

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Organization/Agency : DEPARTMENT OF ARCHAEOLOGY
Country : NEPAL

Policy and Legislative Framework

1. Did your country implement the 1970 UNESCO Convention, and if so, how?

	Civil Law
	Criminal Law
X	Specific Law
<ul style="list-style-type: none">Nepal had promulgated Ancient Monuments Preservation Act in 1956. But after the 1970 UNESCO Convention, the act has been amended many times to reflect the provisions of the convention. The Ancient Monument Preservation Act has been amended for fifth time in 1996.The National Criminal Code, 2018 recently criminalizes the Illicit Import, Export and Transfer of Ownership of Cultural Property to implement the UNESCO Convention 1970.	

2. Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

	Yes
X	No

3. Please provide the name and year the policy was passed (and web link to the policy/strategy if available).

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4. Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed (including specific provisions on the return of cultural objects illegally exported from other States Parties to the Convention).

Ancient Monument Preservation Act is the major and specific law prevailing in Nepal for all kind of protection measures of the objects of archaeological importance.

Article 13 clearly mentions for restriction on transfer, transaction, export or collection of ancient monument and archaeological object or curio. According to the article 'an historical, archaeological or artistic object as prescribed by Government by a notification published in the Nepal Gazette shall not be exported from the country of Nepal or transferred from one place to another even within the Nepal. If it is to be transferred to any place, prior approval of the Government shall be taken.

5. To what extent does your country's policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

2	Clear definition of cultural property
4	State ownership of undiscovered cultural heritage
3	Regulations on trade of cultural property
4	Export control
4	Export certificates
3	Certificate of authenticity
2	Import control
3	Establishment of national services
4	National inventory of cultural property
3	Inventory requirements for museums, public institutions, private collections
4	Protection of archaeological sites and regulation of archaeological
4	Public education and awareness raising
4	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
5	Prohibition of import of cultural property stolen from a museum or religious/secular institution

2	Regulation of the diplomatic pouch
2	Provisions for the return of cultural objects stolen from a museum or other public institution
2	Sanctions(criminal and/or administrative and/or civil) of illicit activitiesrelatedtodestructionandillicittraffickingofculturalproperty
1	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
1	Protection of Under water cultural heritage
1	Regulations regarding the use of metal detectors
2	Regulations regarding the trade of cultural artifacts on internet
Other (please specify):	

6. Did your country's legal framework regarding illicit trafficking of cultural property changes as a result of ratifying the1970 Convention ?

X	Yes
	No

7. What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)

The changes were made on Ancient Monument Preservation Act, 2056 at least four times after UNESCO Convention 1970.

8. Please add any additional comments on the legislative/policy framework

Though the Ancient Monument Preservation Act, 1956 has made provisions to implement the UNESCO convention, yet Nepal needs to work on making policies and laws that exactly addresses the issues of illicit trafficking of cultural artifacts.

However Nepal has Cultural Policy and it deals in various dimension of culture, but it has not mentioned directly about illicit trafficking of archaeological objects.

9. Has your country implemented a policy to prevent the illicit export of cultural property?

X	Yes
	No

Please specify:

Though the country has not made specific policy to prevent illicit trafficking of cultural artifacts yet, the country is implementing the illicit export by enforcing the law which criminalizes the illicit exports of such items.

10. Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?

	Yes
X	No

Please specify:

11. Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?

X	Yes
	No

Please specify:

It is not restricted by the policy and judicial decision of Nepal, but there has been felt appropriate and sufficient structure and mechanism to facilitate above mentioned returning and restitution of cultural property.

Implementation and operative framework

Institutional Framework

12. Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

13. Please describe this service's major roles and responsibilities.

14. Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking (Mark all that apply).

<input type="checkbox"/>	Magistrates and/or judges
<input checked="" type="checkbox"/>	Police, gendarmerie, and/or Department of Interior
<input type="checkbox"/>	Public prosecutor
<input checked="" type="checkbox"/>	Customs
<input type="checkbox"/>	None
<input type="checkbox"/>	Other (please specify): Department of Archaeology is another main governmental body to work against illicit trafficking of cultural property. Department of Archaeology keeps the authority to check and approve the new handicraft. It is mandatory to have certified such object for exporting abroad. Without official seal and certificate to prove new handicraft, it will not be passed from custom. Custom is directly linked with police department. Moreover, as only the officials of Department of Archaeology are legally and professionally keep the expertise to identify the old cultural property, Custom, police department and DoA work in coordination. Department of Archaeology has been playing vital role in close coordination with line ministries in restituting the archaeological artifact taken abroad from Nepal.

