CWC meeting, possibly monthly or twice every quarter, to ensure that the site managers are part of the planning process, allowing awareness and capacity building. The individual cases that have been mentioned are only examples of many more such issues that need to be addressed through the HIA process. [\[15\]](#) [\[16\]](#) [\[17\]](#) [\[18\]](#) [\[19\]](#)

Note: the numbers refer to the points in the following matrix

Continued 2.1 ISC-KV

Kathmandu Valley ISC meeting 24th March 2023

MATRIX

International Scientific Committee of Kathmandu Valley Cultural Property (ISC-KV) Matrix of Status as per TOR and future action plan								
S.N.	Key Aspects of TOR	Completed tasks	Tasks left to do	Time Period	Key Responsible Entity	Auxiliary Entity	Resource	Remarks
1	Six Year Master Plan	Almost all the restoration work has been completed	Formulation of New Conservation Plan for Kathmandu Valley	Within One year	DOA/Ministry/ ISC	Municipalities/ PADT/ BADC/FSMC	GON Budget/ Municipal Budget	
2	Recovery Master Plan	Almost all the restoration work has been completed	Integration with New plan	Within One year	DOA/Ministry/ ISC	Municipalities/ PADT/ BADC/FSMC	GON Budget/ Municipal Budget	
3	Revision of Integrated Management	Final Draft	Adoption of the IMP	Within 6 months	DOA/ Ministry/ GON			
4	Establishment of Heritage Impact Assessment procedures	Adopted	Updating the Roster of Experts	Continuous	DOA	ICOMOS/ Related NGOs	GON Budget/ Municipal Budget	
5	Implement activities based on "documentation, research, analysis and use of appropriate traditional methods and materials"	Heritage conservation Directives and Bylaws for private building	Orientation for Experts Updating inventory: techniques, tools, capacity building etc. Research: Gap analysis, Policy recommendation etc.	Continuous	ISC/ DOA	Municipalities/ PADT/ BADC/FSMC	GON Budget/ Municipal Budget/Trust/Co mmitees	
6	Halting the use of "contractors with inadequate experience and familiarity with traditional materials and local processes".	All of the conservation activities are conducted following National Procurement Laws	Amendment of National Procurement Laws: Preparing/ Updating the Roster of Contractors	Within One Year Continuous	Federal Legislative/ Ministry of Culture, Tourism and Civil Aviation DoA	DoA/ Federation of Contractors Association		
7	Promote traditional craftspeople, ensuring the establishment of necessary procedures for traditional craftspeople to work on the maintenance, restoration, and reconstruction of historical monuments.	Occasional Training, workshops, seminars, etc.	Preparing module for the training Preparing a Roster of Craftsman/stakeholders Providing training	Within One Year Continuous Continuous	ISC/ DOA	Municipalities/ PADT/ BADC/FSMC	GON Budget/ Municipal Budget/Trust/Co mmitees	
8	Improve management capacity, through regular training and awareness raising.							
9	Building capacity through "workshops and research focused on technical issues"							
10	"Values-based heritage assessment and conservation management planning"	Occasional HIAs	Regular HIAs and other planning activities	Continuous	ISC/DOA	Municipalities/ PADT/ BADC/FSMC		
11	Establishing a "secure centralized and accessible digital database".	CHIMS framework	Execution of CHIMS	Within One year Continuous	DOA	Municipalities/ PADT/ BADC/FSMC	GON Budget/ Municipal Budget/Trust/Co mmitees	

Continued 2.1 ISC-KV

Kathmandu Valley ISC meeting 24th March 2023

Continued MATRIX

12	Deterioration of traditional urban housing and ancient settlements	Existing Bylaws on against	Proper implementation of Bylaws	Continuous	DOA	Municipalities/ PADI/ BADC/FSMC						
13	Support for local communities through a socio-economic revitalization programme	Gradually recovering after Earthquake, Covid-19	Targeted program: Creating a local market, local Hats Bazar on specific days, marketization/globalization of local products, grants/subsidies, etc.	Continuous	MOCTCA/DOA/DOA	Municipalities/ PADI/ BADC/FSMC	GON Budget/ Municipal Budget/Trust/Co mmittees					
14	Utilizing the Historic Urban Landscape (HUL) approach to ensure sustainable urban development	Nomination of the Focal Person Submission of national level survey for the first time	Conceptualizing and implementing	Within one year Continuous	UNESCO/MOCTCA/DOA/DOA	Ministry of urban development/Municipalities	GON Budget/ Municipal Budget					
15	Reconstruction of Lal Bahadur wing of the National Art Museum in Bhaktapur	Continuous meetings and discussions.	Restoration	Within Five Year	DOA/Bhaktapur Municipality	ISC/UNESCO	GON Budget/ Municipal Budget					
16	The sewer management project Durbar Square at Patan.	Completed	M & E	Continuous	DOA/Patan Municipality		GON Budget/ Municipal Budget					
17	Master Plan for Pashupati	Completed	Execution of master plan	Within one year Continuous	MOCTCA/DOA/PADI	Kathmandu Municipality	GON Budget/ Municipal Budget					
18	Expansion of the Ring Road at Swayambhu.	Continuous meetings and discussions.		Within one year	DOA/Department of roads/ Municipality/Community							
19	Prioritizing the protection of OUV, ensuring the active involvement of the Department of Archaeology and the Site Managers, particularly the four municipal authorities.	Continuous discussions	More actions: M & E, interactions, etc.	Continuous	MOCTCA/DOA/Site Managers	Conservationists/People	GON Budget/ Municipal Budget					

Continued 2.1 ISC-KV

Kathmandu Valley ISC meeting 24th March 2023

OUTLINE OF AGENDA

Thursday 23 MARCH 2023

08:00 – 17:00 SITE VISITS

2022 UNESCO Asia-Pacific Awards ceremony (early morning)

Swayambhu (morning)

Hanuman Dhoka Durbar Square (afternoon)

17:00 – 17:30 Opening of the First Meeting of the International Scientific Committee meeting for the Kathmandu Valley World Heritage Property, moderated by DoA

Participants: Ministry of Culture Tourism and Civil Aviation, Department of Archaeology (DOA), DoA Site Offices, Mayor/Deputy Mayors, Chief Administrative Officers and Site Managers of four municipalities of Kathmandu, Lalitpur, Bhaktapur and Changunarayan, Representatives of PADT (Pashupati), BNADC (Bauddhanath) and FSMC (Swayambhu), National/ International Experts as ISC-KV members, and UNESCO

DINNER

Friday 24 MARCH 2023

9:00 – 10:45 Introduction and site manager presentations

Welcome (15 min)

Presentation by WHC – Dr Roland Lin (20 min)

Presentation by DOA – Mr Ramesh Raj Paudel (40 min)

15 minute presentations (2) by Bhaktapur Municipality and Changu Narayan Municipality

10:45 – 11:15 TEA

11:15 – 13:00 Continued site manager presentations

15 minute presentations (5) by Lalitpur Metropolitan City, Kathmandu Metropolitan City, Federation of Swayambhu Management and Conservation, Bauddhanath Area Development Committee and Pashupati Area Development Trust.

30 minutes discussions

13:00 – 14:00 LUNCH

14:00 – 15:30 Expert presentations and round-table discussions

30 minutes – short comments by national and international experts

60 minutes – round table discussions leading to draft work plan Year 1: 2023-2024 and long term strategy

15:30 – 16:00 TEA

16:00 – 17:30 Way forward and conclusions

Draft recommendations presentation and discussion to adopt the ISC-KV 2023 recommendations with set targets of actions and timeline

Closing

DINNER

Sunday 26 MARCH 2023

Additional meeting with Prof Yukio Nishimura (International Expert) and Dr Roland Lin (World Heritage Centre).

2.2 Kathmandu Valley Management Plan

Decision : 44 COM 7B.33

Kathmandu Valley (Nepal) (C 121bis)

4. Appreciates the State Party's commitment to expediting the **revision of the Integrated Management Framework (IMF)**, and updating the Recovery Master Plan (RMP), including revisions to the six-year plan and timetable, as per the requirements according to the context of sites and national legislative provisions, and [...];

The management plan of Kathmandu Valley consists of the Integrated Management Framework document which has been amended and the draft has been translated into Nepali for formal adoption by the Ministry of Culture, Tourism and Civil Aviation. During the review process, it has been proposed that four sector strategy are prepared for conservation, sustainable development, disaster risk management and tourism respectively. The ISC-KV will need to further discuss the details of these strategies.

2.3 Heritage Impact Assessment (HIA) procedures

Decision : 44 COM 7B.33

Kathmandu Valley (Nepal) (C 121bis)

4. Appreciates the [...], and also appreciates the process of formulation of the New Master Plan for Pashupati Protected Monument Zone and **prepared HIA Procedures** which are in the process of government approval;
10. Also notes [...], and requests moreover that the State Party prepare **Heritage Impact Assessments (HIA)** for all proposed major new urban infrastructure projects within the Monument Zones and buffer zones, including the proposed ring roads expansion of Swayambunath, in accordance with the ICOMOS Guidance on HIAs for Cultural World Heritage Properties, and submit them to the World Heritage Centre, in conformity with Paragraph 172 of the *Operational Guidelines*, for review by the Advisory Bodies before any decision is made that would be difficult to reverse;

The procedures and format for the implementation of Heritage Impact Assessments have been formulated and a draft document was submitted to the World Heritage Committee before its 44th Session in 2021. **The official HIA procedures has been adopted by the Ministry of Culture, Tourism and Civil Aviation to be implemented through the Department of Archaeology.** The establishment of the HIA Committee within the Department of Archaeology is ongoing, along with the preparation of a roster of experts who are going to be trained.

