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World Heritage Centre

COMPILATION OF

WORLD HERITAGE COMMITTEE
AND BUREAU DECISIONS
TAKEN BETWEEN 1992-2003

CONCERNING

KATHMANDU VALLEY WORLD HERITAGE PROPERTY, NEPAL

Technical workshop for the conservation of
Kathmandu Valley World Heritage property in Danger
Kathmandu, Nepal (3-7 May 2004)

Page No.	YEAR	Title	Authority	Reference
4	1992	Report on the sixteenth session (Santa Fe), paragraph VIII.9.	World Heritage Committee	WHC-92/CONF.002/12
5	1993	Report of the Rapporteur, seventeenth session (UNESCO Paris), paragraph VIII.3.	Bureau of the World Heritage Committee	WHC-93/CONF.002/2
7	1993	Report on the seventeenth session (Cartagena), paragraph X.8	World Heritage Committee	WHC-93/CONF.002/14
8	1994	Report of the Rapporteur, eighteenth session (UNESCO Paris), paragraph VI.21.	Bureau of the World Heritage Committee	WHC-94/CONF.001/10
9	1994	Report on the eighteenth session (Phuket), paragraph IX.22.	World Heritage Committee	WHC-94/CONF.003/16
11	1995	Report of the Rapporteur, nineteenth session (UNESCO Paris), paragraph VI.20.	Bureau of the World Heritage Committee	WHC-95/CONF.201/12
12	1995	Report on the nineteenth session (Berlin), paragraph VII.46.	World Heritage Committee	WHC-95/CONF.203/16
12	1996	Report of the Rapporteur, twentieth extraordinary session (Merida), paragraph III.B.	Bureau of the World Heritage Committee	WHC-96/CONF.201/5
13	1996	Report on the twentieth session (Merida), paragraph VII.52.	World Heritage Committee	WHC-96/CONF.201/21
14	1997	Report of the Rapporteur, twenty-first session (UNESCO Paris), paragraph IV.50.	Bureau of the World Heritage Committee	WHC-97/CONF.204/11
15	1997	Report of the Rapporteur, twenty-first extraordinary session (Naples)	Bureau of the World Heritage Committee	WHC-97/CONF.208/4B

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16	1997	Report on the twenty-first session (Naples), paragraph VII.52.	World Heritage Committee	WHC-97/CONF.208/17
18	1998	Report of the Rapporteur, twenty-second session (UNESCO Paris), paragraph V.55.	Bureau of the World Heritage Committee	WHC-98/CONF.201/9
18	1998	Report of the Rapporteur, twenty-second extraordinary session (Kyoto), paragraph III.C.b.	Bureau of the World Heritage Committee	WHC-98/CONF.203/5
20	1998	Report on the twenty-second session (Kyoto), paragraph VII.37.	World Heritage Committee	WHC-98/CONF.203/18
21	1999	Report of the Rapporteur, twenty-third session (UNESCO Paris), paragraph IV.69.	Bureau of the World Heritage Committee	WHC-99/CONF.204/15
23	1999	Report of the Rapporteur, twenty-third extraordinary session (Marrakech), paragraph III.	Bureau of the World Heritage Committee	WHC-99/CONF.208/8
25	1999	Report on the twenty-third session (Marrakech), paragraph X.42	World Heritage Committee	WHC-99/CONF.209/22
30	2000	Report of the Rapporteur, twenty-fourth session (UNESCO Paris), paragraph IV.70.	Bureau of the World Heritage Committee	WHC-2000/CONF.202/17
32	2000	Report of the Rapporteur, twenty-fourth extraordinary session (Cairns), paragraph III.2 (ii).	Bureau of the World Heritage Committee	WHC-2000/CONF/204/4
35	2000	Report on the twenty-fourth session (Cairns), paragraph VIII.32.	World Heritage Committee	WHC-2000/CONF.204/21
39	2001	Report of the Rapporteur, twenty-fifth extraordinary session (Helsinki), paragraph III.253-264.	Bureau of the World Heritage Committee	WHC-01/CONF.208.4
42	2001	Report on the twenty-fifth session (Helsinki), paragraph VIII.134-139.	World Heritage Committee	WHC-01/CONF.208/24

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44	2003	Decisions adopted by the 27 th session (Paris), 27 COM 7B.52	World Heritage Committee	WHC-03/27.COM/24

**Report of the WORLD HERITAGE COMMITTEE - Sixteenth session
(Santa Fe, United States of America, 7-14 December 1992)**

Paragraph VIII.9 Kathmandu Valley (Nepal)

Upon the initiative of ICOMOS, the report pertaining to the Valley of Kathmandu was submitted to the attention of the Committee. This site is the subject of a UNESCO international safeguard campaign and, as the ICOMOS Representative pointed out, numerous reports have been written about it for the past twenty years. Moreover, following an ICOMOS seminar held recently in Nepal on wood conservation, the ICOMOS Representative was able to confirm previously identified obstacles posed by the protection of sites in the Kathmandu Valley. He expressed his concern for the future safeguarding of these sites, due especially to the absence of technical personnel and skilled labour, and to the quality of some restorations of wooden monuments with true architectural value, in and outside in the protected area.

The conclusions drawn by ICOMOS addressed different levels of intervention (site boundaries, legislation, and human resources) and propose involving UNESCO and ICOMOS in a global evaluation process of everything which has been done from the standpoint of safeguarding the cultural heritage of Kathmandu.

The Delegate of Germany, who expressed his concern at this alarming report, asked the Committee to consider extending the seven protected areas so as to include all the historic and artistic elements of exceptional value, and to create a buffer zone which would comprise the greatest part of the Valley. Furthermore, he suggested to recommend to the Nepalese Government to substantially increase the staff at the Antiquities Department and the funds at their disposal so that they may act effectively with regard to urban development threatening the Valley.

The Delegate of Tunisia reported on his contacts with two teams of experts (Germany and the United States of America) who only confirmed the conclusions drawn by ICOMOS, which he commended. He expressed the hope that the Committee approve the recommendations made by ICOMOS and that ICCROM reinforce this action in this field with the support of the Committee. The Delegate from Pakistan and the ICCROM Observer each discussed in turn the importance of acting in order to preserve the heritage of the Kathmandu Valley.

The Delegate of Pakistan recalled that the use of wood in architecture was a very old tradition since protohistoric times. Hence, in India the Palaces of Pathipulsa are wooden structures in spite of the fragility of this material. It is for this reason that particular attention should be paid to the preservation of wooden structures in historic areas in tropical countries, as is the case for Kathmandu.

Following this discussion, the Committee adopted the recommendations made by ICOMOS and asked the World Heritage Centre to contact the Nepalese authorities to study all the recommendations of ICOMOS and the Committee.

**Report of the Rapporteur
BUREAU OF THE WORLD HERITAGE COMMITTEE - Seventeenth session
(UNESCO Headquarters, Paris, 21-26 June 1993)**

Paragraph VIII.3 Kathmandu Valley (Nepal)

The World Heritage Committee, at its sixteenth session, was informed of the alarming state of conservation of historic buildings and monuments in the Kathmandu Valley. UNESCO and ICOMOS were requested to undertake a global review of the Kathmandu Valley and of the activities undertaken over the past 20 years from the standpoint of safeguarding the cultural heritage of Kathmandu. The objectives of the review were: to draw up broad guidelines for the preservation of the whole valley and to re-examine the boundaries of the protected zone under the Convention.

The UNESCO Division of Physical Heritage is presently executing a Japanese Trust Fund project for Patan Durbar Square, one of the seven sites in the Valley which is included in the ensemble inscribed on the World Heritage List, aimed at establishing scientific documentation of the historical building. For a three-year period, the funds allocated for this project amount to approximately US\$ 375,000. Additional assistance is being sought from UNDP to strengthen the institutional capacity of the national and municipal agencies responsible for safeguarding monuments and historical urban quarters in the Valley.

As a result of a UNESCO mission, fielded at the beginning of June, it was reported that the Government of Nepal expressed its concern about the rapid deterioration of the World Heritage site in the Valley. As a remedial measure, the Government intends to reinforce the existing Monuments Protection Act No. 2013, in order to strengthen the protection of cultural heritage. As of 9 June, the Mayors of Kathmandu, Patan and Bhaktapur decided that the construction work, as a result of the demolition of historical buildings, be banned for six months. Furthermore, the World Heritage Centre was informed that the local news agency recently reported that fast-growing construction is being carried out, not only by locals but also by foreigners. At present, the unauthorised demolition of ancient wooden buildings and the reconstruction of new concrete fabrics is becoming the norm. The World Heritage Centre recently received a report stating that on 12 April 1993, two 14th century wooden buildings in Patan (Tyagah Chapa and its adjoining Pati) were torn down by their owner, the "Guthi", and replaced with a concrete structure housing shops, assuring them of a steady income. The World Heritage Centre promptly requested the Nepalese authorities to urgently look into this matter and to provide further information. In addition, it was also stressed that urgent action to prevent such practices be sought immediately.

At the present session, ICOMOS envisaged the need to contact the Nepalese authorities to express concern and deplore the ongoing destruction of significant cultural heritage within the inscribed Kathmandu Valley sites, and to undertake, along with the Centre and the Physical Heritage Division, the planned 20-year review. Furthermore, it was proposed that efforts be made to change and improve existing legislation.

The Delegate of the United States of America, expressed deep concern for the ongoing degradation and demolition of monuments and historic buildings in the Kathmandu Valley

due to weak legislation and lack of adequate protective measures, as required in the Convention, and suggested the inclusion of this site in the List of World Heritage in Danger.

The Delegate of Germany supported the suggestion of the United States Delegate and also stressed the need for substantive improvement in legislation for the protection of all historic monuments.

The Rapporteur also stressed the need for the Nepalese authorities to act in accordance with the Convention and its guidelines. Furthermore, he requested that the UNESCO Division of Physical Heritage play an active role in the protection and safeguard of the Kathmandu Valley.

Following the request of the Chairperson, the Delegations of Germany, the United States of America and representatives of ICOMOS met during the Bureau meeting and agreed on the following recommendations concerning the Valley of Kathmandu:

1. It is recommended that the Secretariat, on behalf of the Bureau, write a letter to the Government of Nepal, expressing its deep concern on the destruction of monuments in Patan, as well as in the other sectors of the Kathmandu Valley, which are inscribed on the World Heritage List.

2. Furthermore, an expert mission, organized by WHC/ICOMOS, should be announced to the Government of Nepal. This mission is expected to take place during the second half of 1993. The expert mission will investigate the technical problems of restoration, according to the order of the Committee given in Santa Fe. Beyond this, the mission will tackle new problems which turned out to be urgent in monitoring reports presented during the current Bureau meeting. These are:

- a) The revision of the Ancient Monument Preservation Act of 1956. At present, this Act cannot prevent the destruction of monuments and it is therefore inadequate to avert the extensive threats that the monuments are increasingly exposed to.

- b) The expert mission of WHC/ICOMOS intends to inspect and evaluate the boundaries of the seven sectors of the valley belonging to the World Heritage site and will, when necessary, propose an extension of the boundaries to enclose further important monuments within the site.

- c) The expert mission intends to make an on-the-spot check the inventory of monuments which were listed together with the inscription of the site in 1979, and which seem to contain a large number of monuments which have been destroyed in the meantime.

- d) The expert group would review the staffing of the Nepal Department of Archaeology and of the administration of the three important towns which are responsible for the protection of monuments, to assess the number of additional expert staff necessary to prevent further destruction of monuments.

WHC/ICOMOS will report on the results of their actions during the seventeenth session of the Committee in Cartagena to enable the Committee to make substantive proposals to the Government of Nepal.

**Report of the WORLD HERITAGE COMMITTEE - Seventeenth session
Cartagena, Colombia (6-11 December 1993)**

Paragraph X.8 Kathmandu Valley, Nepal

A joint UNESCO/ICOMOS mission was undertaken in November 1993 to evaluate current and past conservation activities to examine boundaries and to study the possibility of setting-up buffer zones, to verify the state of the listed the monuments, to assess the support capacities of the national and municipal authorities and to evaluate proposed amendments to the Ancient Monuments Preservation Act. The mission's conclusions stressed the continuing urgency of the situation and defined sixteen areas in which significant improvements should be made in order to maintain the integrity of the original inscription. The mission also suggested increased international support and a permanent UNESCO presence at the site. ICOMOS suggested that the Government of Nepal consider recommending to the Committee to place the Kathmandu Valley on the List of World Heritage in Danger, in order to increase international support, and that a follow-up mission be undertaken in a year's time in order to assess, in co-operation of the Nepalese authorities, the progress made in the sixteen areas of concern.

The Observer from Nepal stated that his Government would seriously consider the recommendations made by the mission. In his opinion, threats to the site were not so severe that listing on the World Heritage in Danger List would be appropriate. Nepal was actively taking measures, notably for improved conservation, management and legal protection of the site, among others, and the state of conservation would improve in the near future. Nepal would appreciate receiving technical assistance from the Fund and ICOMOS to support its conservation efforts.

