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# The Intangible Cultural Heritage of Nepal: Future Directions





UNESCO Office in Kathmandu

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This monograph was prepared in order to promote and encourage the ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003 (which came into effect in April 2006), and in doing so, to advocate for future dialogue amongst all concerned as to how best to promote and safeguard the rich intangible heritage of Nepal.

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# The Intangible Cultural Heritage of Nepal:

## Future Directions

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## LIST OF ABBREVIATIONS

ACCU	Asia/Pacific Cultural Centre for UNESCO
CHAMP	Cultural Heritage & Museums Practices
CNAS	Centre for Nepal & Asian Studies
DOA	Department of Archeology
ICH	Intangible Cultural Heritage
ICOM	International Council of Museums
LRC	Lotus Research Centre
MOCTCA	Ministry of Culture Tourism & Civil Aviation
NAFA	Nepal Association of Fine Arts
NATCOM	Nepal National Commission for UNESCO
NFDIN	National Foundation for the Development of Indigenous Nationalities
NFS	Nepali Folklore Society
SIL	Summer Institute of Linguistics
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UNESCO	United Nations Educational Scientific & Cultural Organization
VDC	Village Development Committee
WCT	World Intellectual Property Organization Treaty
WIPO	World Intellectual Property Organization
WPPT	World Intellectual Property Organization Performance & Phonograms Treaty

# CHAPTER 1

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## Intangible Cultural Heritage: a Conceptual Overview

This chapter summarizes how the concept of intangible cultural heritage originated; as well as how UNESCO defines intangible cultural heritage; and what the Convention for the Safeguarding of the Intangible Cultural Heritage, 2003 espouses. In doing so, it stipulates the scope of this study - namely to provide an introductory overview, and to provoke future dialogue amongst all relevant parties involved in the promotion and protection of Nepal's intangible cultural heritage.

### 1.1 What is Intangible Cultural Heritage?

*“The intangible cultural heritage (ICH) – or living heritage – is the mainspring of our cultural diversity and its maintenance a guarantee for continuing creativity”* (Convention for the Safeguarding of the Intangible Cultural Heritage, 2003).

Since the 1960s the concept of cultural heritage has dramatically broadened. The Venice Charter (1964) made reference to “monuments and sites” and dealt with architectural heritage, which soon expanded to cover clusters of buildings, architecture, and industrial and 20th century built heritage. In other words, what came to be known as ‘tangible’ heritage. By the 1980s heritage experts (largely influenced by anthropology) began to discuss the significance of ‘non-tangible heritage’, which later was termed ‘intangible cultural heritage’ (ICH) - as stipulated in the Convention for the Safeguarding of the Intangible Cultural Heritage, which came into effect on 20 April 2006.

A key aspect of the Convention is ultimately to emphasize the role that intangible forms and expressions of culture can have in allowing mankind to better understand one another, and thus promote peace and harmony amongst culturally diverse communities. Furthermore, heritage experts realized that a more holistic approach to cultural heritage was needed: one which acknowledged both tangible and intangible aspects of culture, as well as the ever evolving relationship between the two.

So what then is ICH? ICH can be understood as a constantly developing set of practices, expressions, knowledge, skills and the associated artifacts and spaces that form an essential part of cultural heritage, such as the performance of customary dances or poetry. It is often understood as ‘folk life’ i.e. the beliefs, practices, stories, jokes, songs (etc.) of a people, transmitted orally or by other non-institutional means. Hence, ICH is passed down from one generation to the next and changes in response to shifts in environmental and social conditions. Crucially, it provides mankind with a sense of identity and continuity. And although it can be a difficult concept to clearly define, because of its fluid and dynamic nature, it is important to bear in mind that the main repository of this type of heritage is the human mind; and the human body is its primary instrument.

## 1.2 The Five Domains of ICH

The Convention finally entered into force in 2006 on the understanding that ICH is compatible with international human rights instruments and complies with the requirements of mutual respect among communities, and of sustainable development. It is important for the purpose of this monograph to define the overall forms or ‘domains’ of intangible culture as identified by UNESCO and to acknowledge that non of these domains are mutually exclusive, in fact, they are interdependent.