2.4 Pashupatinath Master Plan

Decision : 44 COM 7B.33

Kathmandu Valley (Nepal) (C 121bis)

4. Appreciates the State Party's commitment to expediting the revision of the Integrated Management Framework (IMF), and updating the Recovery Master Plan (RMP), including revisions to the six-year plan and timetable, as per the requirements according to the context of sites and national legislative provisions, and also appreciates the process of formulation of the **New Master Plan for Pashupati Protected Monument Zone** and prepared HIA Procedures which are in the process of government approval;

The Pashupatinath Master Plan has been adopted by the Ministry of Culture, Tourism and Civil Aviation. Work within the Pashupati Monument Zone will be carried out as per the newly adopted Pashupatinath Master Plan. The Master Plan has updated the zoning plan and zoning regulations to control development work, while allowing the required services to be provided as a sacred site. The Master Plan also takes into account the procedures for the protection of site and landscape, of built-heritage, of cultural artefacts and of living heritage.

2.5 Historic Urban Landscape (HUL)

Decision : 44 COM 7B.33

Kathmandu Valley (Nepal) (C 121bis)

11. Calls upon the international community to continue supporting the State Party's recovery work through financial, technical or expert assistance, including support for local communities and their housing and social needs, and in particular to continue to support capacity building, which will facilitate:

4. Master Planning utilizing the approach of the **2011 UNESCO Recommendation on the Historic Urban Landscape (HUL)** to manage urban development within the property and its buffer zones, and

The Government of Nepal has participated in the third UNESCO Member States Consultation on the implementation of the 2011 Recommendation on the Historic Urban Landscape and has filled and submitted Section A: National Level Survey. This will be the basis for further integration of the HUL recommendations into the management of the Kathmandu Valley World Heritage property. As has been mentioned, the State Party would request for further support from UNESCO on further capacity building in HUL and related approaches, an issue which is in the agenda to be discussed during the upcoming ISC-KV Meeting on 23 to 24 March 2021.

Public access to the state of conservation report

The State Party has no objection to the uploading of the full report on the World Heritage Centre's State of Conservation Information System
(<http://whc.unesco.org/en/soc>)

3. Signature of the Authority


.....
DIRECTOR GENERAL



Damodar Gautam
Director General
Department of Archaeology

1 March 2023

DRAFT

15 DEC 2021

**Government of Nepal
Ministry of Culture, Tourism and Civil Aviation**



DEPARTMENT OF ARCHEOLOGY
Ramshahpath, Kathmandu

HERITAGE IMPACT ASSESSMENT (HIA) IN NEPAL



Table of Contents

Background

1. Executive Summary and Introduction	1
2. Defining the need for HIA (Component 1)	3
3. Process for carrying out HIA (Component 2)	4
3.1 Process for Submitting Detail Project Report and request letter for HIA	5
3.1.1 Detailed Project Report (DPR)	5
3.1.2 Request Letter	6
Standard format - HIA F-1 2021: Draft Letter from Actor to DOA	7
3.2 Process for Selection of Consultant by DOA	8
3.2.1 Project Indicators (DOA)	9
Standard format - HIA F-2a 2021: Project Indicators and Cost Calculations	10
Standard format - HIA F-2b 2021 Payment request letter DOA to Actor	11
3.2.2 Consultant Roster (DOA)	12
Standard format - HIA F-3a 2021: Registration of HIA Consultants	13
Standard format - HIA F-3b 2021: Acceptance to roster letter DOA to Consultant	14
3.2.3 TOR for HIA preparation (DOA)	15
Standard format - HIA F-4a 2021: Consultant's TOR for HIA	16
Standard format - HIA F-4b 2021: HIA request letter DOA to Consultant	17
3.3 Process of preparation and review of HIA	18
3.3.1 HIA categories and submission by the consultant	19
Standard format - HIA F-5a 2021: HIA submission format	20
Standard format - HIA F-5b 2021: HIA submission letter format Consultant to DOA	21
3.3.2 Recommendation by the Advisory Body	22
Standard format - HIA F-6a 2021: HIA comment request letter DOA to Advisory Body	23
Standard format- HIA F-6b 2021: Advisory Body Comment Format	24
Standard format - HIA F-6c 2021: HIA comment submission letter format from Advisory board to DOA	25

3.3.3 Official letter from DOA with decision to the Actor	26
Standard format- HIA F-7a 2021: Final decision format from DOA	27
Standard format- HIA F-7b 2021: Final letter format from DOA to Actor	28
Standard format- HIA F-7c 2021: Final letter format from DOA to Consultant	29
Standard format- HIA F-7d 2021: Final letter format from DOA to Advisory body	30
3.3.4 Recourse process for Actors	31
4. Monitoring and enforcement of the HIA (Component 3)	32
4.1 Processes for Monitoring and enforcement of the HIA	33
4.1.1 Reporting by Actor	34
4.1.2 Monitoring by DOA	34
4.1.3 Process of legal action by DOA	35
4.1.4 Process of final review by DOA/ Consultant/ Advisory body	35
4.2 Certification of compliance (DOA)	36
Standard format- HIA F-8 2021: Certificate of compliance from DOA to Actor	37

1. Executive Summary and Introduction

Heritage Impact Assessment (HIA) is a strategic means of ensuring that development and conservation activities in and around heritage properties do not cause an unacceptable degree of negatively impact. For HIA to be an effective tool, it has legal justification and is integrated in official procedures. This document provides an overview of how HIA is carried out as an officially established procedure in Nepal. The required formats and procedures for carrying out HIA has been provided.

Justification

There are no standard procedures for assessing the impact of development and conservation works on cultural heritage. Previously, this task was dealt with by a component of an Environmental Impact Assessment (EIA). This was not satisfactory particularly since the EIA procedure was not linked to the governance system for cultural heritage. To address this disparity HIA has been promoted particularly by the World Heritage Committee and the advisory bodies ICOMOS and ICCROM. The HIA procedure has been established not only to cater to World Heritage, but also to be used as standard procedure for all identified cultural heritage sites.

Legislation

HIA is in the process of being embedded in the legislation of the Department of Archaeology. The draft of the sixth amendment of the Ancient Monument Preservation Act (AMPA 1956), has included provisions for HIA. The Act will only mention the establishment of HIA, leaving the details to be formulated separately. This gives the Department of Archaeology the authority to demand HIA wherever found necessary and defined by respective regulations.

Procedures and components

The HIA procedure has been clearly defined within a set of regulations adopted by the Department of Archaeology. The regulations identifies under what circumstances HIA will be applied, as well as defining the format and process of implementation. This is linked to a system of monitoring to ensure that the agreed provisions are followed. The entire Heritage Impact Assessments process has three main components, which are (1) defining the need for the HIA, (2) carrying out the HIA and (3) monitoring and enforcing the HIA.

Objectives

The HIA procedure has been established with the following objectives to safeguard cultural heritage in the broad categories of heritage sites, monuments, historic buildings and cultural objects:

1. To provide a permit system to control impact of proposed projects and activities on heritage.
2. To mitigate the impact of past or ongoing projects or activities through assessments and recommendations for rectification.
3. To plan measures to control risk of future projects or activities that could potentially impact heritage.

Involved parties

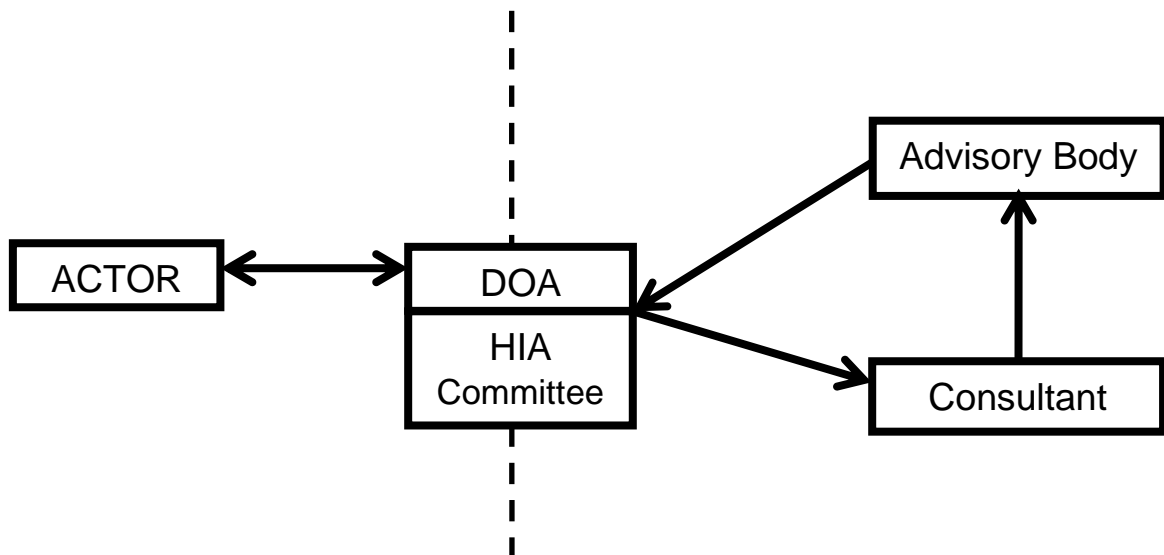
The involved parties in the HIA process include:

- Actor the person or legal body that carries out actions that could impact heritage

- DOA Department of Archaeology (Focal Authority) under the Ministry of Culture, Tourism and Civil Aviation. The DOA will be represented by the HIA Committee chaired by the Director General.

