

## **Nepal**

### ***The artist's place in society***

*Artists enjoy respect in the society because they have played very important role in the set up of the urban space for millennia. The architectural forms, housing, sculptural works have been carried out for the same purpose. The painters and musicians have their spaces in the society. But while artists are often well considered, their working conditions are not necessarily very favourable.*

*In Nepal, the artists may normally combine a permanent post as artist with another job unless a specific contract states the contrary. Artists do teaching as their main vocation. Some work in the bureaucracy as administrative officers. The Academy and private galleries offer also small jobs. But invariably, except those with particular skills, artists do other jobs.*

### **Actual situation in regard to gainful employment and its proportion**

Artists' employment situation is also governed by the kind of art works they produce. If their works are considered gainful they get employment easily. A certain percentage of artists have found employment in their principal artistic activity but many still have to seek to other forms of gainful employment. It is estimated that about 60 % of artists combine jobs in this way.

### **Role of State in improving the condition of artists**

The Ministry of Education and Culture looks into the domain of arts and crafts. The Academy and the Tribhuvan University Cultural Studies departments, the cottage and handicrafts industries are semi-government institutions. They have been creating some conditions for the artists to be engaged and employed.

## **INSTITUTIONAL AND LEGAL FRAMEWORK**

### **Legal frameworks within which artists and creators may be employed**

The country does not have a separate legal framework for artists. Artistic occupations were, and still are in many instances, considered as family professions. People of different ethnic groups were classed according to their artistic skills. Painters were known as chitrakars, masons, architects, craftsmen, sculptors and musicians had their social position and role.

Although it has been greatly changed today, the descendants of the artisans and artists have taken over the professions of their ancestors in recent years because these professions have become lucrative with people's growing interest in them and with the visits of tourists from the metropolitan cultures. Such artists were employed by the government in earlier times. But now most artists are basically freelance workers.

Artists' employment in their principal artistic activity does exist, but on an extremely reduced scale.

## **WORKING CONDITIONS**

### **Professional status**

Some artists register their organizations and firms. Otherwise no labour permits or professional status is required for artists to work.

### **Work contracts**

The forms of contracts – content and duration - vary according to the jobs.

Some artists are employed by various non-governmental organizations, HMG's different departments and the University as well as by the Royal Nepal Academy.

A number of artists have found work with the agencies funded by the UN and other international organizations. However, the scale is very low.

There are no separate statutes to determine the legal framework for artists.

### **Employment**

The artists who work freely and independently are not hired. That would be an inappropriate term to use in the context of Nepal.

However, the artists whose works have pragmatic value and whose sculptural works have been marketed are hired. When entrepreneurs have found the artisans' work lucrative they do hire artists to do such works.

A very few artists are hired by handicraft centres, cottage industries. The volume of their work force is small but significant. The cottage industry at Lagan, Tripureswor and other places hire artists. Some work on a permanent basis there. Patan and Bhaktapur cities sell to the tourists the works of many sculptors and Pauva painting which is a Mandalic work that combines the Nepali and Tibetan style. It has become popular among the visitors to this country and many artists have done well by making Pauva, also known as Thankas.

### **Provisions for health care**

There are no special provision for health care. Organizations where artists work have the same rules and provisions as there are in any other jobs in the country. No separate provisions are made for artists.

### **Administrative inspections**

Artists' employment conditions are not subject to administrative inspections.

## **SOCIAL WELFARE**

There is no strong legal provision for the protection of artists in the field of social welfare.

Social welfare benefits are not provided by the State.

But some senior retired artists have received some small amount of money occasionally.

Senior theatre artists do not receive any assistance from the government.

## **UNEMPLOYMENT**

There are no special unemployment benefits for the artists.

## **REMUNERATION**

Artists' remunerations vary according to their works.

Artists get paid directly in some cases. But sometimes the company for which they work pays them and makes considerable profit out of their works.

There is no system for the payment of salaries through a professional organization responsible for collection of social welfare contributions. No separate payment agencies exist. The payment is individually negotiated.