### *Oral Traditions*

Oral traditions and expressions transmit knowledge, values and the collective memory of a folk group. They may be restricted to one section of a community or profession, or be shared collectively. They include language, proverbs, riddles, nursery rhymes, legends, myths, epic songs and poems, charms, prayers, chants, songs, dramatic performances, etc. Language itself is kept alive in these vibrant forms far more effectively than in codified forms such as dictionaries or grammatical texts. Oral traditions are passed on by word of mouth, which renders them particularly vibrant, but also fragile, as their survival depends on an uninterrupted chain of transmission.

### *Performing Arts (such as traditional music, dance and theatre)*

This diverse group encompasses vocal or instrumental music, dance, and theatre, including traditional forms such as pantomime, sung verse, and certain forms of storytelling. Music is found in every society and constitutes an integral part of other performing art forms, and other forms of ICH such as rituals, festivals and oral traditions. It features in profane or sacred contexts, classical or popular forms. The occasions on which performing arts are enacted are equally varied: marriages, funerals, rituals and initiations, festivities, entertainment and other social practices. Dance (a type of performing art) can be defined as ordered bodily expression with rhythmic movements, steps and gestures that express a sentiment or illustrate a specific event or act. Traditional theatre can combine acting, singing, dance and music, dialogue, narration or recitation. This group also includes puppetry and pantomime. In addition, the performance may be more personal than public, as is the case with songs sung to soothe babies to sleep.

The instruments, objects, artifacts and cultural spaces that are associated with ICH are also protected in the Convention. In the context of the performing arts domain, this includes musical instruments, masks, costumes and body ornaments used in dance, as well as the scenery and props of theatre. The specific places or spaces for performance, built or natural, are also promoted in the Convention.

### *Social Practices, Rituals and Festive Events*

This group encompasses habitual activities that structure the lives of people, and that are shared by significant numbers of people. They reaffirm the identity of a folk group or community, and may be performed in public or private. These practices may be linked to the life cycle of individuals and groups, the agricultural calendar, and vary from simple



gatherings to large-scale celebrations. Rituals and Festive Events usually take place at specific times of the year in specific places, although access to rituals may be limited (i.e. initiation rites or burial ceremonies). Festive events generally take place in public and the associated social practices provide structure to everyday life. In the framework of the Convention, social practices have a special relevance for a community if they are distinctive for them, providing them with a sense of identity and continuity.

This domain manifests itself in perhaps the widest variety of forms, for example: worship rites and rites of passage; birth, wedding and funeral rituals; traditional legal systems; traditional games and sports; kinship ceremonies; settlement patterns; culinary traditions; status ceremonies; seasonal ceremonies; gender-specific social practices; hunting and gathering practices. Special forms of language are associated with this domain, including gestures and songs. Forms of dance naturally play a key role, as do specific items of clothing, food and stylized skills such as animal sacrifice.

#### *Knowledge and Practices Concerning Nature and the Universe*

This domain includes knowledge, skills, practices and representations developed through people's interaction with the natural environment. These forms of ICH are expressed through language, oral traditions, attachment to a place, memories and spirituality and are manifested in a broad range of values and beliefs, ceremonies, healing and social practices or institutions, and social organization. They cover areas such as traditional ecological knowledge, indigenous knowledge, ethno-biology, ethno-botany, ethno-zoology, traditional healing systems, rituals, beliefs, esoteric sciences, initiation rites, cosmologies, shamanism, social organizations, festivals, languages, as well as visual arts.

#### *Traditional craftsmanship*

Traditional craftsmanship is manifested in many forms: clothing and jewellery; costumes and props required for festivals or performing arts; objects used for storage, transport, and shelter; decorative arts and ritual objects; musical instruments and household utensils; toys and tools. The focus of the Convention is on the knowledge and skills crucial for the ongoing production of crafts, rather than on the objects themselves. Efforts to safeguard traditional craftsmanship focus on creating conditions that encourage artisans to continue to produce and to transmit their skills and knowledge to others, especially younger generations.