- Consultant professional with adequate experience and training to carry out HIA to be listed in a roster prepared by DOA

- Advisory Body a body of experts to advise the authorities on HIA to be decided by the Department of Archaeology. For issues concerning the World Heritage properties, ICOMOS Nepal is the suitable expert body.



Separation will be guaranteed between those intending to carry out a certain action which might impact heritage and those assessing the possible impact. The coordination will be done by the Department of Archaeology as the official focal point and authority for the process.

Within the Department of Archaeology, a HIA Committee has been established, chaired by the Director General and with representation of each section within the DOA. The HIA Committee of DOA is the official authority taking the final decisions based on the recommendations of the HIA consultants and the advisory body.

Note for Emergency HIA

The Department of Archaeology will arrange an annual budget for the implementation of Emergency HIAs.

2. Defining the need for HIA (Component 1)

The HIA process provides a tool to facilitate communications between heritage protection efforts and development activities. It provides a clear procedure to identify and analyse the potential impacts of human-induced threats on cultural heritage. This also links to finding compatible means for sustainable development to go hand-in-hand with heritage conservation.

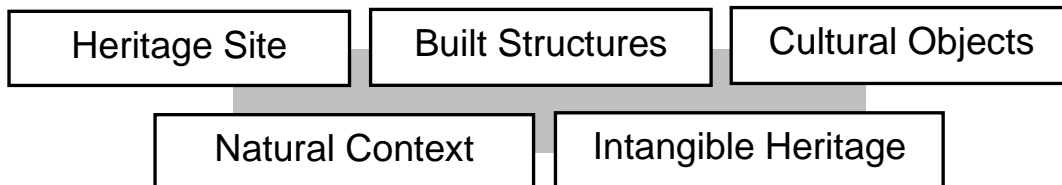
HIA for mitigation, response and planning

HIA can be used as a tool for mitigation measures, for response measures or for planning measures. Depending on circumstances, either one of these justifications can be used to require a HIA to be carried out.

1. To provide a permit system to control impact of proposed projects and activities on heritage (**mitigation measures**).
2. To mitigate the impact of past or ongoing projects or activities through assessments and recommendations for rectification (**response measure**).
3. To plan measures to control risk of future projects or activities that could potentially impact heritage (**planning measures**).

HIA for various categories of heritage

The HIA procedure has been established as a tool to safeguard heritage in the broad categories of heritage sites, built structures and cultural objects. Furthermore, these categories can be also extended to the natural context and the associated intangible heritage. Should any activity threaten the value, authenticity or integrity of the heritage, a HIA can be considered necessary to find a means of halting or adapting the activities to bring the impact to an acceptable level.



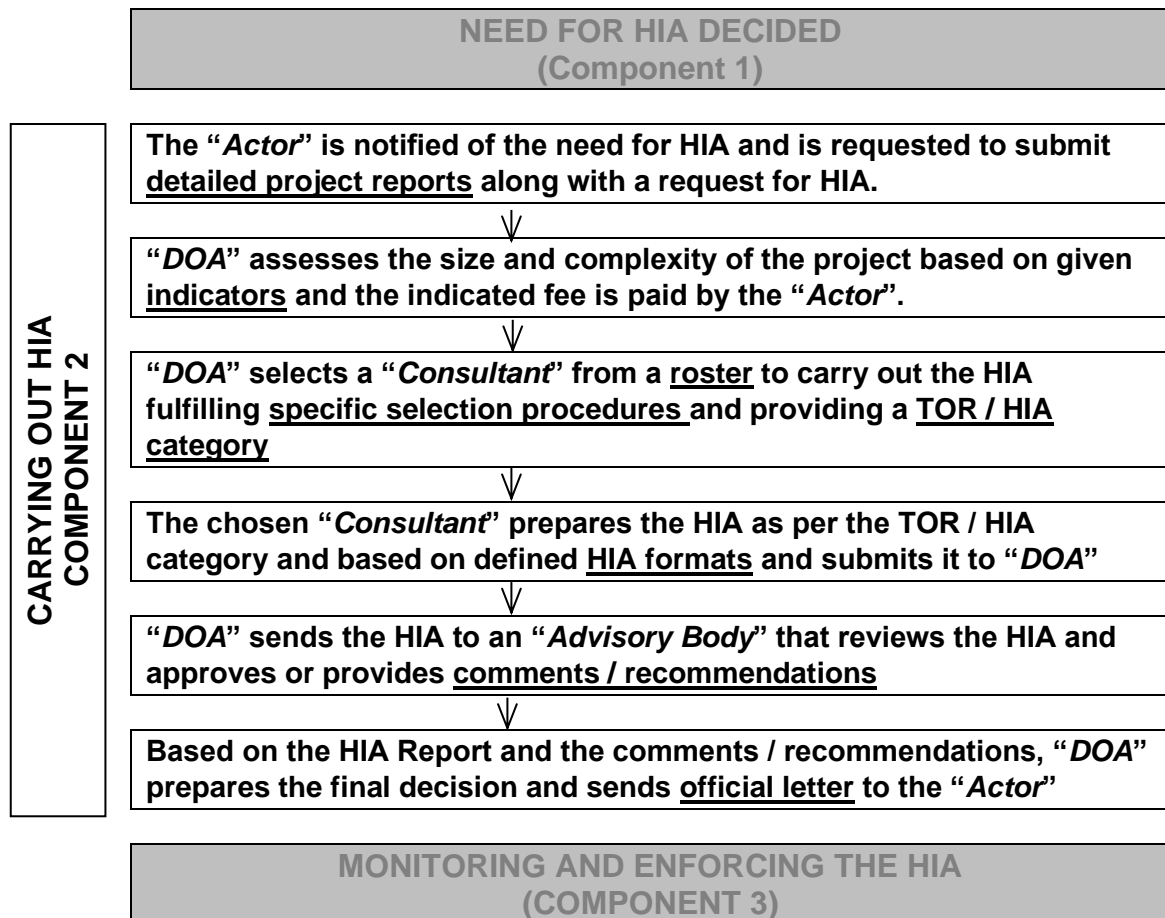
Initiation of HIA Process

The HIA process can only be initiated through the decision of the HIA Committee of the Department of Archaeology, and it is up to this HIA Committee to take the final decision on whether or not to have an HIA prepared. However, the HIA Committee can be informed on planned activities or ongoing activities that might impact heritage.

1. HIA can be requested by the **Actor**, whether a private person, institution, government agency or international organization, in respect to planned activity in or around heritage that might be affected through their actions.
2. HIA can be based on information provided by **any person** with sufficient justification of planned or ongoing activities that might impact or might be impacting heritage.
3. HIA can be required by the **courts** for any legal case in respect to the protection of heritage, particularly related to private or community heritage.

3. Process for carrying out HIA (Component 2)

Once the need for HIA has been identified, a clear process will be followed which is integrated into the system of governance and justified by legislation. During the process of carrying out the HIA, a full moratorium will be enforced on any activities linked to the given case. Such notification will be made to the Actor when requesting for detailed information on the planned or ongoing activities.



For the preparation of a Heritage Impact Assessment the following processes will be required.

Required processes:

- **Process for Submitting the Detail Project Report for the HIA**
- **Process for Selection of Consultant by DOA**
- **Process of preparation and review of HIA**
- **Recourse process for Actors**

3.1 Process for Submitting Detail Project Report and request letter for HIA

Once the need of the HIA is decided, the Department of Archaeology notifies the Actor. The actor then submits detailed project reports and the Department of Archaeology assesses the project / activity based on indicators. The Actors then needs to pay the relevant fees for carrying out the HIA. This then becomes the basis for selection of Consultants by DOA.

NEED FOR HIA DECIDED
(Component 1)

The “Actor” is notified of the need for HIA and is requested to submit detailed project reports along with a request for HIA.

3.1.1 Detailed Project Report (DPR)

The report shall include all relevant information required to assess the impact of the project on the heritage. This would mean include the following considerations:

- (i) **The report shall have detailed explanations of all project components and activities** to allow for heritage to be safeguarded as per the three objectives of the HIA procedure. The detailed report shall provide all legal justification such as land ownership papers and other permissions.
- (ii) **Activities linked to direct impact:** All project activities and project components need to be identified and documented, especially those that have direct impact on heritage. These could have physical impact, but could also have social, economic, chemical or other categories of impact on heritage.
- (iii) **Activities linked to indirect impact:** All project activities and project components that could lead to indirect impact on heritage need to be identified and documented. These could be linked to activities that are indirectly generated out of the primary activities that would have impact later on.
- (iv) **Activities linked to impact over time:** All project activities and project components shall be documented that would take place during preparation, implementation or during future operations.
- (v) **Activities linked to impact over location:** All activities and project components would need to be provided with reference to their exact location relevant to the heritage.

