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**UNITED NATIONS EDUCATIONAL
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**CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE**

BUREAU OF THE WORLD HERITAGE COMMITTEE

**Twenty-first extraordinary session
Naples, Italy
28-29 November 1997**

Information Document: State of conservation report of Kathmandu Valley.

At its twenty-first session in June 1997, the Bureau requested His Majesty's Government of Nepal to provide a full report on the progress made in each of the sixteen points of the 1993 Joint UNESCO-ICOMOS Review Mission recommendation concerning Kathmandu Valley. In September 1997, the Secretariat received a draft state of conservation report from H.M. Government of Nepal. The draft report has been summarized in this Information Document, combined with additional information from the UNESCO International Technical Advisor who conducted a mission to Kathmandu Valley in September 1997.

The final report on the state of conservation of Kathmandu Valley will be made available to the Committee at its twenty-first session.

Kathmandu Valley (Nepal)

Background: The World Heritage Committee at its seventeenth session in 1993 expressed deep concern over the state of conservation of Kathmandu Valley site and considered the possibility of placing this site on the List of World Heritage in Danger, following discussions on the findings of the 1993 Joint UNESCO-ICOMOS Review Mission (hereafter referred to as 1993 Mission).

Since then, His Majesty's Government of Nepal has given priority to responding to the sixteen points of concern raised by the 1993 Mission. However, the Bureau, at its twenty-first session, wished, that in view of the continued deterioration of the monument zones of Baudddhanath and of Kathmandu (two of the seven monument zones protected under the Convention), to consider placing the site on the List of World Heritage in Danger at its twenty-first extraordinary session. In order to make a sound recommendation to the Committee in this regard, the Bureau requested H.M. Government of Nepal to provide a full report on the progress made in each of the sixteen points of the 1993 Mission recommendation.

A draft report was submitted to the Secretariat by H.M. Government of Nepal in September 1997. The content is summarized below, combined with additional information from the UNESCO International Technical Advisor, who conducted a Mission to Kathmandu Valley in September 1997 (within the framework of the Preparatory Assistance for the nomination of Kokhana as an additional monument zone of the Kathmandu Valley site). This UNESCO International Technical Advisor is also an ICOMOS expert.

Each of the sixteen-points of the recommendation is followed by a report responding to the specific point. The final report on the state of conservation of the site, to be submitted by H.M. Government of Nepal, will be made available to the Committee at its twenty-first session.

Recommendation 1.1	<i>That the next (fifth) amendment to the Ancient Monuments Preservation Act should be consistent with the Convention concerning the protection of the world cultural and natural heritage and its Operational Guidelines.</i>
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The Fifth Amendment to the Ancient Monuments Preservation Act, with revisions ensuring consistency with the World Heritage Convention and its Operational Guidelines, was officially gazetted in February 1996. In order to implement the Fifth Amendment, the Ancient Monuments Preservation Rules have been amended and approved by the Ministry of Youth Sports and Culture. The approvals from the Ministry of Law and Justice, and thereafter the Cabinet, are pending.

The Environment Conservation Act became law in January 1997 and the Environment Protection Rules for implementing this Act were gazetted in June 1997. Under the terms of the Act, a national register of monuments must be prepared, including those within the World Heritage site.

The Apartments Bill will be submitted to Parliament in 1997 and will facilitate horizontal division of historic houses into separate apartments, instead of vertical division, which is a consequence of existing inheritance customs and laws and is the most frequent cause of damaging alterations to historic buildings.

The Development Control Unit (DCU) has been formally integrated as a temporary unit within the Department of Archaeology (DoA) by H.M. Government of Nepal for the fiscal year of 1997-98. The DCU will become a permanent unit with an annual budget four times that of 1997-98, from the 1998-99 fiscal year.

Under the chairmanship of the Minister of Youth, Sports and Culture, meetings have taken place to discuss the creation of an Executive Board for protective measures to be undertaken to enhance the management of the site.

Recommendation 1.2	<i>That the boundaries to the seven Monument Zones of the World Heritage site should be reconsidered and redefined and must be gazetted according to the provisions of Nepalese legislation. Each monument zone within the World Heritage site should display a notice as required by the World Heritage Convention and its Operational Guidelines. It is also recommended that the boundaries of the Monument Zones should be physically defined by stone markers.</i>
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Redefined boundaries of the five zones of Kathmandu, Bhaktapur, Changu Narayan, Patan, and Swayambhunath, taking into account the 1993 Mission recommendation, have been gazetted and thus are protected under the legislation. The redefined and reduced boundary for Bauddhanath zone has been sent to the Ministry of Youth Sports and Culture for gazetting. The gazetting of the redefined boundary for Pashupatinath zone is being processed.