The Committee concluded that the mission report should be studied in-depth and that the recommendations should be reviewed with the Nepalese authorities. The Committee requested the Centre to report on this matter to the Bureau at its next session.

The current state of the Kathmandu Valley World Heritage site had been the cause of apprehension since 1992 and had already appeared on the agenda of a number of meetings of the Bureau and of the World Heritage Committee. The Bureau was informed of the conclusions of the joint UNESCO/ICOMOS Review Mission of 14-30 November 1993, which had recommended that the site be placed on the List of World Heritage in Danger and returned to the World Heritage List within a period of one to three years, after sixteen specific matters of concern had been met. It was explained that the World Heritage site consists of seven distinct monument zones, three of them urban, centred round the palaces of the cities of Kathmandu, Patan and Bhaktapur, and the remainder, two Buddhist and two Hindu shrines, which had formerly been in rural surroundings. The mission report had recommended the effective desisting of parts of the Kathmandu Darbar Square and Bauddhanath monument zones, following a general failure to control development, but an extension of the monument zones of Swayambhunath, Patan and particularly Bhaktapur, which was now the only Newari city to retain its overall traditional character. It was pointed out that the Hindu shrine of Pashupati, although part of the World Heritage site, had never been afforded the protection of being gazetted as a protected monument area in Nepalese law.

The mission report illustrated examples of demolition, encroachment, traffic pressure, the unsympathetic introduction of modern services and conservation practices which did not conform to accepted international standards. UNESCO had undertaken a number of initiatives, including plans for technical training and an advisory mission on amendments to the Nepalese Ancient Monuments Preservation Act. ICOMOS had plans for a professional seminar in October 1994.

The Representative of Thailand stated that it was important to judge the degree to which the site had deteriorated and whether it was now worthy of being included in the World Heritage List. The Nepalese State Party should be made aware of the Bureau's concerns and informed that, if the situation was not remedied, steps to delist the site would be initiated. He suggested that, rather than desisting part of the monument zones, that the State Party should be asked to redefine the areas which constitute the World Heritage site. The Representative of the United States concurred in these sentiments. The German Observer highlighted the importance of concentrating efforts on the core areas, where the best results could be achieved, rather than on peripheral areas which might still be part of the monument zones but in which traditional buildings had since been demolished and replaced with concrete-framed structures.

ICOMOS argued that the matter was an extremely delicate one, which could be approached from a number of standpoints. It would be possible to suggest that in the spirit of the World Heritage Convention, the site should be placed on the List of World Heritage in Danger, but Nepalese opposition to such a move might make it self-defeating. He emphasised that it was important to do what was best for the site, which should be in co-operation with the Nepalese authorities to try and resolve outstanding difficulties. The Representative of Senegal also proposed a new approach which would enable the Nepalese to be more protective towards the World Heritage Site and argued that the State Party should be made fully aware of the Bureau's concerns with regard to violations of the articles of the World Heritage Convention.

The Director of the Centre endorsed the idea of redefinition of the monument zones but proposed that, rather than the site being placed on the List of World Heritage in Danger, it would be more constructive if a package of assistance to the Nepalese could be developed which would enable them to act as more effective guardians of the World Heritage site in co-

operation with UNESCO and other relevant agencies. He would be contacting his colleagues in the Division of Physical Heritage to develop more concrete proposals.

The Chairperson summarized the discussion, to the effect that a letter should be sent to the State Party expressing the Bureau's deep concern about the state of the Kathmandu Valley World Heritage site. The Bureau recommends to the Committee to envisage partial desisting and redefinition of the part still intact and qualifying as World Heritage, which should be placed on the List of World in Danger to bring particular attention to the need to avoid further deterioration. At the same time, UNESCO is asked to work out an international assistance project.

EXTRACT - WHC-94/CONF.003/16

**Report of the WORLD HERITAGE COMMITTEE - Eighteenth session
Phuket, Thailand (12-17 December 1994)**

Paragraph IX.22 Kathmandu Valley (Nepal)

The Secretariat recalled the concern raised over the state of conservation of the Kathmandu Valley World Heritage site and the debate during the seventeenth session of the Committee in December 1993 and the Bureau at its eighteenth session in July 1994 on the possible inscription of the site on the List of World Heritage in Danger and the delisting of certain parts of the site damaged by uncontrolled development. The 16-point recommendation of the UNESCO/ICOMOS Review Mission of November 1993 and the pledge made by the Representative of His Majesty's Government at the seventeenth session of the Committee to follow-up on these recommendations were also recalled.

The Committee was presented with a monitoring report prepared by the Department of Archaeology on progress made in the follow-up activities. In the absence of the Nepali Representative, the Secretariat summarized the main points of this report.

Actions reported include:

- ◆ adoption of revised bylaws which came into effect in February 1994 requiring prior permit for any demolition within the core area of the city;
- ◆ submission to Parliament of the proposed Fifth Amendment of the Ancient Monuments Preservation Act strengthening the enforcement mechanism of design and development control within the World Heritage protected zones which could not be passed due to the dissolution of the Parliament;
- ◆ approval by the Government of the redefined boundary of Swayambhunath and publication of this in the Nepal Gazette;
- ◆ completion of a map of the revised boundary of Patan Darbar Square checked on the ground, house-by-house, and agreed upon with the Municipality and other relevant bodies which is to be gazetted in the near future;

- ◆ completion of maps of the revised boundaries of the five other monument zones as recommended by the UNESCO/ICOMOS mission which will soon be verified through ground survey;
- ◆ completion of the inventories of public and religious monuments in Patan Darbar Square, Pashupati and Baudhdhanath;
- ◆ publication of information pamphlets on the seven World Heritage monument zones containing general information on conservation norms, particularly the ban since July 1994 of the use of cement mortar in the repair of monuments;
- ◆ initiation of computerised documentation and manual recording of monuments zones;
- ◆ removal of commercial advertisement panels from the monument zones and the museum building of Swayambhunath.

The Secretariat also reported on the Nepal/UNESCO/ICOMOS strategy meeting held in mid-November 1994 immediately following the Kathmandu Valley International Campaign Review Meeting and drew the attention of the Committee to the action plan to be co-ordinated by an inter-ministerial task force which the representatives of the various ministries to the strategy meeting agreed to establish. This action plan contained in the monitoring report includes, inter alia, the development and publication of guidelines on building and conservation practice with graphic illustrations and establishment of a development control unit in the Department of Archaeology to work closely with the municipalities and town development committees.

The Committee, having noted the efforts being made by the Nepali authorities to rectify the damage caused to the Kathmandu Valley, requests UNESCO to support the Government of Nepal in strengthening the mechanism of co-ordination of all international conservation activities, whether bilateral or multilateral, especially with regard to the method of conservation to be applied. The Committee also calls upon the Government of Nepal to take into consideration, the recommendations made by the joint UNESCO/ICOMOS mission of November 1993 in ensuring the protection of the World Heritage Site from uncontrolled development, especially by adopting a more stringent policy in the granting of demolition and construction permits and other land-use authorisation in both the core area and the buffer zone. Recognizing the limited national resources in carrying out the variety of required activities, the Committee requests UNESCO to assist the Nepali authorities in preparing a package of projects to seek international donor support including the documentation of the World Heritage Site, to be undertaken as a priority. In this connection, the Committee discussed the advantages of the Kathmandu Valley being put on the List of World Heritage in Danger to draw the priority attention of the international community and urged the Government of Nepal to reconsider this option.

EXTRACT - WHC-95/CONF.201/12

**Report of the Rapporteur
BUREAU OF THE WORLD HERITAGE COMMITTEE - Nineteenth session
UNESCO Headquarters, Paris (3-8 July 1995)**

The Centre recalled that the World Heritage Committee at its eighteenth session expressed its appreciation for the monitoring report prepared by the Department of Archaeology on the progress made in implementing the recommendations of the Committee at its seventeenth session. The Committee approved in December 1994, a technical co-operation request under the World Heritage Fund to finance a six-month mission of an international technical adviser to Kathmandu to assist the authorities in the preparation of a package of projects for international funding and to establish a development control unit within the Department of Archaeology to prevent further encroachment of the protected monument zones of this World Heritage site, and to implement the other recommendations made by the UNESCO/ICOMOS mission of November 1993. The international expert has been identified and deployment is scheduled for August 1995.

The Bureau was informed that on 23 February 1995, the Centre officially transmitted its concern to the Government of Nepal on reports concerning the demolition of Joshi Agamchen in Kathmandu Darbar Square Monument Zone. By letter of 14 March 1995, the Director-General of the Department of Archaeology informed the Centre of its intervention with the private trust which is the owner of this historic building to ensure that the conservation works in progress meet the international standards of conservation practice.

The Centre indicated that it had been informed of other cases of demolition of historic buildings located on the fringe of the existing boundaries of Patan Darbar Square Monument Zone. This area is part of the suggested expansion zone to be included in the revised boundary which was accepted by the Government following the UNESCO/ICOMOS mission recommendation. The new gazette of the revised boundary has not yet been issued.

Noting with concern, reports on the continued demolition of and alterations to historic buildings within the World Heritage protected zones and in areas pending official inclusion, the Bureau suggested that the Chairman of the Committee write to the Government authorities urging the urgent publication of the Government gazette indicating the new boundaries of the protected areas and the early establishment of the Inter-ministerial Task Force to implement the actions agreed upon by the Government to strengthen the protection of the World Heritage site of Kathmandu Valley. The Bureau recommended that the Inter-ministerial Task Force and the international technical adviser, report on the latest developments through the official Government channels, to the nineteenth session of the Committee.

EXTRACT - WHC-95/CONF.203/16**Report of the WORLD HERITAGE COMMITTEE - Nineteenth session
Berlin, Germany (4-9 December 1995)**

The Secretariat reported that the technical co-operation grant approved by the Committee at its eighteenth session in December 1994, enabled the deployment in October 1995 of an International Technical Adviser (ITA) to Kathmandu for a period of five months to assist the authorities in the preparation of project proposals for international funding and to establish a development control unit within the Department of Archaeology. In addition to the three national professionals who will be trained as development control officers by the ITA, three persons are also being trained as documentalists.

The Committee noted that the official gazette of the revised boundaries of the monuments zones has not yet been issued despite repeated indication by the Department of Archaeology of its imminent publication and expressed its concern over the continued demolition of and inappropriate alterations to historic buildings within the World Heritage protected zones.

The Committee reiterated the Bureau's request to His Majesty's Government of Nepal to provide a report on the progress in the implementation of the November 1993 UNESCO/ICOMOS recommendations.

EXTRACT - WHC-96/CONF.201/5

**Report of the Rapporteur
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twentieth extraordinary
session
Merida, Mexico (29-30 November 1996)**

Paragraph III.B Kathmandu Valley (Nepal)

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

Since then, the Government has given priority to responding to the sixteen points of concern raised by the UNESCO/ICOMOS mission.

To emphasise the increased importance being placed on the preservation of the World Heritage Site as a whole, rather than on individual monuments, an information meeting was held in October 1996 on the safeguarding and development needs of the site. During this meeting some nineteen-project proposals were presented for national and international funding support.

The Secretariat informed the Bureau that the State of Conservation Report prepared by the Department of Archaeology of His Majesty's Government of Nepal, with the assistance of the UNESCO World Heritage Centre, was received that very morning and will be distributed at the Committee session.

The Bureau took note of the Secretariat's report and decided to transmit the state of conservation report to the Committee and recommended the following text for adoption by the Committee:

"The Committee congratulates His Majesty's Government of Nepal for the tangible proof of its commitment to the World Heritage Convention. It expresses hope that efforts will be continued to strengthen the institutional capacities of the Department of Archaeology and the concerned municipal authorities to protect and develop the Kathmandu Valley World Heritage Site by officially adopting and publicising regulations on building control and conservation practice. The Committee appeals to the national and international donors to finance the projects developed by the local authorities for the safeguarding of the site which are contained

in the compendium of project proposals prepared with the support of the UNESCO Cultural Heritage Division and the World Heritage Centre."

EXTRACT - WHC-96/CONF.201/21

**Report of the WORLD HERITAGE COMMITTEE - Twentieth session
Merida, Mexico (2-7 December 1996)**

Paragraph VII.52 Kathmandu Valley (Nepal)

The World Heritage Committee at its seventeenth session in 1993, expressed deep concern over the state of conservation of the Kathmandu Valley and considered the possibility of placing his site on the List of World Heritage in Danger following discussions on the findings of the November 1993 Joint UNESCO/ICOMOS Review Mission.

Since then, the Government has given priority to responding to the sixteen points of concern raised by the UNESCO/ICOMOS mission.

To emphasise the increased importance being placed on the preservation of the World Heritage site as a whole, rather than on individual monuments, an information meeting was held in October 1996 on the safeguarding and development needs of the site. During this meeting some nineteen-project proposals were presented for national and international funding support.