3.1.2 Request Letter

The actor shall submit with the Detailed Project Report a request letter addressed to the Department of Archaeology. The letter shall follow the format with the contents as defined below.

- (i) Addressed to Director General, Department of Archaeology
- (ii) Subject of the letter shall be “Request for Heritage Impact Assessment for (Project / Activity Title)”.
- (iii) Short description of and reason for project / activity
- (iv) Request statement for HIA
- (v) Agreement to pay standard expenses for getting HIA done
- (vi) Agreement to follow standard procedures for HIA
- (vii) Signature of authorized person with certification

Standard format - HIA F-1 2021: Draft Letter from Actor to DOA

HIA F-1 2021

Draft Letter from Actor to DOA

Please remove highlighted instructions and insert relevant information

[LETTERHEAD]

Director General,
Department of Archaeology,
Ramshahpath,
Kathmandu, Nepal

Date: dd/mm/yyyy

Subject: Request for Heritage Impact Assessment

Dear Director General,

I/We, [legal entity or person] are planning on carrying out a project/activity [title of project/activity] which could impact the heritage site of [name and detailed location of heritage site/monument/object]. This is located at [..°..'..”N, [..°..'..”E].

The project Detailed Project Report (DPR) has been submitted along with this letter. The DPR includes detailed explanations of all project components and activities, activities linked to direct and indirect impact on heritage, and activities linked to long-term impact, along with indication of physical extent of impact.

I/We request the Department of Archaeology (DOA) to get a Heritage Impact Assessment (HIA) prepared for the project. I/We agree to cover standard expenses for the HIA, calculated as per DOA standards. I/We agree to accept the outcome of the HIA.

Thanking you,

Yours sincerely,

[Signature]

[Name of authorized person]

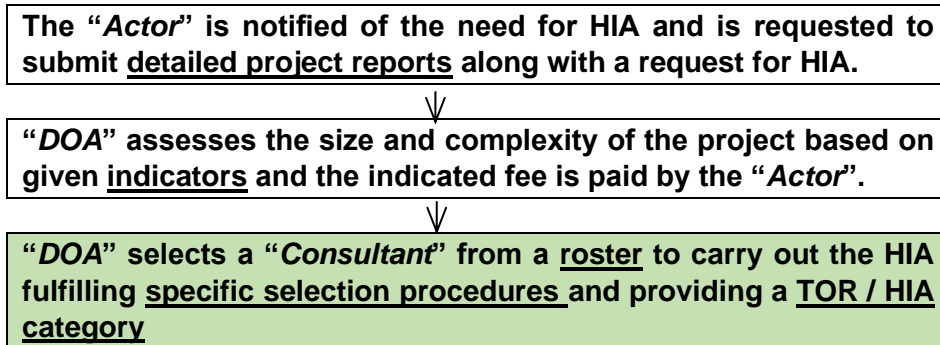
[stamp]

Attached:

1. Project DPR
2. Certification letter of authorized signature

3.2 Process for Selection of Consultant by DOA

As per the overall process the Actor submits detailed project reports and the Department of Archaeology assesses the project / activity based on indicators. The Actors then need to pay the indicated fees for carrying out the HIA. This then becomes the basis for selection of Consultants by DOA.



For the Department of Archaeology to choose the Consultant who will carry out the HIA, a consultant is chosen from a roster while ensuring capability to carry out the HIA as per the project indicators (especially in respect to the complexity and the required expertise).

Establishment of Consultant Roster

The Consultant Roster shall be prepared based on the parameters indicated in the Consultant Roster format (Report Part One 2.3) which includes eligibility, information provided in the registration form (curriculum vitae / company profile attached with information relevant to heritage conservation and the preparation of HIAs. Legal registrations along with PAN and/or VAT registrations shall be submitted). The Consultants are then categorized based on expertise, capacity and experience.

Choice of Consultant

When choosing the consultant for any specific HIA, the requirements in respect to **expertise, capacity** and **experience** shall be considered. Should any specific expertise be required, this will be negotiated with the consultant before finalizing the TOR and signing the contract. The consultant shall not have any conflict of interest when carry out the HIA.

The choice of the consultant shall be in rotational basis with **the next appropriate Consultant** on the Roster List being approached to carry out the HIA. This might mean skipping Consultants at the top of the list who might not be appropriate for the given task. The chosen Consultant may decline the task if an acceptable justification is provided. The consultant who has carried out an HIA then joins the list at the bottom again.

TOR

Based on the **DPR** and request letter submitted by the actor, DOA will prepare the TOR for the consultant.

3.2.1 Project Indicators (DOA)

The project / activity report that is submitted by the Actor will need to be first assessed first for its legitimacy. Once that is ascertained, then the project / activity will be assessed for its scale and complexity in respect to preparing the HIA.

The project indicators are the required considerations for assessing scale and complexity of the project / activity to determine the timeframe and cost for the preparation of the HIA:

- A. The HIA would generally have three components: (cost based on scope)
 - (i) Assessment of proposed project / activity and recommendations for providing permit or for modifications
 - (ii) Assessment of past projects and interventions and recommendation for rectification
 - (iii) Assessment of future threats and recommendation for planning mechanisms

- B. Complexity (cost based on required expertise and team members)
 - (i) Simple project / activity in a simple context requiring straightforward assessment by a single consultant
 - (ii) Requiring higher level of expertise with multiple consultants involved
 - (iii) Requirement of additional specialized consultants for special circumstances

- C. Scale (cost based on size of the project and required time for assessment)
 - (i) Individual activity –activities other than major construction which could include temporary structures
 - (ii) Small project – individual buildings or interventions
 - (iii) Large project – large complexes, and infrastructure projects like roads, etc.
 - (iv) Special circumstances

- D. Location (rough calculations done as per cost to reach site including time)
 - (i) Kathmandu Valley
 - (ii) Accessible by flight
 - (iii) Accessible by road plus up to half day walk
 - (iv) Accessible by walking (max 7 days)
 - (v) Very remote accessible by helicopter or walking more than a week

The calculations for time and cost shall be done based on the considerations as stated above. Standards shall be developed for each of these points to ensure that they correspond to the actual costs. These calculations shall be shown to the Actor when requesting payment for implementing the HIA.

Standard format- HIA F-2a 2021: Project Indicators and Cost Calculations

Standard format- HIA F-2b 2021 Payment request letter DOA to Actor

HIA F-2a 2021
Project Indicators and Cost Calculations

Project Title:

Location:

Date:

1. Component Factor		Y/N	Factor	IF YES
1.1	Assessment of proposed project / activity and recommendations for providing permit or for modifications		1	
1.2	Assessment of past projects and interventions and recommendation for rectification		1	
1.3	Assessment of future threats and recommendation for planning mechanisms		1	
cost based on scope		Total factor for 1: F1		
2. Complexity Factor		Y/N	Factor	IF YES
2.1	Simple project / activity in a simple context requiring straightforward assessment with single consultant		1	
2.2	Requiring higher level of expertise with multiple consultant Type* and number of expertise required [n]		1+ 0.5n	
2.3	Requirement of additional specialized consultant for special circumstances		Special calculations required	
cost based on required expertise and team members		Total factor for 2: F2		
3. Scale Factor		Y/N	Factor	IF YES
3.1	Minor activities and small project – individual buildings or interventions		1	
3.2	Large project – larger complexes, roads, etc.		1.5	
3.3	Special circumstances		Special calculations required	
cost based on size of the project and required time for assessment		Total factor for 3: F3		

* Indicate which expertise in which field is specially required

Architecture Archaeology Environment Engineering

A. TOTAL REMUNERATION

Base Amount inclusive of VAT	xF1	xF2	xF3	Sub-Total A NRS

B. TOTAL EXPENSES (only for travel outside Kathmandu Valley)

		*persons	numbers	cost	amount
B1	Travel (flight/car)				
B2	DSA				
B3	Special expenses to be described seperately				
Sub-total B inclusive VAT NRS					

C. ADMINISTRATIVE COST

Review cost	15% of A+B	
Admin cost	5% of A+B	
Sub-total C inclusive VAT NRS		

TOTAL amount to be paid by Actor A + B +C inclusive VAT = NRS

In words:

HIA F-2b 2021

Payment request letter DOA to Actor

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of authorized person for Actor]

[Official address of Actor]

Date: dd/mm/yyyy

Subject: Request Payment for Heritage Impact Assessment

Dear [Name of authorized person for Actor],

The HIA Committee of the Department of Archaeology has reviewed the submission of your project and request for HIA.

[please delete section which does not apply]

The Committee has not found it necessary to carry out an HIA.

[or]

The Committee has found it necessary to carry out Heritage Impact Assessment. Please find attached a copy of the filled **HIA F-2a 2021 form: Project Indicators and Cost Calculations** which provides the assessment of required expertise and costing.

Please make the payment of the indicated total amount to the Department of Archaeology so that we can begin the assessment project.

Thanking you for your kind consideration,

Yours sincerely

[Signature]

Director General

[stamp]

Attached:

1. Filled HIA F-2a 2021 form: Project Indicators and Cost Calculations
2. Methods of making payment to the Department of Archaeology

3.2.2 Consultant Roster (DOA)

Once the project indicators have been defined and the Actor has paid the cost for the implementation of the HIA, the Department of Archaeology will choose the Consultant who will carry out the HIA. This requires a consultant roster of appropriate consultants who are capable of carrying out the HIA as per the project indicators (especially in respect to the complexity and the required expertise).