16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking?
Mark all that apply.

	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point
X	Communication and meetings as necessary (i.e., for specific cases)
	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
	Other (please specify):

17. Please provide more detail on this coordination, including how it functions and who is involved.

18. Does your country use a database of stolen cultural objects?

	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/ and regional database that is linked with the INTERPOL database
	Yes, we use the INTERPOL database (and do not have our own national database)
X	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such database

19. Please provide additional details on how your country uses such a database.

Currently we are working in acceleration for establishing a database system, Cultural Heritage Information Management System (CHIMS), in Department of Archaeology. DoA will have a scientific database system within 2020.

Protection and Prevention Systems

20. To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?

	All/almost all cultural property is inventoried
X	Most ,but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.

Nepal has cultural property in large number. Almost all the monuments are registered; but yet to register many objects. But yet to digitize. Because of specific religious and traditional practice and belief sometime it is difficult and even almost impossible to have detail inventorying and digitization of many properties enshrined in some temples. However DoA is working its best for systematic inventorying of such property. After establishing the CHIMS DoA will have success in good extent.

22. To what extent does your country have a centralized national inventory of cultural property

	All/almost all protected cultural property is inventoried
X	Most, but not all, protected cultural property is inventoried
	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

23. Please provide additional details on this inventory, including any challenges in creating/maintaining it.

Almost all the monuments are inventoried and registered; but it is yet to work with many artifacts. Because of specific religious and traditional practice and belief sometime it is difficult and even almost impossible to have detail inventorying and digitization of many properties enshrined in some temples. However DoA is working its best for systematic inventorying of such property. Lacking of scientific database system is one of the major obstacle for it. Sometime geographical distance and difficulty also has been the challenge.

24. Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.

Few decades ago looting, pillaging and illegal excavation etc used to be one of big challenges. But presently the problem is in decreasing state; however not eliminated yet.

Knowledge, Skills and Values of Stakeholders and the Public

25. Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?

X	Yes
	No

26. Please describe, including methods, target audience, etc.

There are series of such awareness program by different stakeholders in different levels. Department of Archaeology and Municipal offices are main organizations to organize such awareness campaigns. Photo exhibition is one of the most effective methods applied on the mentioned subject. Workshop, rally etc are other activities.

27. To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include:

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

3	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
2	Return of objects to relevant authorities
4	Sharing information on stolen objects with authorities
2	Placing pressure on museums to change acquisition policies
2	Advocating for policy change

28. Over all, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?

	To no extent
	To some extent
X	To a considerable
	To a great extent

29. Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?

	To no extent
X	To some extent
	To a considerable extent
	To a great extent

30. What type of training do police receive on cultural property crime?

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other (please specify):

31. Please provide additional details on the content and frequency of these trainings.

Actually no specific training has been provided to the police official on the subject but in general.

32. What type of training do customs officers receive on cultural property crime?

X	No specific training on this issue
	Training has occurred in the past, but is not on going
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other (please specify):

33. Please provide additional details on the content and frequency of these trainings.

No specific training has been provided to the custom official on the subject but in general.

34. To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?*

	All or almost all have adopted such a code of ethics ongoing
	Most have adopted such a code of ethics
X	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics
	Other (please specify):

35. Please provide additional details on the degree to which museums adhere to such a code of ethics.

There are many code of ethics of ICOM are similar to the rule of Nepal government regarding museum, method of collection, exhibition, research etc. If the code of ethics is mandatory by the prevailing law of Nepal, it is adopted by all the museum authority.

36. To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property and the Operational Guidelines of the 1970 Convention?