### **1.3 The Convention for the Safeguarding of the Intangible Cultural Heritage**

Many valuable forms of ICH are endangered, due to the lack of means, recognition, appreciation and understanding. This may ultimately lead to the erosion of positive values espoused through forms of culture. In addition to this danger of loss, the extremely close relationship between ICH and tangible cultural and natural heritage prompted UNESCO to initiate a process of discussions and legislative measures to protect and develop ICH.

The widely-known Convention concerning the Protection of the World Cultural and Natural Heritage was adopted in 1972, and prompted several Member States to express concern about the importance of safeguarding ICH. Momentum grew throughout the 70's and in

1982 the Mondiacult World Conference on Cultural Policies, held in Mexico City brought ICH center stage. In 1982 “Intangible Cultural Heritage” was officially added to the definitions of culture and cultural heritage, which led to the establishment of UNESCO’s Committee of Experts on the Safeguarding of Folklore. Therefore it was recognized that the 1972 Convention did not provide adequate protection for celebrating and protecting such cultural items as artifacts, dance or oral traditions. A number of conventions towards the end of the 1990s have further developed the concept of ICH by addressing the preservation of Popular Cultural Spaces, Traditional Culture and Folklore. Indeed, October 2001 saw UNESCO’s Member States adopt the Universal Declaration on Cultural Diversity, together with an action plan, and at the 32nd session of the General Conference in 2003 the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted (Robinson & Picard: 2006).

In order to ensure its success, the Convention must be ratified by as many States as possible. As of October 2007, 85 States have done so, which represents an exceptionally rapid ratification rate. All those who have signed up have agreed to endeavor to develop cultural policies that promote ICH at planning and community levels. This is to be done through a designated body for the safeguarding of the intangible cultural heritage present within the state, and the application of appropriate legal, technical, administrative and financial measures. Institutions for training in the management of the ICH and the transmission of such heritage should be fostered, in conjunction with forums and spaces intended for the performance or expression of ICH. Essentially, documentation institutions for ICH should be established and access to them facilitated, with an emphasis on scientific research techniques. One key issue that the Convention highlights is the need to build awareness, especially among the younger generations, on the importance of ICH in order to protect forms deemed of value. The Convention encourages the participation of communities, groups and individuals to create maintain and transmit such heritage, at all stages, including actively being involved in its management.

#### **1.4 The Scope of the Study**

In light of UNESCO’s role in the promotion of ICH across the globe and at a local level, the UNESCO office in Kathmandu has engaged in a series of discussions with the Government of Nepal’s Department of Archaeology (DOA) and the Ministry of Culture, Tourism and Civil Aviation (MOCTCA). It was felt that in order for MOCTCA to ratify the Convention, and ultimately for the State Party to undertake the measures to ensure the safeguarding of their intangible heritage, a comprehensive overview of the current status of ICH protection in Nepal should be compiled.

Central to the monograph was the need to define what ICH is in the context of Nepal, and how it should be identified and documented. In spite of increasing efforts made in recent years by scholars and local organizations, there has been a lack of coordination and consistency in how to approach this topic. By creating this introductory monograph on Nepal’s ICH, we hope to encourage in the future a collective approach towards the documentation and promotion of ICH in Nepal.

Chapter 2 focuses on the Nepalese context of ICH and its close association with folklore, and Chapter 3 presents an overview of the communities and groups that are working in the field of ICH protection today. Following on from this, Chapter 4 endeavors to examine initiatives already undertaken in relation to ICH, and Chapter 5 provides a summary of the existing legal protections related to ICH. Chapter 6 advocates for the need to encourage dialogue amongst those working on ICH so that coordinated future initiatives will have an optimum impact. Essentially, this monograph aims to provide a backbone of information on ICH in Nepal, as well as suggestions for future work towards protecting and promoting the ICH of Nepal. It is not intended to be a specific catalogue of all forms of ICH in Nepal, rather it is an introductory paper intended at assisting this process.