The Consultant Roster and choice of contractor shall be done considering:

A. Eligibility

Individuals that have experience in working on heritage conservation are eligible to register. The registration shall however be reviewed by the Department of Archaeology.

B. Registration Form

Candidates shall register by filling out a registration form with a detailed curriculum vitae attached with personal PAN and information relevant to heritage conservation and the preparation of HIAs. Related company with VAT registration shall also be submitted.

The registration form shall be prepared to include names, photos, contact details, short explanation on expertise and experience.

C. Categorization based on expertise and capacity

The consultant once registered shall be categorized based on type of expertise, capacity and experience.

D. Choice of consultant for specific

When choosing the consultant for any specific HIA, the requirements in respect to expertise, capacity and experience shall be considered. Should any specific expertise be required, this will be negotiated with the consultant before finalizing the TOR and signing the contract. The consultant shall not have any conflict of interest when carry out the HIA.

E. Required training

All consultants shall attend at least one training course every year to be allowed to renew their registration. Training courses on HIA shall be provided once a year by the Department of Archaeology. Such training course would need to be closely linked to the gathered experience in implementing HIA in Nepal and taking into account international trends in HIA.

F. Removal of consultant from roster

Consultants shall be removed from the roster should they not perform as per the TOR and contract, not join the required training, carry out a HIA despite conflict of interest or be involved in any inappropriate activity for personal gain.

Standard format- HIA F-3a 2021: Registration of HIA Consultants

Standard format- HIA F-3b 2021: Acceptance to roster letter DOA to Consultant

HIA F-3a 2021

Registration of HIA Consultants

Please remove highlighted sections and insert relevant information

The consultants will need to prove their interest and involvement in the protection of cultural heritage to be able to take the lead role in carrying out a Heritage Impact Assessment.

Name (Surname in Capitals): Preferred title:

Contact Details: email:, phone:
address:

PAN Registration:

Registered Consultancy:

VAT Registration:

Academic qualifications:

Relevant Field of expertise: Architect Archaeology Environment Engineering

Relevant experience in years:

Language for reports Nepali English

Heritage Impact Assessment Compulsory Training
(to be updated annually with month and year)

mm/yyyy					

*Heritage Impact Assessment Experience
(list successfully completed HIA to be updated annually)

1. Attached: Detailed Curriculum Vitae

HIA F-3b 2021

Acceptance to roster letter DOA to Consultant

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of Consultant]

[Official address of Consultant]

Date: dd/mm/yyyy

Subject: Acceptance to HIA Consultant Roster

Dear [Name of Consultant],

The HIA Committee of the Department of Archaeology has reviewed your draft registration and request to be included on the HIA roster of consultants.

[please delete section which does not apply]

The Committee has not found your application acceptable due to lack of:

Training Experience Qualifications

[or]

The Committee has found your application acceptable and has included you on the HIA Consultant Roster for the year [.....]. Please note that your registration will need to be renewed yearly and your registration is condition to your successfully completion of the annual HIA training carried out by the DOA. We request you to carry out the task of preparing HIAs with due diligence, integrity and confidentiality.

Thanking you,

Yours sincerely

[Signature]

Director General

[stamp]

Attached:

1. Filled HIA F-3a 2021 form: Registration of HIA Consultants

3.2.3 TOR for HIA preparation (DOA)

As per the Project Indicators and with the choice of consultant, a contract shall be signed between the Department of Archaeology and the consultant to carry out the Heritage Impact Assessment. The consultant TOR shall contain at least the following points. (The TOR can be standardized with parts that would need to be filled as per the specific conditions of the project / activity)

A. Short description of project

What type of project / activity with short description as per Detailed Project Report and Request Letter from the Actor.

B. Scope of work

The TOR shall indicate the scope of the assignment in respect to the three possible components responding to the objectives of the HIA process. These would be whether the HIA would need to assess

- proposed project / activity and recommend permit or modification;
- assess past projects and recommend interventions for rectification;
- assess future threats and recommend planning mechanisms

C. Complexity of project / activity

The TOR shall indicate the complexity of the project based on the requirement of experts and the organization of the team members. The categorization will be based on the following categories used to calculate the remuneration.

- Simple project / activity in a simple context without specialized expertise.
- Requiring higher level of expertise but in standard fields of cultural heritage
- Requirement in additional specialized fields such as technical or social fields

D. Scale of project / activity

The TOR shall indicate the scale of the project which can be categorized depending on the size but also the extent of the intervention.

- Individual activity or small project – individual buildings or interventions
- Large project – larger complexes, roads, etc.
- Special circumstances requiring detailed investigation.

E. Location

Categorization based on ease of access to the location

- Kathmandu Valley
- Accessible by flight
- Accessible by road plus up to half day walk
- Accessible by walking (max 7 days)
- Very remote accessible by helicopter or walking more than a week

F. Standard Conditions of Contract

- Time frame
- Remuneration and mode of payment
- Standard contract requirements

Standard format- **HIA F-4a 2021: Consultant's TOR for HIA**

Standard format- **HIA F-4b 2021: HIA request letter DOA to Consultant**

HIA F-4a 2021
Consultant's TOR for HIA

Please remove highlighted sections and insert relevant information

Name of Lead Consultant:

Name of Consultancy:

Name and location of Project:

The Department of Archaeology requests the consultant to carry out a Heritage Impact Assessment as per the **standard procedures and format** provided herewith. The Consultant shall carry out at least one site visit.

Short description of Project:

Scope of expertise:

- proposed project / activity and recommend permit or modification;
- assess past projects and recommend interventions for rectification;
- assess future threats and recommend planning mechanisms

Required expertise:

- Simple project / activity in a simple context without specialized expertise.
- requiring higher level of expertise but in standard fields of cultural heritage
- Requirement in additional specialized fields such as technical or social fields

Scale of project / activity

- Individual activity – small project – individual buildings or interventions
- Large project – large complexes, infrastructure project like roads, etc.
- Special circumstances requiring detailed investigation.

Timeframe:

The HIA shall be completed and submitted to the Department of Archaeology in soft and hard copy within days* of signing the contract. Should additional information be required, or detailed investigations be carried out, the time can be extended by mutual agreement, but only to a maximum of double the days indicated.

Remuneration:

For the successful implementation and submission of the HIA, the consultant shall be provided the remuneration and where relevant the expenses as calculated based on the entry in the **HIA F-2 2021 form: Project Indicators and Cost Calculations**.

* the required time will be calculated based on the size and complexity of the project, as well as, if outside the Kathmandu Valley, the time required for one visit to the site. The time will be roughly calculated taking 14 days as the base and multiplying it with the factors from Section A of the HIA F-2 2021 form, adding the days required for the site visit SV.

$$\text{Total Days} = (14 \times F1 \times F2 \times F3) + SV$$

HIA F-4b 2021

HIA request letter DOA to Consultant

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of Consultant]

[Official address of Consultant]

Date: dd/mm/yyyy

Subject: Request for preparation of a Heritage Impact Assessment

Dear [Name of Consultant],

The HIA Committee of the Department of Archaeology requests you to take the lead role in carrying out an HIA.

Attached are the following documents that will provide you with information on the project:

- DPR provided by the Actor

Attached are the documents that will provide you with information on carrying out the HIA:

- Filled HIA F-2a 2021 form: Project Indicators and Cost Calculations
- Filled HIA F-4a 2021 form: Consultant's TOR for HIA

On acceptance of the conditions, including details concerning arrangements for site visits and timeframe, a contract will be prepared and signed between the two parties.

We request you to carry out the task of preparing the HIA with due diligence, integrity and confidentiality.

Yours sincerely

[Signature]

Director General

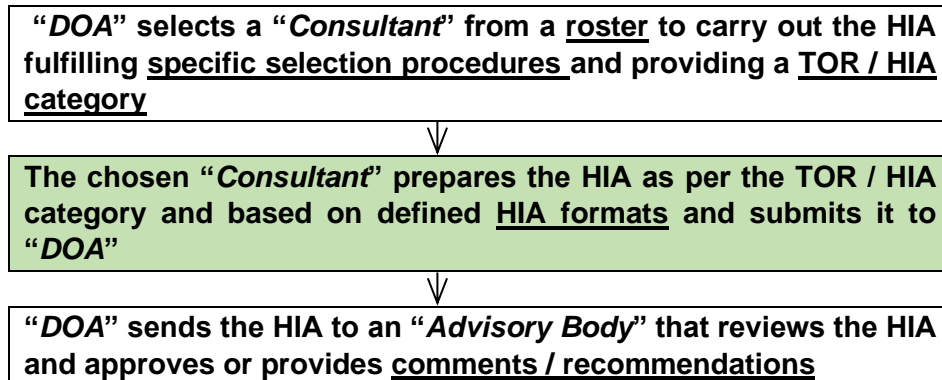
[stamp]

Attached:

As noted above

3.3 Process of preparation and review of HIA

As per the overall process the Consultant is selected and a TOR is prepared as per the required HIA for the proposed project / activity. The Consultant would then need to carry out the HIA based on standard formats. These would then be reviewed by the Advisory Body.