### **Minimum level of remuneration**

There is neither minimum level of remuneration nor any special remunerative pattern in the country for artists. Artists' payment, however, is not high. But in some fields, if they are producing a work on contract, they may be better paid. Artists sometimes render their services free of charge but it is difficult to estimate in what proportion.

Performing artists are also treated as entertainers in Nepal. They have been traditionally paid low wages.

### **Intellectual property rights**

It is difficult to calculate the exact amount of income derived from intellectual property rights as no figures are currently available.

There is a copyright society that is quite active. Santosh Sharma of Music Nepal has taken a lead in this matter. It aims to protect copyrights of musicians but the Society has been extended to include all other artists including the writers. A new awareness has come about in this matter.

Following the request of intellectual property rights groups and under the pressure of their lobbying, the Government voted a copyright law in 2003 which protects to a great extent the copyrights of the artists and writers. In fact, a copyright law has existed in Nepal since the sixties but had not been really effective.

The effect of the above-mentioned legal provision on intellectual property rights is yet to be seen. But a great public awareness has come in this matter and artists are conscious of their rights. They can evoke the existing law and make claims with the government for their rights and the protection of their copyrights.

## **TAX STATUS and TAX ADVANTAGES**

There is no particular tax status for artists and they do not have any special tax exemptions or advantages.

### **Royalties and tax system**

Taxes are deducted at the time of the royalties paid to the artists.

### **Exemptions or special provisions on cultural products**

Sometimes the government announces special provisions to allow the importation of cultural items, but governments have been acting inconsistently in this matter.

There are no exemptions or special provisions regarding import duties on equipment' and materials required for cultural productions.

### **Special tax regime for cultural products**

There is no special tax regime for the marketing, import and export of cultural products. Nor are there any regional or inter-regional customs duties agreements governing circulation of cultural products.

## **ILLEGAL WORK**

The concept of illegal work has not arisen in the regime of artists' work in Nepal.

## **INTERNATIONAL MOBILITY OF ARTISTS**

### **Measures to encourage the mobility**

Few measures have been taken to encourage the mobility of artists. Musical groups are the most mobile. Painters move also but on a smaller scale. Literary writers travel sometimes. Recently theatre workers have started taking plays outside the country, like for example in Denmark, Moscow, Dhaka and Delhi.

- fellowships and financial aid

No special governmental assistance is provided to artists. But the Ministry of Culture finances some cultural travels abroad.

- fellowships and financial aid to promote the mobility of works

Generally, there is no state financial aid to promote the mobility of works.

- networks catering for foreign artists

The International Theatre Institute (ITI) and ITI Centres in Bangladesh, India and Nepal have worked to promote the mobility of theatre artists between the 3 countries.

The ITI Centre of Nepal puts visiting foreign performing artists in contact with their counterparts in Nepal but in general otherwise there are no networks catering for foreign artists.

- facilities for obtaining visas and residence permits

There are no special facilities known for obtaining visas and residence permits.

- facilitating the import/ export of cultural products

As stated earlier, the import/export of cultural products is not governed by a consistent policy. It is based more on the temporary situation rather on the stable basis of facilitating the importation and export of the cultural products.

The International Theatre Institute, with the support of UNESCO, plays a role in facilitating some movement of theatre artists and scholars in the region and internationally although its financial involvement is limited.

### **Foreign artists in Nepal**

The Ministry does conclude agreements with foreign countries. Foreign artists wishing to work on the national territory must make an application through the Ministry of education and Tribhuvan University Foreign Relations Department.

### **Proportion of artists of foreign nationality working on the national territory**

However, information is not available on the proportion of foreign artists working on the national territory, either on a regular or irregular basis.

Foreign artists can come and work in Nepal with Nepali artists. Several of them have come with cultural packages and some individuals have come and started departments at the university and are working in Nepal.

The Kathmandu University's Music Department was opened by a German musician and it is doing very well in terms of producing musicians and creating awareness among the people concerning the preservation of the traditional music.