ICH is living heritage, and should therefore be treated in a dynamic and flexible way. It does not stand in isolation from the surrounding tangible heritage; rather it constitutes a valuable part of the record of human development. For UNESCO, this monograph reflects the wealth of intangible cultural heritage that makes Nepal such a vibrant country. This monograph also emphasizes the importance of preserving the wealth of Nepal's rich and diverse oral traditions, which are viewed as the bedrock for the other domains of ICH. Nepal's rich cultural diversity represents a microcosm of the richness of humankind, and the recognition of the plethora of cultures it is hoped will promote peace and mutual understanding. It is essential to view intangible cultural heritage with a creative and forward-looking spirit; recognizing both the role of the State Party, but also the role of local people in this pursuit. Respect for diverse cultures fosters an environment in which the education of humanity for justice, liberty and peace can flourish. UNESCO therefore aims to give fresh impulse to the promotion of ICH, and is committed to the preservation of Nepal's cultural properties.

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UNESCO Office in Kathmandu, October 2007

## CHAPTER 2

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### The Intangible Cultural Heritage of Nepal

*Tulasi Diwasa & Chura Mani Bandhu*

This chapter gives a synopsis of the rich cultural diversity in Nepal; a Nepalese explanation and understanding of ICH (related to folklore); its dynamic and fluid nature which mirrors the living cultures that it is an expression of; and it provides an overview of each Nepalese category used to define ICH.

#### 2.1 Nepal: a Country Rich in Cultural Diversity

Nepal is a country rich in terms of cultural diversity, with more than one hundred ethnic and caste groups. Hence it is a multilingual country, where more than 92 languages and dialects are spoken. The speakers of these languages have their own oral traditions and cultures, which have been handed down from generation to generation. The diverse natural environments, which have given seed to a plethora of living cultures, are unique to Nepal. The dominant pre-literate Nepalese societies have expressed their reflections on their unique life experiences through various forms of folklore from time immemorial, notably through oral traditions<sup>1</sup>.

Geographically, Nepal is a land of diversity. It is mainly divided into three regions from north to south: the Mountains, the Hills and the Terai (or plain lands). There are also major rivers which divide the country into four regions from east to west. The natural resources and biodiversity of Nepal are related to the rivers, mountains, lakes, forests and plains, which have cultivated in the Nepalese an array of livelihoods and their associated cultural practices. These predominantly agricultural livelihoods have greatly influenced the traditional folk life customs amongst Nepal's diverse ethnic and caste groups.

#### 2.2 The Bearers of Intangible Cultural Heritage

The caste and ethnic groups of Nepal according to the 2001 census are listed in Annex 1 of this monograph. Dahal (2005) has classified these groups into five main categories: (a) Castes originating from Hindu groups (b) Newars (c) the ethnic groups or *janajati* (d) Muslims (e) Others.

The Hindu caste system is based on the four *Varna Vyawastha* "the class system"<sup>2</sup>. It has four hierarchical levels, from top to bottom, these are; *Brahmans*, *Chetris*, *Vaishyas* and *Shudras*. Among these castes there are again further subdivisions of each, into at least three

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<sup>1</sup> The 2001 census stated that the average national literacy rate was 53.73%. Several caste and ethnic groups in the Hill and Terai regions are believed to have an even greater percentage of illiterates. Hence oral traditions remain important forms and records for cultural expressions.

<sup>2</sup> See Dahal (2005:10) and Bhattachan (2005:33)

categories; high, middle and low caste Hindu groups. The Brahmans and Chhetris are the so called 'high' caste Hindu groups, and the 'low' caste Hindus are the so called 'Dalits' of the hill and Terai regions. 'Dalits' are those communities who, by virtue of caste-based discrimination and so called 'untouchability', are stigmatized in social, economic, educational, political and religious fields. They are traditionally deprived of human dignity and social justice. The National Dalit Commission (2002) has listed 28 cultural groups as so-called *Dalits* (Dahal, 2005:11).

The indigenous people of the Kathmandu valley, the Newars follow Hinduism and/or Buddhism. According to the 2001 census they can be classified into 40 distinct cultural groups all of which speak a common language called *Nepal bhasha*. However, whilst the caste based Hindu groups of the hills will speak Nepali, the groups in the Terai on a day to day basis speak the dominant local languages of the region, such as *Maithili*, *Bhojpuri* and *Awadhi*.