The Secretariat informed the Committee that the State of Conservation Report prepared by the Department of Archaeology of His Majesty's Government of Nepal, with the assistance of the UNESCO World Heritage Centre, was received and would be made available to the Committee members.

The Committee took note of the Secretariat's report and expressed its appreciation for the progress made by His Majesty's Government of Nepal towards the fulfilment of the sixteen-point recommendations of the UNESCO/ICOMOS mission of November 1993, which was endorsed by the Committee at its eighteenth session. It expressed hope that efforts will be continued to strengthen the institutional capacities of the Department of Archaeology and the concerned municipal authorities to protect and develop the Kathmandu Valley World Heritage site by officially adopting and publicising regulations on building control and conservation practice. The Committee noted the efforts made by the Government in convening the information meeting held in Kathmandu in October 1996 to solicit donors to finance the projects developed by the local authorities with the support of the UNESCO Cultural Heritage Division and the World Heritage Centre.

EXTRACT - WHC-97/CONF.204/11

**REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-first session
UNESCO Headquarters, Paris (23 - 28 June 1997)**

Paragraph IV.50 Kathmandu Valley (Nepal)

The Bureau took note of the state of conservation report provided by His Majesty's Government of Nepal and expressed its appreciation for the progress made towards fulfilling the sixteen-point recommendation of the UNESCO-ICOMOS mission of 1993. In expressing its regret over the further delay in the integration of the Development Control Unit (DCU) as a permanent unit of the Department of Archaeology (DOA), the Bureau recalled that international assistance under the World Heritage Fund for the establishment of the DCU was not to provide salary support but for the training of the DCU staff. It therefore reiterated its hope that His Majesty's Government will honour its commitment to make available the necessary resources to enable the DOA to maintain the DCU in function.

While having noted improvements in the enforcement of building regulations in the Monument Zones of Bhaktapur, and Patan, the Bureau expressed deep concern over the continued demolition of historic buildings located along the circular street surrounding the Bauddha Stupa and the construction of new structures, including the new Buddhist temple, which do not conform to the building codes. In view of the alarming situation in the Monument Zone of Bauddhanath, and the persisting problems in the Monument Zone of Kathmandu, the Bureau wished to consider at its twenty-first extraordinary session to be held in November 1997, the placement of the Kathmandu Valley World Heritage Site on the List of World Heritage in Danger. To enable it to make a sound recommendation to the Committee in this regard, 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 UNESCO-ICOMOS recommendation.

EXTRACT – WHC-97/CONF.208/4B

Report of the Rapporteur BUREAU OF THE WORLD HERITAGE COMMITTEE – Twenty-first extraordinary session Naples, Italy (28-29 November 1997)

Kathmandu Valley (Nepal)

The World Heritage Committee at its seventeenth session in 1993 expressed deep concern over the state of conservation of the Kathmandu Valley site and considered the possibility of placing it 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 the 1993 Mission).

Since then, HMG 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 (June 1997), decided to consider recommending the inscription of the site on the List of World Heritage in Danger at its twenty-first extraordinary session (November 1997), in view of the continued

deterioration of the monument zones of Bauddhanath and of Kathmandu (two of the seven monument zones protected under the Convention).

In order to make a sound recommendation to the Committee in this regard, the Bureau examined the state of conservation report submitted by HMG of Nepal, summarized together with comments from the UNESCO International Technical Advisor in Working Document WHC-97/CONF.207/INF.2. This report provides full information on the progress made on each of the sixteen points of the 1993 Mission recommendations.

The Observer of Nepal thanked the Bureau, the Committee and the Secretariat for their consistent support since 1993. He expressed appreciation for the Bureau's recognition of the great efforts made by the Government, particularly the Department of Archaeology and the municipalities of Bhaktapur and Patan (Latipur) and stated that his Government will increase efforts to address the outstanding problems in the Kathmandu and Bauddhanath monument zones. He supported the Secretariat's recommendation for a joint UNESCO-ICOMOS-Nepali Government mission for a thorough review of the situation before the Committee's decision for the inscription of the site on the List of World Heritage in Danger.

The Bureau recommended the Committee to adopt the following:

"The Committee takes note of the information provided by HMG of Nepal and the Secretariat concerning the implementation of the sixteen-point recommendation of the 1993 UNESCO-ICOMOS Review Mission.

The Committee expresses appreciation to HMG of Nepal in establishing the Development Control Unit and in its efforts to ensure enhanced management of the Kathmandu Valley site as well as in mobilizing international assistance from the World Heritage Fund and other sources. The Committee takes note of the special efforts made by the Municipalities of Bhaktapur and Patan in safeguarding the monument zones under their authority.

However, in view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu monument zones, effecting the integrity and inherent characteristics of the site, the Committee requests the Secretariat, in collaboration with ICOMOS and HMG of Nepal, to study the possibility of deleting selected areas within some monument zones, without jeopardizing the universal significance and value of the site as a whole. This review should take into consideration the intention of HMG to nominate Kokhana as an additional monument zone.

The Committee authorises up to US \$ 35,000, from the World Heritage Fund technical co-operation budget for a joint UNESCO-ICOMOS-HMG of Nepal team to conduct a thorough study and to elaborate a programme for corrective measures in accordance with paragraphs 82-89 of the Operational Guidelines. The detailed budget for this activity is to be submitted to the Chairperson for approval.

Furthermore, the Committee requests HMG of Nepal to submit a report to the Secretariat for presentation to the Bureau, at its twenty-second session in June/July 1998, on the progress made with the on-going or new international assistance projects funded by the World Heritage Fund and other sources, and on further progress in implementing the sixteen-point recommendation.

Based upon the information from the study and the report from HMG of Nepal, and recommendations from the Bureau, the Committee could consider whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-second session.

EXTRACT – WHC-97/CONF.208/17

**Report of the WORLD HERITAGE COMMITTEE – Twenty-first session
Naples, Italy (1-6 December 1997)**

Paragraph VII.52 Kathmandu Valley (Nepal)

The World Heritage Committee at its seventeenth session in 1993 expressed deep concern over the state of conservation of the 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 the 1993 Mission).

Since then, HMG 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 (June 1997), decided to consider recommending the inscription of the site on the List of World Heritage in Danger at its twenty-first extraordinary session (November 1997), in view of the continued deterioration of the monument zones of Bauddhanath and of Kathmandu (two of the seven monument zones protected under the Convention).

The Committee examined the state of conservation report submitted by HMG of Nepal, summarized together with comments from the UNESCO International Technical Advisor in WHC-97/CONF.208/INF.14. This report provides full information on the progress made on each of the sixteen points of the 1993 Mission recommendations. The Committee emphasised the need for addressing the problems faced in the preservation of urban historic fabric, such as those of Kathmandu Valley, in the context of rapid urban development in Asia and urged the World Heritage Centre to take initiatives in conducting a research in this field, in co-operation with ICOMOS and ICCROM.

The Observer of Nepal, the Honourable Minister of Youth, Sports and Culture, thanked the Committee and the Secretariat for their consistent support since 1993. He expressed appreciation for the Committee's recognition of the great efforts made by the Government, particularly the Department of Archaeology and the municipalities of Bhaktapur and Patan (Latipur), and stated that his Government is taking strong actions to address the outstanding problems in the Kathmandu and Bauddhanath monument zones. He welcomed the recommendation for a joint UNESCO-ICOMOS-Nepali Government mission to conduct a thorough study and to elaborate a programme of corrective measures for safeguarding Kathmandu Valley. He also shared the view concerning the need to address the problems of preserving historic cities in rapidly developing Asian cities.

The Committee took note of the information provided by HMG of Nepal and the Secretariat concerning the implementation of the sixteen-point recommendation of the 1993 UNESCO-ICOMOS Review Mission. The Committee expressed appreciation to HMG of Nepal in establishing the Development Control Unit and in its efforts to ensure enhanced management of the Kathmandu Valley site as well as in mobilizing international assistance from the World

Heritage Fund and other sources. The Committee took note of the special efforts made by the Municipalities of Bhaktapur and Patan in safeguarding the monument zones under their authority.

However, in view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu monument zones, affecting the integrity and inherent characteristics of the site, the Committee requested the Secretariat, in collaboration with ICOMOS and HMG of Nepal, to study the possibility of deleting selected areas within some monument zones, without jeopardizing the universal significance and value of the site as a whole. This review should take into consideration the intention of HMG of Nepal to nominate Kokhana as an additional monument zone.

The Committee authorized up to US \$ 35,000, from the World Heritage Fund technical co-operation budget for a joint UNESCO-ICOMOS-HMG of Nepal team to conduct a thorough study and to elaborate a programme for corrective measures in accordance with paragraphs 82-89 of the Operational Guidelines. The detailed budget for this activity is to be submitted to the Chairperson for approval.

Furthermore, the Committee requested HMG of Nepal to submit a report to the Secretariat for presentation to the Bureau at its twenty-second session in June/July 1998, on the progress made with the on-going or new international assistance projects funded by the World Heritage Fund and other sources, and on further progress in implementing the sixteen-point recommendation. Based upon the information from the study and the report from HMG of Nepal, and recommendations from the Bureau, the Committee could consider whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-second session.

EXTRACT – WHC-98/CONF. 201/9

**REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-second session
UNESCO Headquarters, Paris (22-27 June 1998)**

Paragraph V.55 Kathmandu Valley (Nepal)

The Bureau expressed concern over the continued demolition of traditional buildings of architectural value and illegal new development within the Kathmandu Valley World Heritage site, despite the building control efforts made by His Majesty's Government of Nepal and the concerned local authorities. It requested that the Report of the Joint UNESCO/ICOMOS/Government of Nepal Mission be submitted to its members well in advance of the twenty-second extraordinary session of the Bureau to enable a careful examination of the progress made in building control and the programme of corrective measures. On the basis of this examination, the Bureau will then formulate a conclusive recommendation to enable the Committee to decide whether or not to inscribe this site on the List of World Heritage in Danger. It will also consider actions it may wish to take in regard to the programme of corrective measures, as well as on the pending nomination submitted by the State Party to inscribe Kokhana as an additional Monument Zone of the site.

**Report of the Rapporteur
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-second
extraordinary session
Kyoto, Japan, (27-28 November 1998)**

Paragraph III.C.b Kathmandu Valley (Nepal)

The Committee, at its seventeenth session, expressed deep concern over the state of conservation of the 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 the 1993 Mission).

At its twenty-first session, the Committee examined the state of conservation report of this site, and in view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu Monument Zones, affecting the integrity and inherent characteristics of the site, the Committee requested the Secretariat, in collaboration with ICOMOS and His Majesty's Government (HMG) of Nepal, to study the possibility of deleting selected areas within some Monument Zones, without jeopardizing the universal significance and value of the site as a whole. This review was to take into consideration the intention of HMG of Nepal to nominate Kokhana as an additional Monument Zone.

The Committee authorized up to US\$ 35,000 from the World Heritage Fund technical co-operation budget for a Joint UNESCO-ICOMOS-HMG of Nepal team to conduct a thorough study and to elaborate a programme for corrective measures in accordance with paragraphs 82-89 of the Operational Guidelines. Based upon the information of this study and recommendations of the Bureau, the Committee, at its twenty-first session, decided that it could consider whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-second session. Following this decision, a Joint UNESCO-ICOMOS-HMG of Nepal Mission (hereafter referred to as Joint Mission) was organized in March-April 1998.

The Bureau examined the findings of the Joint Mission, the 55 recommendations of the Joint Mission and the Time-Bound Action Plan of Corrective Measures adopted by HMG of Nepal, presented in Information Document WHC-98/CONF.202/INF.6.

The Bureau, while noting concern over the gravity of the situation, recognised that HMG of Nepal had made considerable efforts in implementing ten out of twelve actions within the Action Plan, with deadlines of 30 November 1998. Furthermore, the Bureau members and observer States Parties remarked on the positive actions taken by HMG of Nepal in the past five months to enhance management at the Kathmandu Valley site. It was noted that the results of the Joint Mission and the possibility of the site's inscription on the List of World Heritage in Danger had encouraged the authorities concerned to take concrete actions to implement the 16-point recommendations of the 1993 Mission. Therefore, the Bureau concluded that the positive momentum achieved should not be undermined by immediate inscription on the List of World Heritage in Danger.

ICOMOS stated that it had strongly recommended inscription of this site on the List of World Heritage in Danger in 1992 and 1993, in view of the urgency to redress the situation endangering the integrity of the site. However, ICOMOS supported the Bureau's positive

view to allow more time for the current momentum to lead to tangible results in the preservation of the site.

The Observer of HMG of Nepal, representing the Honourable Minister of Youth, Sports and Culture, thanked the Committee, Bureau, and the Secretariat for their continued support since 1993 for preserving the Kathmandu Valley site. He expressed appreciation to the Bureau for its understanding of the difficulties being encountered by HMG of Nepal in the context of the rapid urban development since the site's inscription in 1979. He underlined the very positive developments which had taken place since July 1998, especially the creation of the inter-ministerial *Heritage Conservation Unit* within the Ministry of Youth, Sports and Culture, and the participation of the local municipalities and communities concerned, as well as NGOs in the conservation process. The Observer assured the Bureau, that within the next six months, the threats on the Kathmandu Valley site would be seriously addressed and mitigated.