Preparation of HIA by the consultant

The TOR would define the overall requirement as per the Project Indicators. The project indicators are the required considerations for assessing scale and complexity of the project / activity to determine the timeframe and cost for the preparation of the HIA. These include Categories, **Complexity**, **Scale** and **Location**.

The HIA would any one, two or all three components: (for each of these components detailed content formats would need to be prepared.

- (i) **Assessment of proposed project / activity** and recommendations for providing permit or for modifications
- (ii) **Assessment of past projects** and interventions and recommendation for rectification
- (iii) **Assessment of future threats** and recommendation for planning mechanisms

The consultant will be required to:

- **Visit the site** and study the circumstances as they are on location
- **Define its values** and determine the most important attributes and elements of the heritage site, monument, historic building and/or cultural objects
- **Determine the impact and threats** to the attributes and elements that express the value of the heritage

Review by the Advisory body

The HIA report that is submitted by the Consultant shall be reviewed by the Advisory Body. DOA then takes the decision based on the report submitted by the consultant and recommendation provided by the advisory body.

3.3.1 HIA categories and submission by the consultant

The HIA categories are based on the three objectives of the HIA procedure. These would be:

1. proposed project / activity and recommend permit or modification

The project / activity that the actor is proposing to carry out near a heritage site, monument, historic building or cultural object must be assessed in respect to its possible impact. According to the assessment a recommendation is formulated by the consultant for action to be taken by the Department of Archaeology.

The assessment outcome should either provide a recommendation to allow for the project / action to be carried out (with justification) or if not, detailed recommendations for modifications to the project / activity need to be provided. The Department of Archaeology will need to be able to either allow the project / activity to move ahead as proposed or then should provide specific recommendations to be adopted by the Actor to be allowed to continue. In certain cases a project might be outright rejected.

2. assess past projects and recommend interventions for rectification

Should there be previous projects / activities that have been carried out in the same area impacting the same heritage site, monument, historic building or cultural object, the Consultant shall assess the impact of these. These might be directly linked to the proposed project or might only be linked by location, but all that which is impacting the specific heritage must be assessed.

Should there be any impact caused by these previous projects / activities, recommendations need to be provided by the Consultant to the Department of Archaeology on what kind of interventions would be required for the rectification. These rectifications might not have anything to do with the Actor which would then require a different approach and means of rectification.

3. assess future threats and recommend planning mechanisms

The assessment of a proposed project / activity in a given heritage site, monument, historic building or cultural object would be the right opportunity to assess future threats and begin putting in planning mechanisms.

If existing plans or management systems have been established, these can be assessed in respect to their effectiveness. If there are no plans in place, proposed interim measures need to be provided. These would include at least basic buffer zones and control mechanisms for threats that could be implemented by local authorities.

Any assessment can consist of any one, two or all the components depending on the circumstances.

Standard format- HIA F-5a 2021: HIA submission format
--

Standard format - HIA F-5b 2021: HIA submission <i>letter format Consultant to DOA</i>

HIA F-5a 2021

HIA submission format

Please remove highlighted sections and insert relevant information

Name of Lead Consultant:

Name of Consultancy:

Name and location of Project:

Contract period from: Submission HIA:

1. Executive Summary with overall recommendations

Overall recommendations: acceptable with conditions* not acceptable

***conditions to be fulfilled:**

2. Justification for recommendations

Clarification of impact of project/actions on specific cultural attributes

Note: For World Heritage properties special consideration needs to be made for the impact on attributes that express outstanding universal value (OUV).

3. HIA components

Ensure all components are addressed as defined in the TOR and identified in the 'HIA F-2a 2021form: Project Indicators and Cost Calculations'.

3.1 Proposed project / activity and recommend permit or modification

To assess impact based DPR and any other materials that are provided. The final outcome will be recommendations to permit project/activity, suggest conditions to be fulfilled before providing permission, or rejection of the proposed project.

3.2 Assess past projects and recommend interventions for rectification

To assess impact based DPR and any other materials that are provided, as well as investigating status on site. The final outcome will be recommendations for possible rectification to reduce impact as applicable.

3.3 Assess future threats and recommend planning mechanisms

This component requires planning for the given site in a broader context, particularly considering long-term impacts, and impacts that might not be directly or immediately visible.

HIA F-5b 2021

HIA submission letter format Consultant to DOA

Please remove highlighted instructions and insert relevant information

[LETTERHEAD]

Director General,
Department of Archaeology,
Ramshahpath,
Kathmandu, Nepal

Date: dd/mm/yyyy

Subject: Submission of Heritage Impact Assessment

Dear Director General,

It is our great pleasure to submit this Heritage Impact Assessment which we have carried out as per the TOR and related instructions.

The assessment has been carried out as per the instructions provided in the HIA F-2a 2021 form: Project Indicators and Cost Calculations, the HIA F-4a 2021 form: Consultant's TOR for HIA and the HIA F-5a 2021 form: HIA submission format.

Please find attached the Heritage Impact Assessment report on [name of project] and Site Visit report.

[please indicate here if there are any issues or comments]

Thanking you,

Yours sincerely,

[Signature]

[Name of authorized person]

[stamp]

Attached:

1. HIA report- 1 hard copy + soft copy in pdf
2. Site visit report, (including copies of all receipts if applicable)

3.3.2 Recommendation by the Advisory Body

The HIA report that is submitted by the Consultant shall be reviewed by the Advisory Body. The advisory body shall ensure that the basic requirements of the TOR have been fulfilled while reviewing the overall assessment in respect to the three components.

The Advisory Body shall carry out a desk review and only if there are major conflicting issues will someone be sent to assess the site.

The main points that the Advisory Body will check:

1. Overall process and content

The Advisory Body shall check the process of preparing the HIA report by the Consultant which would also include legal and ethical issues. The Advisory Body shall check the content of the HIA report prepared by the Consultant based on the TOR and discussions.

2. The assessment and recommendations for each HIA category

The Advisory Body shall check the assessments carried out by the Consultant, especially whether they are correct and acceptable within the prevalent understanding of conservation practice. Closely linked to this is also the checking of the relevance of the recommendations made by the Consultant.

The Advisory Body shall provide a note and recommendation which will include the outcome of their review of the Consultant Report. The points that would make up the Advisory Body note and recommendation:

1. Note on process and content

The Advisory Body shall provide notes to the Department of Archaeology on the process and content of the Consultants preparation of the HIA. This would include the assessment of legal and ethical issues.

2. Note on assessment and recommendations

The Advisory Body shall provide notes to the Department of Archaeology on the assessments done by the Consultants and particularly comment on the recommendations. This would especially focus on whether the assessments and recommendations are based on the prevalent understanding of conservation.

3. Recommendation on Consultants report

The Advisory Body may recommend the adoption of the Consultant report, the adoption with amendments, the return of the report to the Consultant for further clarifications and detailing or the total rejection of the Consultant report.

Standard format- **HIA F-6a 2021: HIA comment request letter DOA to Advisory Body**

Standard format- **HIA F-6b 2021: Advisory Body Comment Format**

Standard format - **HIA F-6c 2021: HIA comment submission letter format from Advisory board to DOA**

HIA F-6a 2021

HIA comment request letter DOA to Advisory Body

Please remove highlighted instructions and insert relevant information

[LETTERHEAD]

[Name of Advisory Body]

[Official address of Advisory Body]

Date: dd/mm/yyyy

Subject: Request for Comments on Heritage Impact Assessment

Dear [Name of Advisory Body],

Please find attached the HIA submitted by the Consultant for the [name of project]. I request you to review the HIA and provide comments within [number] days of receiving this letter as per HIA F-6b 2021 form: Advisory Body Comment Format. Attached are also project documents for your reference.

Thanking you,

Yours sincerely,

[Signature]

Director General

[stamp]

Attached:

1. HIA submitted by Consultant
2. DPR provided by the Actor
3. Filled HIA F-2a 2021 form: Project Indicators and Cost Calculations
4. Filled HIA F-4a 2021 form: Consultant's TOR for HIA

HIA F-6b 2021
Advisory Body Comment Format

Please remove highlighted sections and insert relevant information

Project:

Consultant:

Advisory Body Lead:

The HIA was received on: Submission of Comments:

Overall suggestion adoption adoption with modifications rejection

Proposed decision: agree disagree

Comments on consultant's decision on the impact of the project on the cultural heritage

Proposed recommendations: agree reservations disagree

Comments on the consultant's recommendation on how to mitigate the impact

Process and Content: agree reservations disagree

Comments on the process, including legal and ethical considerations

HIA F-6c 2021

HIA comment submission letter format Advisory Body to DOA
Please remove highlighted instructions and insert relevant information

[LETTERHEAD]

Director General,
Department of Archaeology,
Ramshahpath,
Kathmandu, Nepal

Date: dd/mm/yyyy

Subject: Heritage Impact Assessment comment submission

Dear Director General,

We received the Heritage Impact Assessment of the [name of project] prepared by [name of consultant]. We have reviewed the Heritage Impact Assessment and have provided our comments on the attached 'Advisory Body Comment' report'.

Please do not hesitate to contact us if there are any further questions on the project or the HIA. We remain at your disposal.