The ethnic groups of the hills, Terai and mountain areas are grouped as *Janajati*. According to the National Foundation for Development of Indigenous Nationalities (NFDIN), ethnic groups are those "who have their own mother tongue and traditional customs, a distinct cultural identity, a distinct social structure and written or oral history all of their own" (NFDIN, 2003). According to NFDIN there are 59 ethnic groups, however the Central Bureau of Statistics (2002) has listed only 43 ethnic groups in Nepal.

The majority of Muslims live in the Terai. The Terai Muslims speak the dominant languages of the area where they live, whilst the Hill Muslims use a variation of Nepali sometimes known as *Churaute*. This however is not a term they would use themselves; Hill Muslims say that they speak the 'language of the Muslims', thus reaffirming a unique group identity. Some Muslims, such as Ali Miya, should be remembered and acknowledged for their contribution to promoting Nepali folksongs. Other caste and ethnic groups included in the 'other' category are; Sikhs, Christians, Bengalis, and Marawadis.

According to the National Census of 2001 there are 43 caste Hindu groups in the Terai. High caste Hindu groups include Brahmans, Bhumihars, Rajputs, and others such as Halwai, Hajam, Kayastha, Lohar, Rajbhars, Sonar, Yadav, as well as so called 'untouchables' such as the Bantar, Camar, Doms, Tatmas, and Musahar. In addition, the nomenclature of the following 35 ethnic groups in the 2001 census corresponds to their own languages. They are: Baramu, Bhujel, Bote, Byasi, Chepang, Chhantel, Darai, Danuwar, Dhimal, Dura, Gurung, Hayu, Jirel, Kumal, Kusunda, Lepcha, Limbu, Magar, Majhi, Meche, Newar, Pahari, Rai-Kirati, Rajbamsi, Raji, Raute, Sattar, Dhangar/Jhangar, Sherpa, Sunuwar, Tamang, Thakali, Thami, Tharu, and Yakkha. This list is by no means extensive.

### *Identity and Development*

In multicultural Nepal groups are identified by both their tangible and intangible cultural heritage. At a regional level people identify themselves as the inhabitants of eastern, central or western Nepal, or from the mountains, hills or the Terai. They also identify themselves by their caste and ethnic groups and by their religion; Hindu, Buddhist and so on. We can identify Nepalese people through their face and body structure, languages spoken.

In contemporary Nepalese society, migration, change of traditional occupations, change of religion, modern education and urbanization have all contributed to ethnic and folk groups identifying themselves in different ways. Linguistic and ethnic identities are receiving greater prominence as Nepal moves forward into a new political era and individuals try to place themselves within a plethora of social groupings. The National Foundation for Indigenous Nationalities (NFDIN) has recently encouraged different folk groups to study the languages and cultures of groups different from their own, which mirrors at a national level wider international viewpoints, such as the UNESCO declaration on Cultural Diversity (2005) which states that "cultural diversity is as necessary for humankind as biodiversity is for nature" (Article 1).

Having said this, substantial attention has however not yet been given towards addressing the uniqueness of Nepalese cultural pluralism in relation to development. The supremacy of the classical knowledge of Pundits and so-called modern educated elites has often ignored non urban cultures. Thus very little attention has been given to promoting traditional technologies and wisdom, and much more needs to be done.

### **2.3 The Nepalese Context for Intangible Cultural Heritage**

The five domains of the Convention on ICH<sup>3</sup> provide a starting point, however they are by no means complete in the Nepalese context. 'Intangible Cultural Heritage' is a fairly new term and concept in the Nepalese academic field. Previously the domains of ICH were discussed under the general term of 'Folklore'. In the context of Nepal, Folklore is largely understood as being divided into two overarching domains: (a) Oral Traditions and Performing Arts and (b) Customary and Material Folklore.