The Chairperson referred to a letter addressed to the Director-General of UNESCO from the Honourable Minister of Youth, Sports and Culture reporting on recent measures taken to safeguard the Kathmandu Valley site, which had all been mentioned in the Information Document WHC-98/CONF.202/INF.6.

The Bureau decided to defer consideration of inscription of the Kathmandu Valley site on the List of World Heritage in Danger until its twenty-third session in June 1999. It decided to transmit the Joint Mission report presented in WHC-98/CONF.202/INF.6 to the Committee for examination, and to recommend the following for adoption:

«The Committee examines the findings and results of the Joint UNESCO-ICOMOS-HMG of Nepal Mission, the 55 recommendations and Time-Bound Action Plan adopted by HMG of Nepal. The Committee commends HMG of Nepal for its efforts in strengthening the management of the Kathmandu Valley site with the creation of the *Heritage Conservation Unit*. The Committee takes note of the special efforts made by the local authorities to raise awareness amongst the private homeowners to prevent further illegal demolition and inappropriate new constructions, which destroys the essential historical urban fabric of the Kathmandu Valley site.

The Committee decides to defer consideration of inscription of the Kathmandu Valley site on the List of World Heritage in Danger until its twenty-third session. However, the Committee requests HMG of Nepal to continue implementing the 55 recommendations of the Joint Mission and to respect the deadlines of the Time-Bound Action Plan. In addition, the Committee recommends that HMG of Nepal adopt the three additional ICOMOS recommendations presented in Annex 1 of Chapter 12 of the Joint Mission report. Moreover, the Committee requests HMG of Nepal to submit a report on the progress made in implementing the 55 recommendations before 15 April 1999 for examination by the twenty-third session of the Bureau in June 1999.

Finally, the Committee requests HMG of Nepal to take measures to ensure that adequate protection and management are put into place at Kokhana, prior to its nomination as an additional Monument Zone to the Kathmandu Valley site.»

Report of the WORLD HERITAGE COMMITTEE – Twenty-second session
Kyoto, Japan (30 November - 5 December 1998)

Paragraph VII.37 Kathmandu Valley (Nepal)

The Committee, at its seventeenth session, expressed deep concern over the state of conservation of the 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.

At its twenty-first session, the Committee examined the state of conservation report of this site, and in view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu Monument Zones, affecting the integrity and inherent characteristics of the site, the Committee requested the Secretariat, in collaboration with ICOMOS and His Majesty's Government (HMG) of Nepal, to study the possibility of deleting selected areas within some Monument Zones, without jeopardizing the universal significance and value of the site as a whole. This review was to take into consideration the intention of HMG of Nepal to nominate Kokhana as an additional Monument Zone.

The Committee authorized up to US\$ 35,000 from the World Heritage Fund Technical Co-operation budget for a Joint UNESCO-ICOMOS-HMG of Nepal team to conduct a thorough study and to elaborate a programme for corrective measures in accordance with paragraphs 82-89 of the Operational Guidelines. Based upon the information of this study and recommendations of the Bureau, the Committee, at its twenty-first session, decided that it could consider whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-second session. Following this decision, a Joint UNESCO-ICOMOS-HMG of Nepal Mission was organized in March-April 1998.

The Committee examined the findings and results of the Joint UNESCO-ICOMOS-HMG of Nepal Mission, and the 55 recommendations and Time-Bound Action Plan adopted by HMG of Nepal. The Committee commended HMG of Nepal for its efforts in strengthening the management of the Kathmandu Valley site with the creation of the Heritage Conservation Unit. The Committee took note of the special efforts made by the local authorities to raise awareness amongst the private homeowners to prevent further illegal demolition and inappropriate new constructions, which destroys the essential historical urban fabric of the Kathmandu Valley site.

The Committee decided to defer consideration of the inscription of the Kathmandu Valley site on the List of World Heritage in Danger until its twenty-third session. However, the Committee requested HMG of Nepal to continue implementing the 55 recommendations of the Joint Mission and to respect the deadlines of the Time-Bound Action Plan adopted by HMG of Nepal. In addition, the Committee recommended that HMG of Nepal adopt the three additional ICOMOS recommendations annexed to the 55 recommendations adopted by HMG of Nepal. Moreover, the Committee requested HMG of Nepal to submit a report on the progress made in implementing the 55 recommendations before 15 April 1999 for examination by the twenty-third session of the Bureau in June 1999.

Finally, the Committee requested HMG of Nepal to take measures to ensure that adequate protection and management are put into place at Kokhana, prior to its nomination as an additional Monument Zone to the Kathmandu Valley site.

REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-third session
UNESCO Headquarters, Paris (5 - 10 July 1999)

Paragraph IV.69 Kathmandu Valley (Nepal)

The Committee, at its seventeenth session, expressed deep concern over the state of conservation of the Kathmandu Valley site and considered the possibility of placing it on the List of World Heritage in Danger, following discussions on the findings of the 1993 Joint UNESCO-ICOMOS Review Mission.

At its twenty-first session, the Committee examined the state of conservation report of this site, and in view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu Monument Zones, affecting the site's integrity and inherent characteristics, the Committee requested the Secretariat, in collaboration with ICOMOS and His Majesty's Government (HMG) of Nepal, to study the possibility of deleting selected areas within some Monument Zones, without jeopardizing the universal significance and value of the site as a whole. This review was to take into consideration the intention of HMG of Nepal to nominate Kokhana as an additional Monument Zone.

The Committee authorized a Joint UNESCO-ICOMOS-HMG of Nepal team to conduct a thorough study and to elaborate a programme for corrective measures in accordance with paragraphs 82-89 of the *Operational Guidelines*. Based upon the information of this study and recommendations of the Bureau, the Committee, at its twenty-first session, decided that it could consider whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-second session. Following this decision, a Joint UNESCO-ICOMOS-HMG of Nepal Mission was organized in March-April 1998.

The Committee examined the findings and results of the Joint UNESCO-ICOMOS-HMG of Nepal Mission, and the 55 recommendations and Time-Bound Action Plan adopted by HMG of Nepal. The Committee commended HMG of Nepal for its efforts in strengthening the management of the Kathmandu Valley site with the creation of the *Heritage Conservation Unit*. The Committee took note of the special efforts made by the local authorities to raise awareness amongst the private homeowners to prevent further illegal demolition and inappropriate new constructions.

The Committee decided to defer consideration of the inscription of the Kathmandu Valley site on the List of World Heritage in Danger until its twenty-third session. However, the Committee requested HMG of Nepal to continue implementing the 55 recommendations of the Joint Mission, to respect the deadlines of the Time-Bound Action Plan adopted by HMG of Nepal and in addition, recommended that HMG of Nepal adopts the three additional ICOMOS recommendations annexed to the 55 recommendations. HMG of Nepal was requested to submit a progress report before 15 April 1999 for examination by the twenty-third session of the Bureau in June 1999.

The Committee at the time also requested HMG of Nepal to take measures to ensure that adequate protection and management are put into place at Kokhana, prior to its nomination as an additional Monument Zone to the Kathmandu Valley site.

The Bureau examined the reports of the Secretariat and HMG of Nepal in implementing the 55 recommendations of the Joint UNESCO-ICOMOS-HMG of Nepal Mission, presented in WHC-99/CONF.204/INF.6 and WHC-99/CONF.204/INF.19. ICOMOS congratulated HMG of Nepal for its efforts to implement the Time-Bound Action Plan, and stated that the effectiveness of the Heritage Conservation Unit would be crucial for adequately safeguarding the seven Monument Zones composing the site. The Observer of Nepal reassured the Bureau that HMG of Nepal was doing its utmost to safeguard the Kathmandu Valley site, to respect the deadlines for the implementation of the Time-Bound Action Plan of Corrective Measures, and that this was a priority of the recently elected Prime Minister. He stated that the Ancient Monument Preservation Rules have been amended and would be approved shortly, and assured that the Heritage Conservation Unit would soon become fully active in regular monitoring and controlling development.

The Bureau requested HMG of Nepal to continue implementing the 55 recommendations of the Joint Mission and urges HMG of Nepal to respect the deadlines for the implementation of the Time-Bound Action Plan of Corrective Measures, especially in relation to the establishment of the essential Ancient Monuments Preservation Rules which should increase the capacity of the relevant authorities in implementing the Ancient Monuments Preservation Act and in establishing a Monuments Conservation Fund for safeguarding the Kathmandu Valley site.

The Bureau requested HMG of Nepal to report on the progress made in enforcing existing building regulations at Bauddhanath Monument Zone, and on the technical and financial plan for correcting the illegal buildings immediately surrounding the stupa, following the detailed recommendations of ICOMOS during the Joint Mission, before 15 September 1999.

Finally, the Bureau requested HMG of Nepal to submit a report on the further progress made in implementing the 55 recommendations before 15 September 1999 for examination by the twenty-third extraordinary session of the Bureau in November 1999.

EXTRACT – WHC-99/CONF.208/8

**REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-third extraordinary
session
Marrakesh, Morocco (26-27 November 1999)**

Paragraph III Kathmandu Valley (Nepal)

The Secretariat presented the findings and recommendations of the October 1999 mission undertaken by an independent international expert, who represented ICOMOS at the time of the March 1998 UNESCO-ICOMOS-HMG of Nepal Joint Mission. The report confirmed that Kathmandu Valley remained in danger. The Bureau examined this report, together with the reports of the Secretariat and His Majesty's Government of Nepal, presented as Documents WHC-99/CONF.208/INF.8A,B,C. The Observer of Nepal stated that his Government was

making all efforts to implement the 55 Recommendations of the 1998 Joint Mission and the Time-Bound Action Plan of Corrective Measures for Enhanced Management, adopted by his Government.

The Bureau, although appreciating the efforts made by HMG of Nepal, expressed serious concern over the persisting problems of demolition or alteration of historic buildings within the Kathmandu Valley World Heritage site. The Bureau acknowledged that although continuous and large sums of international assistance and technical support had been provided to the Government from the World Heritage Fund, UNESCO Funds-in-Trust projects and numerous international donors over the years, the very serious degree of uncontrolled change and gradual deterioration of the historic fabric continued to threaten the authenticity and integrity of the site.

The Bureau, referring to discussions at every session of the Bureau and Committee since 1992, noted that the Committee had deferred inscription of the site on the List of World Heritage in Danger many times since the Committee's attention was drawn to the alarming situation in 1992. The Bureau underlined the importance of inscribing sites on the List of World Heritage in Danger at an early stage to mitigate the threats endangering a World Heritage site. Bureau members and observers stressed that the inscription of sites on the List of World Heritage in Danger should be utilised in a more constructive and positive manner, to mobilise the support of policy makers at the highest level and international donors.

Four Bureau members and some observers recommended that it was now the time for Kathmandu Valley to be inscribed on the List of World Heritage in Danger, especially as the important integrity of the site has gradually been undermined over a long period of time. The Delegate of Australia stated his Government was of the view that that the concerned State Party should agree before a decision is taken for inscribing a site on the List of World Heritage in Danger. ICOMOS stated that as the Committee did not inscribe the site on the List of World Heritage in Danger in 1993, ICOMOS was reluctant to recommend inscription of the site on the List of World Heritage Danger at this time, as improvements had been made since 1993 as a result of efforts made by the State Party.

After further consideration, the Bureau recommended the following for adoption by the Committee:

«The Committee examines the state of conservation reports presented in WHC-99/CONF.209/INF.17A,B,C and expresses deep concern over the serious degree of uncontrolled change and deterioration of the authenticity and integrity of the Monument Zones placed under the protection of the World Heritage Convention. It notes with appreciation that the State Party has made every effort to implement the 16 Recommendations of the 1993 UNESCO-ICOMOS Joint Mission, as well as the 55 Recommendations of the 1998 UNESCO-ICOMOS-HMG of Nepal Joint Mission and the Time-Bound Action Plan.

The Committee requests HMG of Nepal to continue making all possible efforts to protect the remaining authentic historic urban fabric within the Kathmandu Valley site. The Committee requests the Secretariat and the advisory bodies to continue to assist the State Party as appropriate and to the extent possible: in strengthening its capacity in controlling development, retaining historic buildings *in-situ*, and in correcting illegal construction and alteration of historic buildings within the Kathmandu Valley site.

The Committee decides to defer inscription of the Kathmandu Valley site on the List of World Heritage in Danger again, until the next session of the Committee.