Thanking you,

Yours sincerely,

[Signature]

[Name of authorized person]

[stamp]

Attached:

1. Advisory Body Comment - 1 hard copy + soft copy in pdf

3.3.3 Official letter from DOA with decision to the Actor

The Department of Archaeology will determine the outcome of the HIA based on the Consultant's report and the Advisory Bodies recommendations. Once this process has been finalized the Department of Archaeology will formulate and send to the Actor a letter with the final decision. This letter would be a legal document that would be legally binding.

The Official Letter that is sent by the Department of Archaeology to the Actor shall contain at least the following points:

1. Final Decision

The Department of Archaeology shall formulate the final decision as a response to the application for a HIA submitted by the Actor. The final decision can be in short any of the following three options:

- (i) acceptance of proposal as submitted
- (ii) acceptance of proposal but with amendments
- (iii) rejection of proposal

2. Justification

The Department of Archaeology shall provide a justification to the decisions that has been taken. This would need to be linked to appropriate legal provisions as well as the assessment carried out by the consultant and review by the advisory body.

3. If applicable required amendments to the project

If applicable, the Department of Archaeology shall provide detailed information on the required amendments to the project which shall be binding if the Actor would want to continue with the project / activity.

4. Notes on related decisions on rectifications and planning

The Department of Archaeology shall provide information related to the assessment and rectification of past projects and activities as well as planning recommendations to safeguard the site from potential threats. This information will become part of the overall guiding principles for the implementation of the proposed project.

5. Validity of decision

The Department of Archaeology shall provide exact dates for the validity of the decision, which means the project / activity would need to be completed and be ready for final assessment by a given date of expiry of permission.

Standard format- **HIA F-7a 2021: *Final decision format from DOA***
 Standard format- **HIA F-7b 2021: *Final letter format from DOA to Actor***
 Standard format- **HIA F-7c 2021: *Final letter format from DOA to Consultant***
 Standard format- **HIA F-7d 2021: *Final letter format from DOA to Advisory body***

HIA F-7a 2021

Final HIA decision format from DOA

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

Name of Actor (Applicant):
Name of Project:
Location:
Date of application: dd/mm/yyyy Date of decision: dd/mm/yyyy

Overall recommendations: acceptable with conditions* not acceptable

Justification and related legal provisions

***conditions to be fulfilled:**

Required rectification (for Category 2 - Assess past projects)

Required planning (for Category 3 – Assess future threats)

[Signature]

Director General

[stamp]

HIA F-7b 2021

Final letter format from DOA to Actor

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of authorized person for Actor]

[Official address of Actor]

Date: dd/mm/yyyy

Subject: Final decision of Heritage Impact Assessment

Dear [Name of authorized person for Actor],

The HIA Committee of the Department of Archaeology has come to the final decision on the project [name of project]. The decision has been based on the Heritage Impact Assessment received from the competent consultant, with the additional comments from the advisory body.

Please find attached the filled 'HIA F-7a 2021: Final HIA decision format'.

Please keep us informed on any further progress or changes to the circumstances of the project. Please note that should the project be accepted for implementation, regular reporting and monitoring will take place and a completion certificate will need to be obtained after successful completion ensuring compliance with the decisions provided on the attached form. Thanking you for your cooperation.

Thanking you,

Yours sincerely,

[Signature]

Director General

[stamp]

Attached:

1. HIA F-7a 2021: Final HIA decision format'

HIA F-7c 2021

Final letter format from DOA to Consultant

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of Consultant]

[Official address of Consultant]

Date: dd/mm/yyyy

Subject: HIA completion

Dear [Name of Consultant],

Thank you for your contribution to the preparation of the HIA of the [name of project]. Please submit your payment request letter.

We request you to provide your continued services should there be further issues that arise from this project.

Thanking you for your continued collaboration.

Yours sincerely

[Signature]

Director General

[stamp]

HIA F-7d 2021

Final letter format from DOA to Advisory Body

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of Advisory Body]

[Official address of Advisory Body]

Date: dd/mm/yyyy

Subject: HIA completion

Dear [Name of Advisory Body],

Thank you for your contribution to the preparation of the HIA of the [name of project]. Please submit your payment request letter.

We request you to provide your continued services should there be further issues that arise from this project.

Thanking you for your continued collaboration.

Yours sincerely

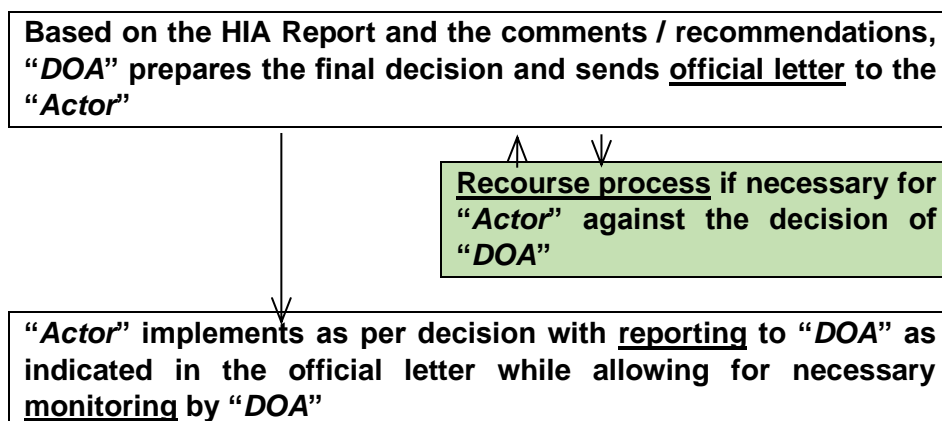
[Signature]

Director General

[stamp]

3.3.4 Recourse process for Actors

As per the overall process an official letter is sent by the Department of Archaeology to the Actor with the final decision in respect to the HIA. Should the Actor not be agreeable to the decision, recourse is possible.



The Official Letter that is sent by the Department of Archaeology to the Actor contains at least the following points:

1. **Final Decision:** (i) acceptance of proposal as submitted, (ii) acceptance of proposal but with amendments or (iii) rejection of proposal
2. **Justification:** justification to the decisions that has been taken linked to appropriate legal provisions as well as the assessment.
3. **If applicable required amendments to the project:** detailed information on the required amendments to the project.
4. **Notes on related decisions on rectifications and planning:** information related to the assessment and rectification of past projects and activities as well as planning recommendations to safeguard the site from potential threats.
5. **Validity of decision:** exact dates for the validity of the decision, which means the project / activity would need to be completed.

Refer: HIA F-7a 2021: Final HIA decision format DOA

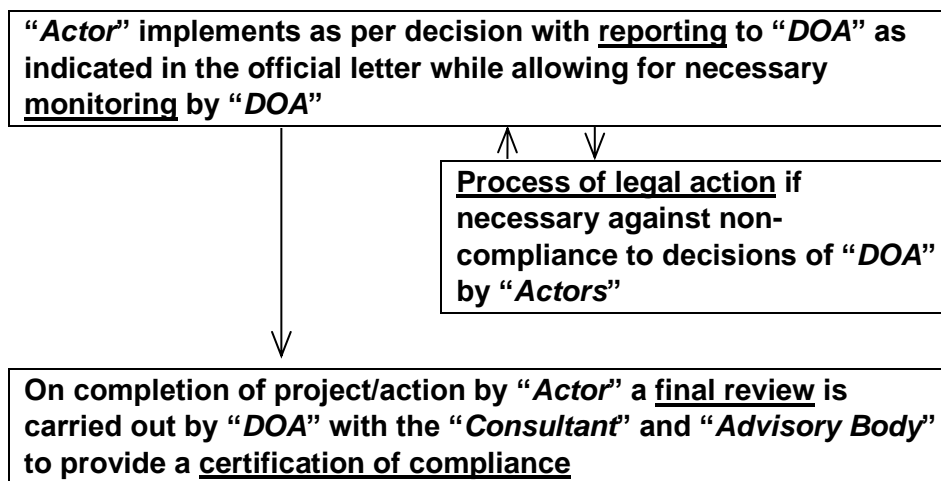
For any of these points recourse can be taken with a clear justification for the Department of Archaeology to reconsider. The recourse would be submitted as a written document with the necessary references and justification (reasoning and legal provisions) to back up the recourse claim.

This would then be discussed with the Consultant and the Advisory Body taking into account the justification provided by the actor. A revised Official Letter will then be sent to the Actor with the response to the recourse. Recourse can be taken repeatedly, however no work may begin without the dispute being finalized.

4. Monitoring and enforcement of the HIA (Component 3)

The third phase of the HIA is to ensure that the outcome of the assessment is agreed upon and followed. Reviewing the past HIAs that have been carried prepared, enforcement and compliance has been an issue. This has particularly been the case when a certain development has been agreed upon, however, only if certain conditions were met. In most cases, the development was carried out, while the conditions were not adequately fulfilled. This means, both monitoring and enforcement procedures need to be improved.

CARRYING OUT HIA (Component 2)



Note

Procedures for legal recourse to non-compliance need to be carefully planned within the legal provisions of the country. This aspect is critical to ensure that the HIA becomes an effective tool to protect heritage, while finding appropriate means for development activities to take place.