Bronze plaques have been placed in the zones of Kathmandu, Swayambhunath, Bauddhanath and Changu Narayan and will be placed in Patan and Bhaktapur between 1997-1998. Stone boundary markers will be placed in the zones of Swayambhunath and Patan between 1997-1998.

Recommendation 1.3 ***That the monuments listed in the nomination, accepted by the World Heritage Committee in 1979, should be gazetted immediately and that detailed inventories of monuments and other structures within the World Heritage site should be commenced and gazetted annually in additive sections.***

An inventory of monuments in Patan zone is complete and classification into monuments of international, national or local importance will be completed and gazetted after the approval of the Ancient Monuments Preservation Rules. In order to inventory all the monuments within Bhaktapur zone, H.M. Government of Nepal has requested Technical Co-operation assistance from the World Heritage Fund (see Working Document WHC-97/CONF.207/4 Requests for International Assistance).

Recommendation 1.4 ***That the concerned authorities should initiate the preparation of detailed master plans for those monument zones for which they do not yet exist.***

Conservation Master Plans for the zones of Swayambhunath, Changu Narayan, and Bauddhanath are in place. A Patan Conservation Action Master Plan (PCAMP) will be completed in October 1997. A two-week exposure mission was undertaken by the DoA to World Heritage sites in Laos and Vietnam for evaluating the draft PCAMP. This mission was undertaken with the co-operation of Urban Development through Local Effort (UDLE) of the German GTZ and the UNESCO Secretariat. A Bhaktapur Area Conservation Proposal, which envisages designating the entire Bhaktapur city as a historic city to be protected, has been submitted to the Ministry of Youth Sports and Culture for comments.

Recommendation 1.5 ***That responsibilities for conservation and restoration activities among the concerned authorities should be clearly defined and that the Department of Archaeology should be strengthened in its administrative, technical and professional capacities, especially with regard to its monitoring activities. That the role of the three recently created Municipalities of Kathmandu, Patan and Bhaktapur should be defined in relation to management of the monument zones within their jurisdiction.***

The DoA has been strengthened with the formal establishment of the DCU. Training activities, funded by the World Heritage Fund and other sources such as the British Council and UDLE, have strengthened the administrative, technical and professional capacities of the DoA and DCU staff, especially with regard to its monitoring activities. However, human and financial resources are still insufficient for the DCU to fully enforce its authority over development

control of the hundreds of historic buildings within the seven monument zones. Thus, the demolition of traditional buildings with valuable architectural fabric continue, notably in Bauddhanath and Kathmandu monument zones.

A project proposal has been prepared, with the co-operation of the Secretariat, for strengthening the management capacity of Bhaktapur Municipality through decentralized co-operation with Bath City, United Kingdom. Funding for this project is being sought from the European Union.

Recommendation 1.6	<i>That, in order to ensure control of new development within the World Heritage site, concerned authorities (DoA and Municipalities) should begin preparing complete documentation of all house and street elevations within the monument zone in their jurisdictions.</i>
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The inventory of Patan zone buildings is complete. In order to inventory all the monuments and street elevations within Bhaktapur zone, H.M. Government has requested technical co-operation assistance from the World Heritage Fund. The monuments and vernacular houses within the other five zones can only be inventoried with additional human and financial resources within the DoA and respective municipalities.

Recommendation 1.7	<i>That no demolition of any kind of structures, buildings or other remains within the monument zones should be permitted without the written authorization of the Department of Archaeology.</i>
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The Fifth Amendment to the Ancient Monuments Preservation Act specifies that no building within the World Heritage site can be demolished without the permission of the DoA. Since this provision came into force, permission to rebuild has only been granted for houses in extremely poor conditions which cannot be repaired. However, enforcement of this provision is difficult due to insufficient human and financial resources for regular and systematic development control. Currently, H.M. Government is processing the order for demolishing an illegal new building in the zone of Bauddhanath.

Recommendation 1.8	<i>That the concerned authorities should prepare a funding mechanism to support the conservation of historic properties in private hands, together with a scheme for tax exemptions to encourage private donations towards the conservation of cultural heritage.</i>
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The Fifth Amendment to the Ancient Monuments Preservation Act provides for the creation of a Monuments Conservation Fund. This Fund will be established after approval of the Ancient Monuments Preservation Rules which will regulate the implementation of the Act.