Moreover, in view of the fact that the demolition and new construction or alterations of historic buildings within the Kathmandu Valley have persisted in spite of the concerted international and national efforts, resulting in the loss or continuous and gradual deterioration of materials, structure, ornamental features, and architectural coherence making the essential settings of the Monument Zones as well as in their authentic characters, the Committee requests a High Level Mission to be undertaken to hold discussions with representatives of HMG of Nepal in early 2000. This High Level Mission would be composed of the Chairperson of the World Heritage Committee or a representative of the Committee members, a senior staff of the World Heritage Centre, and two eminent international experts. The findings of the mission would be reported the next sessions of the Bureau and Committee, in 2000.»

EXTRACT – WHC-99/CONF.209/22

**Report of the WORLD HERITAGE COMMITTEE – Twenty-third session
Marrakesh, Morocco (29 November – 4 December 1999)**

Paragraph X.42

Kathmandu Valley (Nepal)

Background

At its sixteenth session in 1992, the Committee, at the initiative of ICOMOS, examined the state of conservation of Kathmandu Valley, which was the subject of a UNESCO International Safeguarding Campaign, and of numerous reports written since the 1970s. ICOMOS expressed concern for the future safeguarding of this site, especially due to the absence of technical personnel and skilled labour, and to the quality of some restorations of wooden monuments with true architectural value. The Delegate of Germany, who expressed his concern at the alarming report, suggested recommending to the Nepalese Government to substantially increase the staff of at the Department of Archaeology and the funds at their disposal so that they may act effectively with regard to urban development threatening the Valley. The Delegate of Pakistan and ICCROM stressed the importance of acting in order to preserve the heritage of the Kathmandu Valley. The Committee adopted the recommendations made by ICOMOS and asked the Secretariat to contact the Nepalese authorities to study all the recommendations of ICOMOS and the Committee.

In 1993, a Joint UNESCO-ICOMOS Mission was undertaken, whose conclusions stressed the continuing urgency of the situation and defined sixteen areas in which significant improvements should be made in order to maintain the integrity of the original inscription. The Joint Mission recommended that the site be placed on the List of World Heritage in Danger and returned to the World Heritage List within a period of one to three years, after sixteen specific matters of concern had been met. The mission further recommended the effective delisting of parts of the Hanuman Dhoka Darbar Square and Baudhanath Monument Zones, following a general failure to control development, but an extension of the monument zones of Swayambhunath, Patan and particularly Bhaktapur, which was considered at the time to be the only Newari city to retain its overall traditional character. At the seventeenth session of the Committee, the Observer of Nepal pledged to follow-up on the recommendations of the Joint Mission.

At its eighteenth session, the Bureau examined the 1993 Joint Mission report, and the Representative of Thailand stated that it was important to judge the degree to which the site had deteriorated and whether it was now worthy of being included in the World Heritage List. The Bureau recommended to the Committee to envisage partial delisting and redefinition of the part still intact and qualifying as World Heritage, which should be placed on the List of World Heritage in Danger, to bring particular attention to the site to avoid further deterioration. The Nepalese State Party was informed of the Bureau's concerns and UNESCO was asked to work out an international assistance project.

At its eighteenth session, the Committee took note of the Secretariat's report on the Nepal/UNESCO/ICOMOS strategy meeting held in 1994 immediately following the Kathmandu Valley International Safeguarding Campaign Review Meeting. The Committee also **took note of the action plan: to be co-ordinated by an inter-ministerial task force which the representatives of various ministries agreed to establish and which included the establishment of a Development Control Unit in the Department of Archaeology to work closely with the municipalities and town development committees.** The Committee called upon the State Party to take into consideration the recommendation for ensuring the protection of the site from uncontrolled development, especially by adopting a more stringent policy in the granting of demolition and construction permits and other land use authorisation. Recognizing the limited national resources in carrying out the variety of required activities, the Committee requested UNESCO to assist the authorities in seeking international donor support, including the documentation of the site to be undertaken as a priority. In this connection, **the Committee discussed the advantages of the Kathmandu Valley being put on the List of World Heritage in Danger to draw the priority attention of the international community, and urged the Government to reconsider this option.**

In 1995 at its nineteenth session, the Committee noted that the official gazettes of the revised boundaries of the Monument Zones had not yet been issued despite repeated indication by the Department of Archaeology of its imminent publication, and expressed its concern over the continued demolition of and inappropriate alterations to historic buildings within the World Heritage protected zones.

At its twentieth session in 1996, the Committee while expressing appreciation for the progress made by the Government towards the fulfilment of the 16 Recommendations of the 1993 Joint Mission, it expressed its hope that efforts would be continued to strengthen the institutional capacities of the Department of Archaeology and the concerned municipalities by officially adopting and publicising regulations on building control and conservation practice.

In view of the continued deterioration of the World Heritage values in the Bauddhanath and Kathmandu Monument Zones affecting the integrity and inherent characteristics of the site, the Committee at its twenty-first session in 1997, requested the Secretariat again, in collaboration with ICOMOS and the State Party, to study the possibility of deleting selected areas within some Monument Zones without jeopardizing the universal significance and value of the site as a whole. This review was to take into consideration the intention of the State Party to nominate Khokana as an additional Monument Zone. **The Committee, at its twenty-first session, decided that it could consider whether or not to inscribe the site on the List of World Heritage in Danger at its twenty-second session.**

Financed with US\$ 35,000 authorized by the Committee, a UNESCO-ICOMOS-HMG of Nepal Joint Mission was undertaken in March 1998, resulting in 55 Recommendations and a Time-Bound Action Plan of Corrective Measures for Enhanced Management, adopted by the

State Party. Recommendations to delete selected areas were not made by the Joint Mission in view of the clearly evident necessity to protect the essential setting of the monuments, and as the Hanuman Dhoka Darbar Square and Baudhanath Monument Zones were already limited to the areas immediately surrounding the main monuments and historic buildings.

At its twenty-second session in 1998, the Committee decided to defer consideration of the inscription of the Kathmandu Valley site on the List of World Heritage in Danger until its twenty-third session. However, the Committee requested the State Party to continue implementing the 55 Recommendations, and in addition, recommended that the State Party adopt the three additional ICOMOS recommendations annexed to the 55 Recommendations. Finally, the Committee requested the State Party to take measures to ensure that adequate protection and management are put into place at Khokana, prior to its nomination as an additional Monument Zone.

Deliberations during the twenty-third extraordinary session of the Bureau

The Secretariat presented the findings and recommendations of the October 1999 mission undertaken by an independent international expert, who represented ICOMOS at the time of the March 1998 UNESCO-ICOMOS-HMG of Nepal Joint Mission. The report confirmed that Kathmandu Valley remained in danger. The Bureau examined this report, together with the reports of the Secretariat and His Majesty's Government of Nepal, presented as Documents WHC-99/CONF.208/INF.8A,B,C. The Observer of Nepal stated that his Government was making all efforts to implement the 55 Recommendations of the 1998 Joint Mission and the Time-Bound Action Plan of Corrective Measures for Enhanced Management, adopted by his Government.

The Bureau, although appreciating the efforts made by HMG of Nepal, expressed serious concern over the persisting problems of demolition or alteration of historic buildings within the Kathmandu Valley World Heritage site. The Bureau acknowledged that although continuous and large sums of international assistance and technical support had been provided to the Government from the World Heritage Fund, UNESCO Funds-in-Trust projects and numerous international donors over the years, the very serious degree of uncontrolled change and gradual deterioration of the historic fabric continued to threaten the authenticity and integrity of the site.

The Bureau, referring to discussions at every session of the Bureau and Committee since 1992, noted that the Committee had deferred inscription of the site on the List of World Heritage in Danger many times since the Committee's attention was drawn to the alarming situation in 1992. The Bureau underlined the importance of inscribing sites on the List of World Heritage in Danger at an early stage to mitigate the threats endangering a World Heritage site. Bureau members and observers stressed that the inscription of sites on the List of World Heritage in Danger should be utilised in a more constructive and positive manner, to mobilise the support of policy makers at the highest level and international donors.

Four Bureau members and some observers recommended that it was now the time for Kathmandu Valley to be inscribed on the List of World Heritage in Danger, especially as the important integrity of the site has gradually been undermined over a long period of time. The Delegate of Australia stated his Government was of the view that that the concerned State Party should agree before a decision is taken for inscribing a site on the List of World Heritage in Danger. ICOMOS stated that as the Committee did not inscribe the site on the List of World Heritage in Danger in 1993, ICOMOS was reluctant to recommend

inscription of the site on the List of World Heritage Danger at this time, as improvements had been made since 1993 as a result of efforts made by the State Party.

Deliberations during the twenty-third session of the Committee:

The Secretariat, in reporting on the discussions during the twenty-third extraordinary session of the Bureau and its recommendations, reminded the Committee that the Kathmandu Valley, inscribed on the World Heritage List in 1979, is composed of seven Monument Zones. While these zones also contain built-up areas composed of traditional buildings, the boundaries of the protected areas were defined on the basis of a monumental vision, rather than with the objective of protecting a larger urban heritage. Thus, given the relatively limited number of traditional buildings in the World Heritage area, their protection is even more important in forming the essential setting within each Monument Zone. The Committee noted that in the case of Baudhanath Monument Zone, there were approximately 88 historic buildings surrounding the stupa in 1979 that provided the setting, both physical and spiritual, of this important site of pilgrimage. In 1993 at the time of the UNESCO-ICOMOS Joint Mission, there remained 27, and despite concerted efforts in conserving the site with substantive support from the international community, only 15 remained in 1998.

During the discussions, the Committee noted that inscription of the site on the List of World Heritage in Danger had been deferred many times, in order to provide more time to apply conservation measures in accordance with the 16 Recommendations of 1993, the 55 Recommendations and a Time-Bound Action Plan of Corrective Measures of 1998, officially adopted by HMG of Nepal. **The Committee, although noting that periodic reports, submitted either by the State party or the World Heritage Centre, examined by each session of the Bureau and Committee since 1993, demonstrated the efforts made by the State Party, it was obliged to note the deterioration of the site in its ensemble.**

ICCROM congratulated the State Party for its continuing efforts to strengthen protection of the site over the last six years, but stated that it remained deeply concerned over the apparent and increasing loss of the authentic historic fabrics of the site, which it recalled, was the reason that prompted the 1993 UNESCO-ICOMOS Joint Mission to recommend inscription of the site on the List of World Heritage in Danger. The Representative of ICCROM stated that if the Committee is to support the recommendation of the Bureau to send a High Level Mission, the mandate of the mission should focus on:

- clarifying to the authorities at the highest level, the purpose of inscribing a site on the List of World Heritage in Danger;
- defining more precisely the conditions to be met to warrant eventual inscription on the List of World Heritage in Danger in the Committee's deliberations in year 2000;
- giving further attention to measures which can address the root causes of the demolitions of the vernacular fabrics of the Monument Zones;
- giving attention to establishing base-line data for continuing documentation of the historic buildings.

The advice given by ICCROM was supported by the Delegate of Thailand. To mitigate the real danger threatening this site, the Delegate of Hungary underlined the importance of co-operation between States Parties for enhanced urban heritage management, and in this regard, invited Nepal to participate at the *Integrated Urban Conservation Training Workshop and Seminar for Central European Historic City Managers* which Hungary planned to organize in 2000.

The Committee underlined that, while it had deferred inscription of the site on the List of World Heritage in Danger until its next session, it recognised the serious loss of the authentic urban fabrics detected within the site over the past years. Several members of the Bureau had been willing to inscribe the site on the List of World Heritage in Danger right away, and it was only after a working group that the Bureau had deferred the inscription. **It stressed that the gravity of the situation should not be underestimated. Moreover, the Committee underscored that inscription of a site on the List of World Heritage in Danger should not be considered as an exercise of black-listing sites, but understood to serve as a conservation tool and as part of a process to draw international technical assistance and to rally the necessary political will and public support at the national level in favour of conservation.**

The Observer of HMG of Nepal expressed his Government's gratitude for the Committee's keen interest in the protection of the site, as well as for the professional assistance provided over the years by the advisory bodies and the World Heritage Centre. He reported on the Government's efforts made in implementing the 55 Recommendations and the Time-Bound Action Plan for Corrective Measures adopted by HMG of Nepal, but stressed the difficulties faced by his Government in controlling damage in the Monument Zones. He therefore requested the Committee to consider prolonging the deadlines for the implementation of the Time-Bound Action Plan of Corrective Measures. The Observer informed the Committee that the Prime Minister, aware of the need for concerted national efforts beyond those being made by the Department of Archaeology, had instructed the relevant Ministries to take necessary action for enhancing the management of the site. The Observer stated that although Kathmandu Valley is a Nepalese World Heritage site, the responsibility to ensure its integrity and authenticity is also that of the international community at large and the Committee. Finally, he assured the Committee that HMG of Nepal would welcome the High Level Mission, composed of the Chairperson of the Committee, the Director of the World Heritage Centre, and international experts selected by ICOMOS.