## **COLLECTIVE REPRESENTATION**

The lack of a comprehensive and well-worked out governmental cultural policy is the main problem. There is, however, no particular ideological or prejudicial imposition on artists in Nepal. A major problem is the ignorance and indifference about the diverse artistic works.

### **The right to form or join a trade union**

Artists have their own professional organizations. Different groups have been formed by artists over the last 30 years. SKIB, YAG, are groups of painters who worked with the force of a union for many decades.

Art galleries run by art managers and artists themselves have carried out the activities that normally a union of artists would do. They have even opened art colleges. Musicians have also their groups. Classical and other music creators have their own unions.

NAFA is a semi-government organization that employs some artists. It is part of the Royal Nepal Academy. Contemporary Arts Gallery is another well-known organization. There are several other galleries that function as organizations that bring artists together.

The galleries and these organizations have some leverage on the government's policies.

### **Trade union freedom**

There is no pressure on artists who wish to form or join a trade union.

Trade unions address more political and other work-related concerns that are general.

### **Union prerogatives**

Trade unions have been trying to obtain workers' general welfare measures such as health insurance, provision of provident funds and entitlement to special bonus provisions, insurance and right to form unions, house rent facilities, etc. Current demands of trade unions concern political matters, salary increase and the curbing of the inflation rate.

#### **○ Consultations of the Unions by the State**

The Unions are not consulted by the State before it adopts reforms that affect the working practice of artists but government measures sometimes trigger strikes and clashes with the trade unions. In Nepal, first tensions then dialogues and solutions appear to have become a pattern of the relationship between the State and the Trade Unions.

- Main activities of unions

No examples can be found of ancillary activities undertaken by trade unions such as music schools, theatres, production of recordings etc.

### **Collective agreements**

There are no special structures for negotiating collective agreement in the various artistic sectors.

There are no collective agreements ensuring a legal framework in the different sectors.

### **Promotion of social dialogue**

Social dialogue has sometimes been facilitated by civil organizations that are outside the influence of the governments and political parties.

## **CONTINUING TRAINING and FINANCIAL AID**

### **List of professional schools and institutions**

The following institutions in Nepal provide continuous training:

- Visual arts :
  - Nepal Association of Fine Arts (Naxal)
  - Royal Nepal Academy, Lalitkala Campus (Bhotahity)
  - Contemporary Arts College (Kamaladi)
  - Siddhartha Art Gallery
  - Babarmahal Revisited; JS Gallery,
- Film and audiovisual media
  - Nepal Film College (Gyaneswar)
  - Department of Music, Kathmandu University
  - Department of music and arts, Tribhuvan University
  - Gurukul Theatre (Baneswor, Rastriya Nachghar, Ranipokhari)
- Dance and choreography
  - Royal Nepal Academy, Dance department
- Literature
  - The Royal Nepal Academy, Kamaladi, Kathmandu
- Music: classical, opera, jazz, variety, traditional etc.
  - Nepal Music campus (Bhotahity)
  - Padmakanya Campus (Bagbazar)

### **Training institutions in administration**

There are no institutions providing training to artists in administration, nor in administrative management or career management.

### **Retraining policies**

There are no policies or legal provisions enabling artists to retrain. Some retraining courses are provided by Contemporary Artists' Arts Campus, at Kamaladi. Short term courses are also provided.

## **ORGANIZATIONS**

In the field of theatre, the Nepal Centre of the ITI is working to collect information with the active support of the theatre groups and academics associated with the Nepal Centre of the ITI.

For a list of:

- The main organizations concerned with theatre,
- The main theatres operas and ballets, and
- The main performing arts schools and university departments.

Please see the Nepal ITI Centre's entry in the International Theatre Institute's World Theatre Directory: [http://www.iti-worldwide.org/amt/countries/p\\_NEPAL.html](http://www.iti-worldwide.org/amt/countries/p_NEPAL.html)

**Source: Nepal Centre of the International Theatre Institute, December 2004**