4.1 Processes for Monitoring and enforcement of the HIA

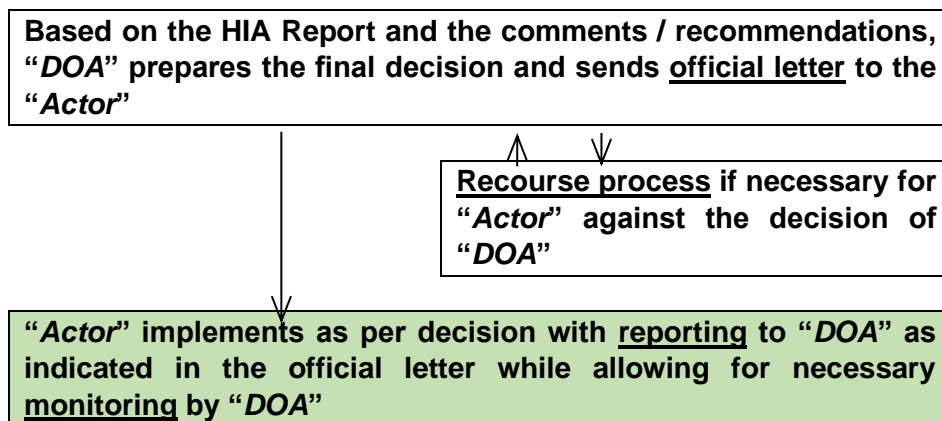
For the third components, the Monitoring and enforcement of the HIA the following processes will be required. Draft processes are being provided in this report. These would still need to be discussed with experts and site managers. Only after several trial runs on practical Heritage Impact Assessments can these be finalized and adopted as standard formats.

Required processes:

- **Reporting by Actor**
- **Monitoring by DOA**
- **Process of legal action by DOA**
- **Process of final review by DOA / Consultant / Advisory Body**

4.1.1 Reporting by Actor

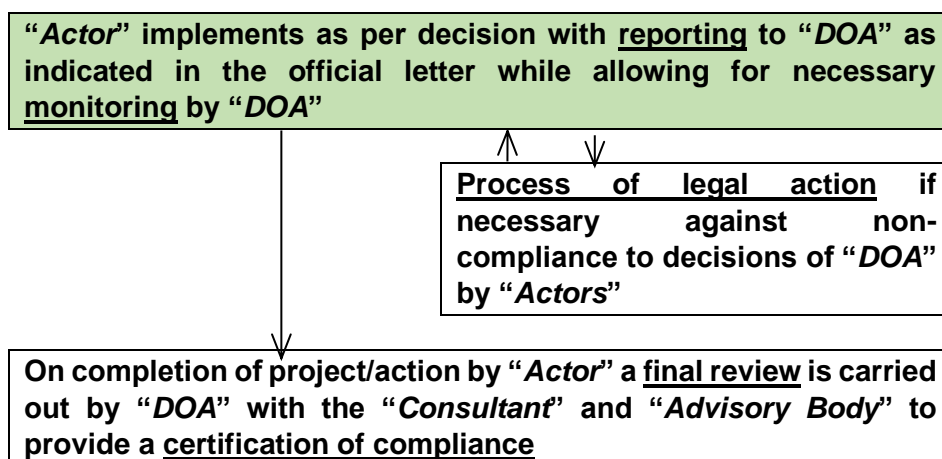
As per the overall process when the Actor receives the official letter and all disputes are clarified and agreed upon and if permission is given, the Actor will start the project / activity. During the entire process the Actor shall provide the Department of Archaeology with detailed reports as defined in the Official Letter.



The reporting by the Actor to the Department of Archaeology shall be done based on the conditions defined in the Official Letter. The reporting shall include progress as well as any changes or new insights into the circumstances. Any new information on the heritage site would be passed on to the Department of Archaeology

4.1.2 Monitoring by DOA

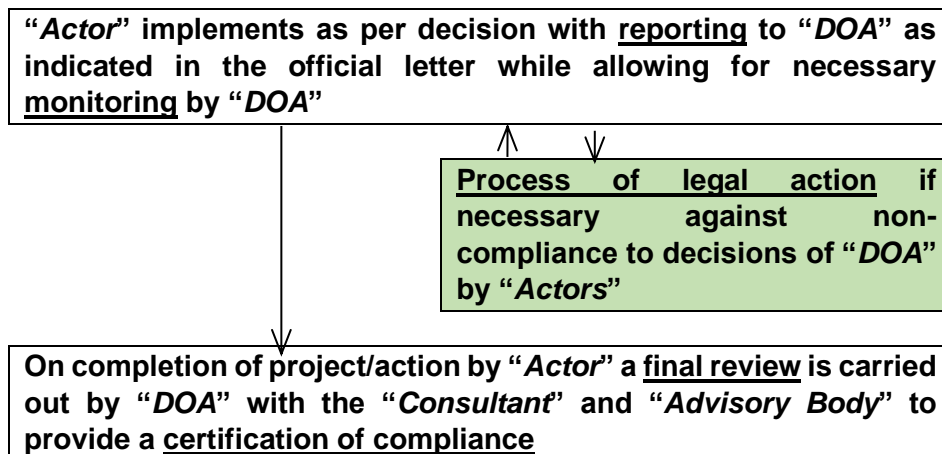
As per the overall process, if found necessary, the Department of Archaeology may carry out monitoring of the project / activity at any time.



Should the reporting by the Actor not seem sufficient, the Department of Archaeology can establish its own monitoring of the project / activity. This means that any supervisor can be deputed to oversee activities. This can be full time or at specific intervals as found necessary.

4.1.3 Process of legal action by DOA

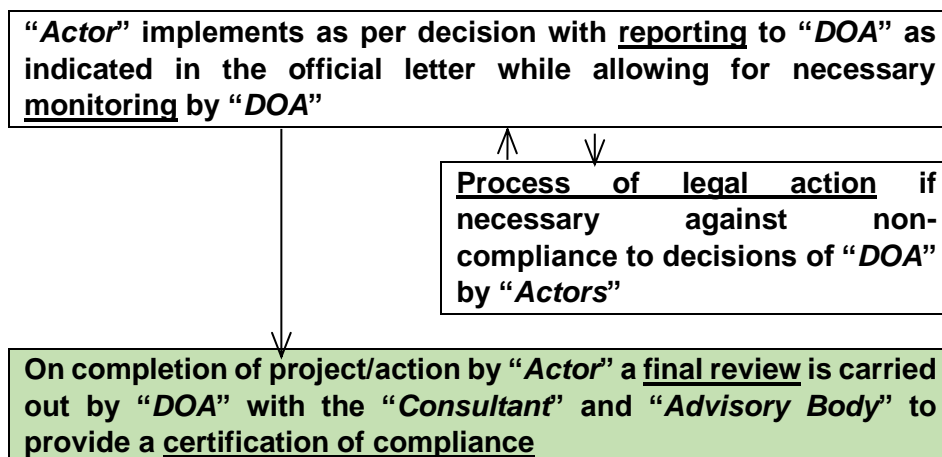
As per the overall process, should there be any part of the project implementation that does not comply with the Official Letter, the Department of Archaeology may stop work and take legal action against the Actor.



During the course of the Project / Activity if there is any concern about the on-going process, the Department of Archaeology may stop the work, request rectification or if necessary take legal action. This would then revert to the courts; however a stay order must be issued to ensure that the project / activity halts.

4.1.4 Process of final review by DOA / Consultant / Advisory Body

As per the overall process once the project / activity is completed, a final review shall be carried out by the Department of Archaeology in consultation with the Consultant and the Advisory Body in the presence of the Actor.



Should compliance be found with all points mentioned in the Official Letter, a certificate of compliance shall be awarded to the Actor which allows for full legal recognition of the Project / Activity.

4.2 Certification of compliance (DOA)

On completion of the project / activity or latest by the final date of expiry of the permission the Department of Archaeology shall assess the project. This assessment shall be carried out in consultation with the Consultant and the Advisory Body in the presence of the Actor.

The requirements that need to be fulfilled for issuance of the Certificate of Compliance are as follows:

1. Final Decision

Compliance to final decision as stated in the Official Letter sent by DOA which could be either (i) acceptance of proposal as submitted; (ii) acceptance of proposal but with amendments or (iii) rejection of proposal.

2. If applicable required amendments to the project

Compliance to required amendments to the project where relevant as stated in the Official Letter sent by DOA

3. Notes on related decisions on rectifications and planning

Compliance to related rectifications and planning provisions defined in the Official Letter sent by DOA

4. Validity of decision

Compliance to timeframe as defined in the Official Letter sent by DOA

Should the assessment of the project / activity show that there was no or not sufficient compliance, legal steps would need to be taken to rectify the situation. In the meantime if any cultural heritage is irreversibly affected, more severe consequence must be ascertained.

Standard format- **HIA F-8 2021: *Certificate of compliance from DOA to Actor***

HIA F-8 2021

Certification of compliance from DOA to Actor

Please remove highlighted instructions and insert relevant information

[DOA LETTERHEAD]

[Name of authorized person for Actor]

[Official address of Actor]

Date: dd/mm/yyyy

Subject: Certification of Compliance

Dear [Name of authorized person for Actor],

This is to certify that the project [name of project] has been carried out as per the decisions of the HIA Committee of the Department of Archaeology dated: [date of DOA decisions].

The status of the project has been reviewed and documented by the Department of Archaeology, with the HIA Consultant and representative of the Advisory Body as witness. Any further changes may only be carried out after obtaining separate permission from the Department of Archaeology.

Thanking you for your continued collaboration.

Yours sincerely

[Signature]

Director General

[stamp]