The Committee, in conclusion, recalled the reports of the twenty-third ordinary and extraordinary sessions of the Bureau, and adopted the following;

The Committee examined the state of conservation reports presented in WHC-99/CONF.209/INF.17A,B,C,D and **expressed deep concern over the serious degree of uncontrolled change and deterioration of the authenticity and integrity of the Monument Zones placed under the protection of the World Heritage Convention.** It noted with appreciation that the State Party has made every effort to implement the 16 Recommendations of the 1993 UNESCO-ICOMOS Joint Mission, as well as the 55 Recommendations of the 1998 UNESCO-ICOMOS-HMG of Nepal Joint Mission and the Time-Bound Action Plan.

The Committee requested HMG of Nepal to continue making all possible efforts to protect the remaining authentic historic urban fabric within the Kathmandu Valley site. The Committee requested the Secretariat and the advisory bodies to continue to assist the State Party as appropriate and to the extent possible: in strengthening its capacity in controlling development, retaining historic buildings *in-situ*, and in correcting illegal construction and alteration of historic buildings within the Kathmandu Valley site.

The Committee decided to defer inscription of the Kathmandu Valley site on the List of World Heritage in Danger again, until the next session of the Committee.

Moreover, in view of the fact that the demolition and new construction or alterations of historic buildings within the Kathmandu Valley have persisted in spite of the concerted international and national efforts, resulting in the loss or continuous and gradual deterioration of materials, structure, ornamental features, and architectural coherence making the essential settings of the Monument Zones as well as in their authentic characters, the Committee requested a High Level Mission to be undertaken to hold discussions with representatives of HMG of Nepal in early 2000. This High Level Mission would be composed of the Chairperson of the World Heritage Committee or a representative of the Committee members, a senior staff of the World Heritage Centre, and two eminent international experts. The findings of the mission would be reported the next sessions of the Bureau and Committee, in 2000.

EXTRACT – WHC-2000/CONF.202/17

REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-fourth session
UNESCO Headquarters, Paris (26 June – 1 July 2000)

Paragraph IV.70 Kathmandu Valley (Nepal)

The demolition and new construction or alterations of historic buildings within Kathmandu Valley have persisted in spite of concerted international and national conservation efforts. This has resulted in the loss or continuous and gradual deterioration of materials, structure, ornamental features, and architectural coherence making the essential settings of the Monument Zones as well as in their authentic characters. In view of the above, the Committee, at its twenty-third session, requested a High Level Mission to be undertaken to hold discussions with representatives of HMG of Nepal in early 2000. The Bureau was informed that the tentative dates for the High Level Mission, 23-30 September 2000, had been proposed to HMG of Nepal. The participants of the Mission would be the Chairperson of the Committee, an eminent international expert on Kathmandu Valley, a former Minister of Housing of the Government of France, the Director of the World Heritage Centre, and Centre staff. The Chairperson informed the Bureau that the High Level Mission could not be undertaken earlier, as the dates proposed in September were the only dates convenient to the participants and the Government.

The Centre informed the Bureau that the public rest house in Patan Darbar Square Monument Zone, which had been illegally dismantled without approval of the Department of Archaeology, in September 1999 despite conditions which permitted *in-situ* repair, had been reconstructed using new building material.

The Delegate of Zimbabwe noted with disappointment that the High Level Mission had not been undertaken earlier in the year as specified by the Committee, especially in light of further information on continued illegal demolition of historic buildings within the World Heritage protected areas. He was concerned about the delay with regard to the application of the extension of the site. Recalling the extended discussions during the twenty-third session of the Committee concerning the serious loss of the authentic urban fabrics within the site over the past years, the Delegate reiterated the Committee's recognition of the gravity of the situation, which should not be underestimated. Although the Committee had decided to again

defer the inscription of the Kathmandu Valley site on the List of World Heritage in Danger at its twenty-third session, the Delegate underscored that continued illegal demolition of historic buildings was unacceptable and the commitment and capacity of the State Party in implementing existing regulations were seriously questioned.

The Bureau recalled that at the twenty-first session of the Committee, in view of the continued deterioration of the World Heritage values in the Baudhanath and Kathmandu Monument Zones, affecting the integrity and inherent characteristics of the site, the Committee had requested the Secretariat, in collaboration with ICOMOS and the State Party, to study the possibility of deleting selected areas within some Monument Zones, without jeopardizing the universal significance and value of the site as a whole. This review was to take into consideration the intention of HMG of Nepal to nominate Khokana as an additional Monument Zone. The Bureau also recalled that this study, undertaken during the UNESCO-ICOMOS-HMG of Nepal Joint Mission in 1998, found that although Khokana's characteristics could add to the recognised World Heritage values of Kathmandu Valley, it was not possible for the vernacular architectural characteristics of Khokana to replace the lost characteristics within the existing Monument Zones. It was recalled that the Committee requested in 1998, HMG of Nepal to take the necessary measures to ensure adequate protection and management of Khokana prior to its nomination as an additional Monument Zone to the Kathmandu Valley site. The Bureau was informed that the nomination file for the inscription of Khokana Mustard Seed Village as an Additional Monument Zone to the Kathmandu Valley site, had been received in early 2000, but the requested protective measures were not included amongst the documents submitted.

The Representative of ICOMOS informed the Bureau that they had not received a demand for extension of this site, as requested by the Bureau and the Committee on previous occasions.

The Delegate of Hungary expressed his concern, pointing out that the High Level Mission and the extension of the site were two separate issues that should be dealt with separately.

The Bureau requested HMG of Nepal to continue making all possible efforts to protect the remaining authentic historic urban fabric within the Kathmandu Valley site, and in implementing the 55 Recommendations and Time-Bound Action Plan of the UNESCO-ICOMOS-HMG of Nepal Joint Mission. The Bureau requested the Secretariat and the advisory bodies to continue to assist the State Party as appropriate in order to strengthen its capacity to control development, retain historic buildings *in-situ*, to address the problem of illegal demolition and new construction, and redress illegal alteration of historic buildings. The Bureau requested the Centre to ensure adequate preparation of the High Level Mission scheduled for September 2000 and to report on the results to the twenty-fourth extraordinary session of the Bureau and the twenty-fourth session of the Committee.

Finally, the Bureau expressed appreciation for the Government's effort to nominate Khokana Mustard Seed Village as an additional Monument Zone to Kathmandu Valley. However, in view of the absence of legislative protection of the core and buffer zones of the sites, the Bureau reiterated the Committee's request to HMG of Nepal to take the necessary measures to ensure that adequate protection and management are put into place at Khokana.

**REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE
Twenty-fourth extraordinary session, Cairns, Australia (23-24 November 2000)**

Paragraph III.2 (ii) Kathmandu Valley (Nepal)

The Bureau recalled that the Committee had repeatedly expressed concern for this site and deferred inscription on the List of World Heritage in Danger since 1992. Recognizing the continuing loss of authenticity of the urban fabric of the site, the Committee at its twenty-third session decided to again defer decision on in-danger listing until the twenty-fourth session. The Committee also decided to send a High Level Mission in 2000 to ensure consultations with representatives of His Majesty's Government of Nepal to transmit the Committee's concern and to convince the authorities of the merit of in-danger listing. This mission took place from 24 to 29 September 2000.

The Director of the World Heritage Centre reported on the conclusive findings and final considerations of the High Level Mission to Kathmandu Valley World Heritage site, presented in WHC-2000/CONF.203/INF.4. He drew the attention of the Bureau to the state of conservation of the site, much of which had not improved since 1999. The Bureau was informed of the continuing commitment of His Majesty's Government of Nepal to protect the seven Monument Zones composing the site. The Director reported that the authorities had emphasized the difficulties in imposing international standards in the conservation of privately-owned historic buildings without substantial subsidy and technical support.

The Director informed the Bureau that no new plans had been put forth by the Nepalese authorities to redress the persistent and continued deterioration of the materials, structures, ornamental features, and overall architectural coherence in most Monument Zones. The High Level Mission was received positively by the representatives of the central and local government authorities including an audience with His Majesty the King. The Director informed the Bureau, however, that the mission was unable to convince the representatives of His Majesty's Government of Nepal on the constructive aims of the system of in-danger listing, notably to mobilise the support of policy makers at the highest level and international donors.

Finally, the Bureau was informed that the High Level Mission concluded that should no new measures be undertaken, the deterioration of the historic urban fabric will persist, irreversibly damaging the vernacular architecture surrounding the public monuments, and consequently damaging the world heritage values of this unique and universally significant site.

The Chairperson of the World Heritage Committee, who led the High Level Mission, thanked the Director of the World Heritage Centre for his comprehensive presentation. The Chairperson stressed that the gravity of the situation should not be underestimated and reminded the Bureau that the decision of the Committee whether or not to inscribe this site on the List of World Heritage in Danger at its twenty-fourth session would reflect upon the credibility and moral responsibility of the World Heritage Convention and its Committee.

The Delegate of Finland, who participated in the High Level Mission as both a Vice-President of the Committee as well as the ICOMOS Representative during the mission, underscored the complexity of the site, composed of seven Monument Zones located in different geographic areas at considerable distances from each other and in different conservation conditions. He emphasized that the principal cause of concern is the difficulty in conserving the historic urban fabric, as the public monuments are in generally good condition. The Delegate of Finland recommended that the Committee defer inscription of the site on the List of World Heritage in Danger, as the inscription of the entire site could be discouraging for the authorities and the people of Monument Zones. ICOMOS concurred with this view.

The Delegate of Australia, underlining the importance of the Committee's decision, stated that a decision by the Committee to inscribe the site on the List of World Heritage in Danger against the wish of the State Party would set a precedent, which could impact upon the work of the Convention and the States Parties' common goals to protect world heritage. He informed the Bureau that Australia did not consider that under the Convention the Committee was empowered to inscribe a property on the List of World Heritage in Danger without the consent of the State Party concerned and without the request for assistance by the State Party.

Discussions ensued on the objectives of the Convention and international co-operation. The Delegate of Hungary recognized the challenges in urban heritage protection in the face of rapid urbanization, change in urban life style and economic growth. The use of the Convention as a mechanism for mobilising further political commitment and international technical co-operation was underscored.

The Delegate of Greece recalled that the Committee had deferred the inscription of the Kathmandu Valley on the List of World Heritage in Danger numerous times. She pointed out the evident difficulty faced by both the Committee and the State Party in implementing the Convention to safeguard the site for future generations. With reference to the debate on the necessity for State Party consent for in-danger listing, she stated that Article 11.4 allows the Committee to inscribe a property on the List of World Heritage in Danger without the consent of the State Party concerned. Recalling her intervention at the twenty-third session of the Committee, she reminded the Bureau that she had foreseen that the High Level Mission would not be able to convince the Nepali Government on the merits of the in-danger listing system. She drew the Bureau's attention to the significant loss of historic buildings within Bauddhanath Monument Zone where there were approximately 88 historic buildings surrounding the stupa in 1979, which decreased to 27 in 1993, and 15 in 1998. Recalling that the serious state of conservation of this site has been examined at 19 sessions of the Committee and Bureau since 1992, the Delegate of Greece stressed the gravity of the situation and the need to ensure the credibility of the UNESCO World Heritage Convention, its Committee and the World Heritage List.

The Delegate of Mexico reminded the Bureau that the seven Monument Zones of the Kathmandu Valley were nominated and inscribed together as one site in 1979, exemplifying the heritage of Nepalese art and culture at its height. He emphasized the importance of "preventive conservation" in addressing the conservation of historic cities to prevent irreversible damages.

The Delegate of Zimbabwe reminded the Bureau that the conclusive findings of the High Level Mission underscored the fact that Kathmandu Valley was in danger. Regardless of whether or not it was placed on the List of World Heritage in Danger, he suggested the

possibility of deleting certain parts of the Monument Zones as a means of retaining the credibility of the World Heritage Convention.

In the discussion which followed, the Bureau members agreed that the Committee would need to define procedures for examining cases such as Kathmandu Valley, where certain world heritage values or components justifying inscription have been irreversibly lost.

The Observer of the United Kingdom noted the shortcomings of Committee decisions in previous years for having inscribed properties which lacked adequate management and conservation mechanisms, and underscored the importance of the periodic reporting exercise in addressing related problems.

The Observer of Nepal expressed his Government's appreciation for responding favourably to requests for technical and financial assistance which the Committee and UNESCO have been providing for Kathmandu Valley since the 1970's. He recalled the great pride of the Nepalese citizens in 1979 when the site was inscribed on the UNESCO World Heritage List, but informed the Bureau that they were unaware until 1992 of the world heritage conservation standards and the errors made. The Observer of Nepal stated that Government instability up until 1998 had prevented the enforcement of measures to protect the urban heritage of the site. The Observer reiterated the Government's strong commitment to ensure the implementation of the 16 Recommendations of the 1993 Joint Mission, the 55 Recommendations and Time-Bound Action Plan resulting from the 1998 Joint Mission, and requested that the Bureau provide the Government of Nepal sufficient time to redress the situation and defer decision on in-danger listing until 2004.