The DoA and UNESCO jointly hosted an international donors meeting in October 1996 presenting twenty-one restoration project proposals. The meeting encouraged local donations

for substantial restoration work to take place, including one project proposal presented for co-financing from the World Heritage Fund. Fritids Resor, a Swedish tourism agency, agreed in October 1997, to finance another project for the restoration of one historic building for the amount of US \$ 20,000.00.

Bhaktapur Municipality collects entrance fees from tourists, which is thereafter used for restoration works of the public buildings. One project presented at the international donors meeting in October 1996 will be funded from the funds raised by the Bhaktapur Municipality. Patan Municipality is also considering the adoption of similar fund raising activity through collection of entrance fees.

UDLE has provided DoA with financial support for purchasing traditional bricks, timber and tiles for restoration work to be conducted on privately owned historic houses within the seven monument zones. Plans are being developed to further assist private owners of historic houses by providing such traditional construction material.

Recommendation 1.9	<i>That projects for the conservation of individual monuments within the monument zones should meet high standards of quality ; most importantly, demolition and reconstruction as an integral part of restoration should be discouraged in favour of repair in-situ, with minimal dismantling. The Department of Archaeology should reject projects which favour demolition and rebuilding or beautification instead of the conservation of historic fabric.</i>
Recommendation 1.10	<i>Standard forms of cost estimates, quantities and specifications for new buildings, as scheduled by H.M. Government of Nepal, should not be applied to conservation works in the monument zones. A new schedule of rates, costs and materials applicable to the use of the traditional materials applicable to the use of traditional materials and repair works, such as mud mortars and construction with timber, should be prepared and made mandatory for conservation work within the monument zones.</i>
Recommendation 1.11	<i>That, in places where mud mortar could be used, cement mortar and plaster should never be used for repairs to historic structures.</i>

The DoA has made great progress in encouraging the repair of monuments *in-situ* with the use of traditional building material. Cement mortar for conservation projects has been banned since June 1994.

The schedule of rates applicable to the use of traditional material and skilled craftsmen is reviewed annually by a committee, chaired by the Director-General of the DoA, and composed of representatives of the Ministries of Finance, Housing and Physical Planning, the Auditor-General, and the District Office. However, the price of *sal* timber, the wood used for

traditional architecture, remains expensive for the general public, often leading to demolition of traditional houses and rebuilding in cement.

With the assistance of the Netherlands funded UNESCO's LEAP programme (Integrated community development and cultural heritage preservation through local efforts in Asia and the Pacific), a « Homeowner's Repair Manual » is being prepared in English, Nepali and Newari, the local language of the Kathmandu Valley. This manual will inform private homeowners on the means of repair without demolishing the entire building.

H.M. Government of Nepal is currently preparing a Technical Co-operation request for carrying out a study on the use and properties of traditional conservation material.

Recommendation 1.12 *That the provisions of the Ancient Monuments Preservation Act with regard to monitoring and design control by the DoA should be fully implemented in co-operation with the relevant enforcement authorities.*

The DoA's responsibilities for monitoring and design control is being supported by initiatives by the municipalities. The DCU assists the general public in project proposals of designs for rebuilding.

Recommendation 1.13 *That the provisions of the Ancient Monument Preservation Act with regard to the demolition of illegally erected structures within the monument zones should be implemented, without allowing the alternative of paying a fine for such illegal construction.*

The DCU has placed emphasis on prevention of new illegal construction rather than on the demolition of illegal buildings. However, cases of flagrant violation will be punished by demolition, commencing with that of an illegal building in Baudhdhanath zone to serve as a lesson.

Recommendation 1.14 *That obtrusive public utilities within the monument zones, such as electrical transformers and floodlights fixed on, or immediately adjacent to, monuments, should be made less conspicuous, by placing cabling underground, or other means, paying due regard to archaeological cultural levels.*

New cabling has been placed underground in the Darbar Square of Patan zone. Similar practice will be extended to other zones.

Recommendation 1.15 *That, in the monument zones, public and commercial advertising should be severely restricted and the display and sale of merchandise, other than within licensed shops and designated market areas should be banned.*

Control of advertising is being conducted within the zones of Patan, Bhaktapur, and Swayambhunath.

Recommendation 1.16 <i>That the present restrictions on vehicular traffic within the three Darbar Squares in Kathmandu, Patan and Bhaktapur should be maintained and gradually extended.</i>
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Vehicular traffic restrictions within the three Darbar Squares have been maintained since 1993. Bhaktapur's vehicular traffic is restricted for the entire core zone. The pedestrian areas of the zone of Kathmandu has been extended.