<input type="checkbox"/>	All or almost all follow such practices
<input type="checkbox"/>	Most follow such practices
<input type="checkbox"/>	Some follow such practices
<input type="checkbox"/>	None/only a few follow such practices
<input type="checkbox"/>	Other (please specify): There is not any dealers and auction house in Nepal

37. Please provide additional details on the policies and practices of dealers and auction houses in your country.

Dealing and auctioning of cultural property for selling purpose is not allowed in Nepal.

38. How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?

Dealing and auctioning of cultural property for selling purpose is not allowed in Nepal.

39. Do you regulate the trade of cultural objects on internet?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

40. Have you entered into a specific agreement with an internet platform?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

International Cooperation

41. Please list any bilateral agreements your country has regarding the protection of cultural property, including the years for which the agreement is in effect.

- UNESCO Convention, 1970: ratified by Nepal in 1976.
- Convention concerning the Protection of the World Cultural and Natural Heritage, 1972: Acceptance in 1978
- Convention for the Safeguarding of the Intangible Cultural Heritage, 2003: rectified in 2010

42. Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?

	To no extent	To some extent	To a considerable extent	To a great extent
Provided a legal framework for return/restitution			X	
Provided a moral framework for			X	
Provided a diplomatic framework for			X	
Other (please specify):				

43. Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases :

Nepal has not restituted many but few object which were taken abroad by different means. Those objects has come back in mutual understanding between two parties; however moral framework has worked on it.

44. Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?

	Yes
X	No

Please specify:

45. How has your country promoted this system and ensure the international community is aware of it?

Nepal is rich in cultural property. Museum in Nepal are very rich of significant cultural, historical artifacts. Many rich countries are interested in temporary exhibition of Nepali culture in their museum. It is opportunity for Nepal also. By that means good conversation and relation has been established with many countries.

Overall

46. Yearly statistics

Thefts

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Seizures (cultural objects originating from own country)

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Seizures (cultural objects originating from another country)

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Restitutions

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

47. Please rate the extent to which each of the following is a challenge your country faces in preventing theft and illicit exportation of its cultural property.

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property			X	
Lack of police capacity related to cultural property		X		
Lack of customs capacity related to cultural property		X		
Lack of coordination between relevant stakeholders			X	
Lack of inventories and databases in museums		X		
Inadequate security systems in museums and places of worship				X
Inadequate security of archaeological sites			X	
Lack of cooperation from the art market		X		
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)		X		
Lack of regulation on the internet			X	
Lack of public awareness			X	
Other (please specify):				

48. If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.).

Lack of communication with international community is one of the major barriers. Difficulty in legal proceeding has been another major barrier and the lacking of proper documentation has been the next barrier.

49. If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).

Lack of focal person to have regular communication, lacking of proper documentation for claiming and legal difficulties in some extent can be the major cause; however there is not so many cases Nepal has deprived to fulfill the request for restitution.

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

50. UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country:

	Not helpful	Somewhat helpful	Very helpful	Extremely helpful
Object ID Standard (ICOM, the Getty, and UNESCO)				
UNESCO International Code of Ethics for Cultural Property Dealers		X		
ICOM Code of Ethics for Museums		X		
UNESCO Database of National Cultural Heritage Laws		X		
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)			X	
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)			X	
Model Export Certificate for Cultural Objects (UNESCO and WCO)		X		

51. Please provide additional details on how your country has used UNESCO's tools.

52. Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.

53. What additional tools would be helpful for UNESCO to develop?

54. Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?

X	Yes
	No

55. How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.

an international symposium on Illicit trafficking was organized by Government Nepal with close collaboration with UNESCO Kathmandu.

56. There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities.

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation			X	
Promoting policy dialogues between countries			X	
Support for inventorying projects			X	
Specialized trainings for police			X	
Specialized trainings for customs			X	
Specialized trainings for museum staff			X	
National workshops to bring together stakeholders across departments, ministries, etc.			X	
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.			X	
Awareness raising activities (press releases, video clips, etc.)			X	
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.			X	
Facilitating the sharing of best practices between countries (e.g.,online or through a newsletter)			X	
Other (please specify):				

57. Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.

Scientific technical support.

58. What difficulties did you State encounter while implementing the Convention during the last reporting cycle period?

Nothing specific.

59. How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?

Not participated.

60. Any other additional issues or comments you would like to share.

Nepal would like to participate in the state party meeting