The Chairperson reminded the Bureau that the deliberations taking place were repeating discussions held in Marrakesh during its twenty-third extraordinary session. Noting the importance of elaborating a better process for inscribing properties on the List of World Heritage in Danger, the Chairperson offered to host a meeting in Morocco to discuss this issue separately in a more comprehensive manner.

The Bureau adopted the following recommendation for transmission to the Committee for examination at its twenty-fourth session:

“The Bureau examined the findings of the High Level Mission to Kathmandu Valley which was undertaken between 24 to 29 September 2000, which held consultations with the Representatives of His Majesty's Government of Nepal and was granted an audience with His Majesty the King.

The Bureau, noting the findings of the High Level Mission, expressed its appreciation to the State Party for its continued efforts to enhance the management and conservation of the Kathmandu Valley World Heritage site. The Bureau reiterated its deepest concern for the state of conservation of Kathmandu Valley, where urban encroachment and alteration of the historic fabric in most of the seven Monument Zones composing the site are significantly threatening its integrity and authenticity.

The Bureau recommended that the Committee request the State Party to produce a new structured framework for monitoring all corrective measures by His Majesty's Government of Nepal, to be reviewed by the Committee within the context of the Asia-Pacific Regional Periodic Reporting exercise in 2002. The Bureau further recommended that other States Parties be engaged in the conservation and monitoring effort by providing technical and

financial assistance to the concerned authorities of His Majesty's Government of Nepal. In this regard, the Bureau recommended that the Committee reserve an appropriation within the 2001 International Assistance budget, to finance specific time-bound activities related to the protection of the urban fabric within the World Heritage site in order to strengthen the State Party's capacity.

The Bureau recommended the Committee to consider the issue of the inscription of properties on the List of World Heritage in Danger in a broader context, in order to develop appropriate criteria and process for the Committee to evaluate situations such as Kathmandu Valley. To this end, the Bureau welcomed the offer by the Government of Morocco to host a meeting on this issue, and recommends that the Committee decides on a general schedule for the meeting and allocate funds for the organisation of this meeting.

EXTRACT – WHC-2000/CONF.204/21

**Report of the WORLD HERITAGE COMMITTEE – Twenty-fourth session
Cairns, Australia (27 November – 2 December 2000)**

Paragraph VIII.32 Kathmandu Valley (Nepal)

The Committee recalled that it had repeatedly expressed concern for this site and repeatedly deferred inscription on the List of World Heritage in Danger since 1992. The Committee recalled that it had decided again to defer decision on in-danger listing at its twenty-third session, pending a report from a High Level Mission that the Committee decided to send to Kathmandu in 2000 for consultations with representatives of His Majesty's Government of Nepal. This mission, headed by the Chairperson of the World Heritage Committee, Mr Abdelaziz Touri, would also transmit the Committee's concerns and try to convince the Nepalese authorities of the merits of in-danger listing. This mission took place from 24 to 29 September 2000. The High Level Mission was well received by the State Party and met high level authorities including His Majesty the King and the Prime Minister of Nepal.

The Director of the World Heritage Centre presented the conclusive findings and final considerations of the Report of the High Level Mission to Kathmandu Valley (23-30 September 2000), WHC-2000/CONF.204/INF.17. The Director informed the Committee that no new plans had been put forth by the Nepalese authorities to redress the persistent and continued deterioration of the materials, structures, ornamental features, and overall architectural coherence in most Monument Zones. He drew the attention of the Committee to the state of conservation of the site, highlighting the fact that in general, publicly-owned historic monuments were in good condition, but the problem lay in the urban fabric within the Monument Zones. Thus, essential and authentic urban fabric had been severely altered to the point that in a number of Monument Zones, the changes were irreversible.

The Committee was informed of the continuing commitment of His Majesty's Government of Nepal to protect the seven Monument Zones composing the site. The Director reported that the authorities had emphasised the difficulties in imposing international standards in the conservation of privately-owned historic buildings without substantial subsidy and technical support. The Director informed the Committee, however, that the mission was unable to convince the representatives of His Majesty's Government of Nepal on the constructive aims of the system of in-danger listing, notably to mobilise the support of policy makers at the

highest level and international donors. In light of this, the High Level Mission concluded that the deterioration of the historic urban fabric will persist, irreversibly damaging the vernacular architecture surrounding the public monuments, and consequently destroying the World Heritage values of this unique and universally significant site. The problem was compounded by the lack of technical capacity and the population pressures giving rise to encroachment from the periphery to the Monument Zones. As a result of this, the Bureau at its twenty-fourth extraordinary session, transmitted the recommendations presented in WHC-2000/CONF.204/4 to the Committee.

The Committee examined the state of conservation of the Kathmandu Valley and the discussion of the Bureau. The Committee also took note of the two information documents tabled on 27 November 2000, WHC-2000/CONF.204/INF.21 (Updated progress report on the implementation of the 55 Recommendations for Enhanced Management of Kathmandu Valley and Time-Bound Action Plan for Corrective Measures, submitted by His Majesty's Government of Nepal on 22 November 2000) and WHC-2000/CONF.204/INF.22 (Conclusions of Mr. Henrik Lilius, Vice-President of the World Heritage Committee and ICOMOS Representative during the High Level Mission to Kathmandu Valley).

The former Chairperson, Mr Abdelaziz Touri, who headed the High Level Mission, noted that the serious state of conservation of Kathmandu Valley had been examined at 20 sessions of the Committee and Bureau since 1992. The situation was indeed grave. However, he informed the Committee that the Bureau had formulated a recommendation for the Committee's consideration at its twenty-fourth extraordinary session, which allowed two more years for the Nepalese authorities to further implement the 1998 UNESCO-ICOMOS-HMG of Nepal Joint Mission's 55 Recommendations for Enhanced Management and Time-Bound Action Plan for Corrective Measures adopted by the State Party.

The Committee, recalling that it had deferred the inscription of Kathmandu Valley on the List of World Heritage in Danger numerous times, expressed its disappointment that the State Party was not convinced of the constructive objectives of the List of World Heritage in Danger, as a mechanism for strengthening further political commitment and mobilizing international technical co-operation and greater awareness at both national and international levels.

During the ensuing debate, discussions focused on the objectives of the Convention and international co-operation. The Committee underlined the need to ensure the credibility of the World Heritage Convention, its Committee and the World Heritage List, while effectively implementing the mechanisms provided under the Convention and appropriately assisting States Parties in safeguarding the World Heritage properties, especially when both ascertained threats faced sites inscribed on the World Heritage List. Most members of the Committee agreed that it would be desirable to define procedures for examining cases such as Kathmandu Valley, where certain values or components justifying World Heritage inscription have been irreversibly lost.

The question of whether or not consent by a State Party was necessary for inscribing a property on the List of World Heritage in Danger was debated at length, especially in relation to the interpretation of Articles 11.3 and 11.4 of the Convention. Some delegates and the Observer of Nepal felt that the Committee was not empowered to inscribe a property on the List of World Heritage in Danger without the consent of the concerned State Party and without the request for assistance by the State Party. However, other members of the Committee and Observers stressed that Article 11.4 allowed the Committee to inscribe a

property on the List of World Heritage in Danger without the consent of the State Party concerned, although it was preferable to have the State Party's consent in advance.

The Delegate of Belgium underlined the crucial importance of clarifying this point. Recalling the obligation of UNESCO to provide legal advice to Members of the Committee when requested, the Delegate of Belgium formally requested legal advice concerning this question on behalf of his Government.

At the invitation of the Chairperson, the UNESCO Legal Adviser pointed out that this subject was quite controversial. It had most recently been debated at the Canterbury International Expert Meeting on the Revision of the *Operational Guidelines* where the experts had recommended that legal advice be sought on the matter. The Legal Adviser had been informed that certain States Parties in fact had obtained legal advice from eminent jurists on this question, and that these jurists apparently had provided legal opinions that were widely divergent.

The Committee was reminded that the UNESCO Legal Adviser had no authority to provide any definitive interpretations of the terms of the Convention. Under international law it was only the States Parties as a whole who could make definitive interpretations of the terms of their Convention. In his view, there were various options available to the States Parties. They could:

- a) exchange copies of the expert legal opinions which they had obtained or would obtain, with a view to reaching a consensus as to which legal arguments were the most persuasive,
- b) agree to have the matter decided simply by a vote of the General Assembly of States Parties, or
- c) agree to have the matter arbitrated by some competent legal body such as the World Court at the Hague.

The Legal Advisor concluded by indicating that while he was not in a position to give a spontaneous opinion on this matter without the benefit of appropriate research, especially on the relevant preparatory work preceding the adoption of the Convention, he remained at the disposal of the States Parties to provide, in due course, any further advice or opinions as may be considered useful.

The Delegate of Belgium, expressed regret that the UNESCO Legal Advisor would limit himself to mentioning general principles concerning the interpretation of the World Heritage Convention. He requested that the UNESCO Legal Advisor would clearly declare whether, in his opinion, prior consent of the Government concerned is or is not necessary and that his advice would be transmitted to all States Parties to the Convention through the World Heritage Centre early enough for the question to be discussed during the forthcoming Meeting for the Revision of the *Operational Guidelines* to be organized by the Secretariat or at the next Bureau or Committee session. The Delegate of Belgium underlined that the advice and view of the UNESCO Legal Advisor could only be an interpretation and would not provide a definitive answer to the issue in question. Finally, the Delegate of Belgium stressed that should the view of the UNESCO Legal Advisor and those of international legal experts in various States Parties be divergent and States Parties do not reach an agreement on the

interpretation of Article 11 of the Convention, this question must be submitted to the International Court of Justice of the Hague or arbitrated by another competent legal body.

The Committee decided to consider the issue of the inscription of properties on the List of World Heritage in Danger in a broader context, in order to develop appropriate criteria and procedure for the Committee to evaluate situations such as Kathmandu Valley. To this end, the Committee accepted the offer by the Government of Morocco to host a meeting on this issue, and decided to consider developing a draft agenda and allocation of funds for the organisation of this meeting, within the context of the revision of the *Operational Guidelines*.

The Committee expressed its appreciation to Nepal for the continued efforts to enhance the management and conservation of the Kathmandu Valley World Heritage site. The Committee reiterated its deepest concern for the state of conservation of Kathmandu Valley, where urban encroachment and alteration of the historic fabric in most of the seven Monument Zones composing the site have significantly threatened its integrity and authenticity.

The Committee requested the State Party to produce a new structured framework for monitoring all corrective measures by the State Party, to be reviewed by the Committee within the context of the Asia-Pacific Regional Periodic Reporting exercise in 2002. In the interim, the State Party was requested to submit a progress report for consideration by the Committee at its twenty-fifth session in 2001. The Committee further recommended that other States Parties be engaged in the conservation and monitoring effort by providing technical and financial assistance to the concerned authorities of His Majesty's Government of Nepal. In this regard, the Committee decided to consider reserving an appropriation within the 2001 International Assistance budget, to finance specific time-bound activities related to the protection of the urban fabric within the World Heritage site.

The Observer of Nepal expressed to the Committee his Government's appreciation for the favourable response to requests for technical and financial assistance which the Committee and UNESCO have been providing for Kathmandu Valley since the 1970s. He recalled the great pride of the Nepalese citizens in 1979 when the site was inscribed on the UNESCO World Heritage List, but informed the Committee that they were unaware, until 1992, of the World Heritage conservation standards, hence the errors made. The Observer reiterated the Government's strong commitment to ensure the implementation of the 16 Recommendations of the 1993 Joint Mission, the 55 Recommendations and Time-Bound Action Plan resulting from the 1998 Joint Mission, and requested that the Bureau provide the Government of Nepal sufficient time to redress the situation and defer decision on in-danger listing until 2004.

The Committee finally decided to adopt the Bureau's recommendations including the acceptance of the invitation extended by the Government of Morocco.

EXTRACT – WHC-01/CONF.208/4

**REPORT OF THE RAPPORTEUR
BUREAU OF THE WORLD HERITAGE COMMITTEE - Twenty-fifth extraordinary
session
Helsinki, Finland (7-8 December 2001)**

Paragraph III.253-264

Kathmandu Valley (Nepal)

III.253 The Bureau recalled that the Committee had:

- examined the state of conservation of Kathmandu Valley in twenty-one sessions of the Committee and its Bureau since 1992;
- debated on the inscription of this site on the List of World Heritage in Danger at each session upon examining the 1993 Joint UNESCO-ICOMOS Mission, the 1998 Joint UNESCO-ICOMOS-Nepal Mission, and the reports submitted by the State Party on progress made in the implementation of the 16-point recommendation adopted by the Committee in 1993 and the 55 Recommendations for Enhanced Management and Time-Bound Action Plan for Corrective Measures adopted by the State Party in 1998;
- dispatched a High Level Mission in September 2000 headed by the former Chairperson of the Committee, and comprising the current Chairperson, the Director of the World Heritage Centre among others, for consultations with His Majesty's Government of Nepal at the highest level on the merits of the in-danger listing as a tool for conservation;
- noted the conclusion of the High Level Mission which stated that whilst the major monuments were in good state of conservation, should no new measures be undertaken, the deterioration of the historic urban fabric will persist, irreversibly damaging the traditional architecture surrounding the public monuments, and consequently undermine the world heritage values of this unique and universally significant site;
- expressed its disappointment at the twenty-fourth session, that the State Party was not convinced of the constructive objectives of the List of World Heritage in Danger, as a mechanism for strengthening further political commitment and mobilizing international technical co-operation and greater awareness at both national and international levels, and underlined the need to ensure the credibility of the World Heritage Convention, its Committee and the World Heritage List, while effectively implementing the mechanisms provided under the Convention in safeguarding the World Heritage properties, especially when the threats are ascertained and the process in the loss of the world heritage values have already occurred; but,
- decided to defer inscription on the List of World Heritage in Danger until 2002 in view of the State Party's strong desire to avoid inscription on this List.

III.254 The Bureau examined new information concerning:

- the demolition of the Saraswati Nani Temple within the World Heritage protected area of Patan Darban Square Monument Zone by the Guthi Samthan, the local guardians and owners of this public building; total reconstruction of the Temple reportedly using inappropriate new building material; removal and disappearance of the unique and exquisitely carved struts originally adorning this Temple. This Temple was included in the Kathmandu Valley Protective Inventory and figure in the 1979 nomination dossier submitted by HMG of Nepal;
- demolition of several historic buildings or illegal additions within the Seven Monuments Zones of Kathmandu Valley. A photo of an example of a typical illegal addition of a new floor with cantilevers to a historic building was shown.

III.255 The Centre informed the Bureau that a progress report prepared by the Government of Nepal requested by the Committee was received on 8 December 2001. Neither the Centre nor the Bureau had sufficient time to examine the content of the report.

III.256 The Observer of Nepal, headed by the Joint Secretary of the Ministry of Tourism, Culture and Civil Aviation, reiterated her Government's strong commitment to ensure the implementation of the 16 Recommendations of the 1993 Joint Mission, and the 55

Recommendations and Time-Bound Action Plan resulting from the 1998 Joint Mission. She expressed her appreciation for the favourable response to requests for technical and financial assistance which the Committee and UNESCO had been providing for Kathmandu Valley since the 1970s. With regard to the demolition of Saraswati Nani Temple, the Observer stated that the poor condition of the building necessitated demolition and reconstruction and assured the Bureau that traditional building material and techniques were being used.

III.257 During the ensuing debate, the Delegate of Thailand sought clarifications on:

- whether the Heritage Conservation Unit for controlling development and preventing illegal alterations and demolitions of historic buildings as well as new constructions had been established;
- actions taken to implement the long-standing recommendation from 1993, repeated in 1998, to control illegal demolition or alterations within the World Heritage protected areas; and
- the application of existing legal provisions, rules and regulations which would prevent illegal development within Kathmandu Valley.

III.258 The Chairperson underscored the complexity of the site, and emphasized that the principal cause of concern is the difficulty in conserving the historic urban fabric, as the public monuments are in generally good condition. He noted with appreciation, the efforts made by the Government authorities in raising awareness of the local communities, which was essential in reversing the deterioration process of the vernacular architecture surrounding the public monuments.

III.259 The Deputy Director of the Centre informed the Bureau that since 1993, the main focus of UNESCO's support had been to build national capacities which started from support in strengthening protective legislation followed by over three years of on-the-job training in the establishment and enforcement of regulations concerning demolition and building permits, heritage resource mapping and inventory, as well as pilot conservation projects to demonstrate good practice, all financed from the World Heritage Fund and other extrabudgetary resources mobilized by the Centre. The Bureau was reminded of the information provided to the Committee in 1999 that the services of the trained development control officers had been terminated in 1999 by the then Director-General of Archaeology.

III.260 The Delegate of South Africa, recognizing the continued difficulties encountered in Kathmandu Valley by the authorities, which was part of the realities of developing States, stressed the need for international solidarity. She suggested that the Centre support the Nepali authorities in addressing the challenges in urban heritage protection through establishing city-to-city co-operation with local authorities of developing countries.

III.261 The Deputy Director recalled, for the benefit of the new members of the Bureau, that Kathmandu Valley had been the subject of a UNESCO International Safeguarding Campaign since 1979, and had benefited from over US\$ 350,000 provided from the World Heritage Fund and other sources mobilized by the Centre in institutional capacity building to enhance management for conservation. Regarding the city-to-city co-operation, the Bureau was informed that the Centre had brokered decentralized co-operation between UK local authorities (Chester and Bath) and several municipal authorities of the Kathmandu Valley and exchanges were initiated in 1999-2000. The Bureau was also informed that the European Union approved earlier this year under its EU-Asia Urbs Programme, a co-financing of Euro 500,000 for a project involving Chester and Patan. Another request is under preparation involving Bath (UK), Tours (France) and three small local authorities of Kathmandu Valley.

Such activities aim at increasing the capacity of the authorities concerned in integrating conservation and management measures within the integrated urban and tourism development planning process.

III.262 The Deputy Director drew the attention of the Bureau to the need to enhance development control and monitoring capacities at both the national and local levels, and the strong political commitment required to enforce the protective legislation to protect and conserve the privately-owned historic buildings located within the seven monumental zones of this site. She indicated that the multiplication of small-scale illegal operations which individually may not seem grave, has led to the transformation of the historic urban fabric even within the relatively small area of the protected zones surrounding the monuments. If allowed to continue, as tangibly demonstrated in the Baudhanath Monuments Zone, where 90 traditional buildings had been reduced to 15 by 1998, the World Heritage site of Kathmandu Valley will be reduced to a collection of public historic monuments decontextualized from its surrounding historic urban fabric.

III.263 The Director of the World Heritage Centre drew the attention of the Bureau to the Committee decision at its twenty-fourth session:

- to allow two more years for the Nepalese authorities to further implement the corrective measures against urban encroachment and alteration of the historic fabric in the seven Monument Zones to safeguard its integrity and authenticity; and
- to review the state of conservation and decide on future actions to be taken by the Committee within the context of the Asia-Pacific Regional Periodic Reporting exercise in 2002.

III.264 The Bureau recommended that another High Level Mission be undertaken prior to the finalization of the Periodic Report for the state of conservation of Kathmandu Valley. The Bureau recommended that the Committee examine the state of conservation of this property at its twenty-fifth session.

EXTRACT – WHC-01/CONF.208/24

**Report of the WORLD HERITAGE COMMITTEE – Twenty-fifth session
Helsinki, Finland (11-16 December 2001)**

Paragraph VIII.134-139

Kathmandu Valley (Nepal)

VIII.134 The Committee recalled that it had:

- examined the state of conservation of Kathmandu Valley at twenty-one sessions of the Committee and its Bureau since 1992;
- debated on the inscription of this site on the List of World Heritage in Danger at each session upon examining the 1993 Joint UNESCO-ICOMOS Mission, the 1998 Joint UNESCO-ICOMOS-Nepal Mission, and the reports submitted by the State Party on progress made in the implementation of the 16-point recommendation adopted by the Committee in 1993 and the 55 Recommendations for Enhanced Management and Time-Bound Action Plan for Corrective Measures adopted by the State Party in 1998;

- dispatched a High Level Mission in September 2000 headed by the former Chairperson of the Committee, and comprising the current Chairperson of the Committee, the Director of the World Heritage Centre among others, for consultations with His Majesty's Government of Nepal at the highest level on the merits of the in-danger listing as a tool for conservation;
- noted the conclusion of the High Level Mission which stated that whilst the major monuments were in good state of conservation, should no new measures be undertaken, the deterioration of the historic urban fabric will persist, irreversibly damaging the traditional architecture surrounding the public monuments, and consequently undermine the World Heritage values of this unique and universally significant site;
- expressed its disappointment at the twenty-fourth session, that the State Party was not convinced of the constructive objectives of the List of World Heritage in Danger, as a mechanism for strengthening further political commitment and mobilizing international technical co-operation and greater awareness at both national and international levels, and underlined the need to ensure the credibility of the World Heritage Convention, its Committee and the World Heritage List, while effectively implementing the mechanisms provided under the Convention in safeguarding the World Heritage properties, especially when the threats are ascertained and the process in the loss of the World Heritage values have already occurred; but,
- decided to defer consideration of the inscription on the List of World Heritage in Danger until 2002 in view of the State Party's strong desire to avoid inscription on this List.

VIII.135 The Committee examined new information concerning:

- the demolition of the Saraswati Nani Temple within the World Heritage protected area of Patan Darban Square Monument Zone by the Guthi Samthan, the local guardians and owners of this public building; total reconstruction of the Temple reportedly using inappropriate new building material; removal and disappearance of the unique and exquisitely carved struts originally adorning this Temple. This Temple was included in the Kathmandu Valley Protective Inventory and figure in the 1979 nomination dossier submitted by HMG of Nepal;
- demolition of several historic buildings or illegal additions within the Seven Monuments Zones of Kathmandu Valley. A photo of an example of a typical illegal addition of a new floor with cantilevers to a historic building was shown.

VIII.136 The Centre informed the Committee that a progress report prepared by the Government of Nepal requested by the Committee was received on 8 December 2001. Neither the Centre nor the Bureau had sufficient time to examine the content of the report.

VIII.137 The Observer of Nepal, headed by the Joint Secretary of the Ministry of Culture, Tourism and Civil Aviation, reiterated her Government's strong commitment to ensure the implementation of the 16 Recommendations of the 1993 Joint Mission, and the 55 Recommendations and Time-Bound Action Plan resulting from the 1998 Joint Mission. She expressed her appreciation for the favourable response to requests for technical and financial assistance which the Committee and UNESCO had been providing for Kathmandu Valley since the 1970s. With regard to the demolition of Saraswati Nani Temple, the Observer stated

that the poor condition of the building necessitated demolition and reconstruction and assured the Committee that traditional building material and techniques were being used.

VIII.138 During the ensuing debate, the Committee expressed with deep concern, the loss of the authenticity and integrity of the historic urban fabric of Kathmandu Valley caused by the difficulties the authorities continued to face to control development. It was noted that should the Committee continue to defer inscription of this site on the List of World Heritage in Danger any further, the World Heritage values may be irretrievably lost. Concern was expressed about sending another High Level Mission, which may perhaps face difficulty in convincing the Government on the constructive objectives of the List of World Heritage in Danger and the need to ensure the credibility of the World Heritage Convention, its Committee and the World Heritage List.

VIII.139 The Committee took note of the deliberations of the Bureau at its twenty-fifth extraordinary session presented in WHC-01/CONF.208/4. Recalling that it had decided to allow two more years for the Nepalese authorities to further implement the corrective measures against urban encroachment and alteration of the historic fabric in the seven Monument Zones to safeguard its integrity and authenticity during its twenty-fourth session, and taking into consideration the change in schedule of its annual meetings, the Committee:

- requested the State Party to submit the state of conservation report within the context of the Asia-Pacific Regional Periodic Reporting exercise by December 2002;
- dispatch another High Level Mission to be undertaken between December 2002 and June 2003, so that the findings and recommendations of this second High Level Mission could be examined by the Committee at its twenty-seventh session, where the inscription of this site on the List of World Heritage in Danger would be reconsidered.

EXTRACT – WHC-03/27.COM/24

DECISIONS ADOPTED BY THE 27TH SESSION OF THE WORLD HERITAGE COMMITTEE - Twenty-seventh session, Paris, UNESCO Headquarters (30 June- 5 July 2004)

Related documents: *WHC-03/27.COM/7B, WHC-03/27.COM/INF.7C, WHC-03/27.COM/INF.7E*

27 COM 7B.52 The World Heritage Committee,

1. Expresses its appreciation to the State Party for receiving the Second High Level Mission;
2. Notes with grave concern that the traditional elements of heritage of six of the seven Monument Zones had been partially or significantly lost since the time of inscription, resulting in a general loss of authenticity and integrity of the property as a whole;
3. Notes furthermore with concern that although the responsible concerned authorities have made efforts with some positive results, the threat of uncontrolled development has persisted, which continuously decreases the urban landscape and architectural fabric of the property;

4. Decides to inscribe the Kathmandu Valley property on the List of World Heritage in Danger, and simultaneously recommends that the State Party legally redefine the core and support zones of all Monument Zones, accompanied with management mechanisms to adequately conserve the remaining World Heritage value of the property in the long-term. Corrective measures should continue to address the illegal activities in the future core and support zones;
5. Requests the World Heritage Centre and the Advisory Bodies in consultation with the State Party to organize a mission to Kathmandu Valley to assess the remaining World Heritage value of the property, the state of conservation of the monumental ensembles and the vernacular fabric within the property, and for the report of this mission to be submitted by 1 February 2004 for examination by the World Heritage Committee at its 28th session in 2004;
6. Decides to consider whether or not to delete the property from the World Heritage List at its 28th session in 2004, upon examining the report from the World Heritage Centre and Advisory Bodies mission and the assessment of the loss of World Heritage value at Kathmandu Valley.