In essence, the former is more intangible and the later is more tangible, although for many Nepalese it is difficult to make such a clear cut distinction between them. Hence this monograph will focus on the former, without ignoring the later. At the core of ICH in Nepal are oral traditions. In general, oral traditions in Nepal are understood as expressions by word of mouth, such as phrases and idioms, recited poems, chanted hymns, recounted tales, ballads, epics, folk tales, riddles, proverbs and narrated myths and legends. All these, together with folk songs and folk dramas make up folk literature. Indeed, as Osman points out, some of the items such as folk tales, myths, legends, epics, ballads and historical recollections are oral narratives, whilst others, such as riddles, proverbs, hymns, chants, dirge and folk poetry are non-narratives (Osman, 1982:81-91).

In a Nepalese context ICH also comprises of various types of folk music, folk dances and dramatic performances, which can be understood through the lens or title of 'Folk Performing Arts'; performed by individuals or groups. Whilst the proponents of Performance Theory conceptualize both oral traditions and folk performing arts as one; under the term "verbal art", considering both as performance (Bauman, 1984), the authors prefer to follow the domains of the UNESCO ICH Convention by making a distinction between "Oral Traditions" and "Folk Performing Arts", because it is believed to be more appropriate to the

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<sup>3</sup> These are: oral traditions, performing arts, and social practices/rituals, practices concerning nature and the universe and traditional craftsmanship.

Nepalese context. Each domain has so many forms and examples that to prescribe only one definition does not in fact allow for the intricate differences (although, as with all definitions, they can be limiting and restrictive).

Having said this, the life cycle rites and various types of rituals, social practices including ceremonies, and festivals are all aspects of customary (or behavioural) folklore, and because they represent social practices, and wider institutions the authors will refer to the aforementioned as "Customary Folklore". In fact, various types of narratives such as myths, legends, songs, hymns, ritual songs, dirges, as well as dances and plays when accompanying social practices and festive events represent customary folklore. In Nepalese traditions, various types of songs, dances and myths and legends are closely linked to rituals and festivals (which will be further discussed in section 2.8).

Artistic, functional objects made by folk groups, such as musical instruments are created to be practical and visually pleasing. They are also symbolic representations of the knowledge and skills used in creating them, and whilst the products are physical and tangible, the knowledge, skills and cultural associations attached to them are intangible. Hence, in order to fully comprehend ICH in Nepal, one needs to acknowledge "Material Folklore".

Thus, following a Nepalese framework on folklore and tradition we can discuss the intangible cultural heritage of Nepal within the following fluid domains:

- (a) Oral folklore
- (b) Performing folk arts
- (c) Customary folklore
- (d) Material folklore

## **2.4 The Characteristics and Dynamics of Intangible Cultural Heritage**

ICH or folklore (as it is understood in Nepal) has some basic characteristics. It is traditional rather than modern; it is group based rather than individual; and oral rather than written. It is handed down from generation to generation. ICH contains the beliefs, customs and thinking of a group of people, and it describes the deeds of ancestors, including their contributions towards communities, society and mankind. Those who carry traditions can be called the 'tradition bearers'. The singers of folk songs and the tellers of folktales are both examples of tradition bearers because they are knowledgeable persons who disclose the history of their folk group, and often also create stories of the universe and origin of their people. This tradition is alive in all Nepalese folk groups because it is the mainspring of any group. In most cases the origin of traditional intangible heritage forms is unknown, and indeed focus on an individual is often not important. All folklore items are the property of any given group in Nepal i.e. ICH has no individual ownership.

ICH and folklore are therefore not something that is newly created with each generation; rather it is transmitted through language and learnt from older generations. Oral literature is learnt through word of mouth, whilst the performing arts such as music, dance, drama and games are learnt by regular practice. Sometimes regular practice is taught under the guidance of a teacher or 'guru'. Thus the *Guru Parampara* "teaching tradition" is an institution in

itself; the key transmitter of all kinds of traditional performance, whether the end product is tangible or intangible. The teacher of folk music, the teacher of shamanism, the teacher of priesthood (for performing rituals), the teacher of faith healing and of textile weaving – are all vehicles for transmitting ICH.

One of the characteristics of ICH is that it is not age-old and static, but rather a **dynamic** phenomenon, **part of living cultures**. Not only do songs and ballads, proverbs and riddles, phrases and idiomatic expressions, art and crafts transform over time and space, but knowledge, skills, products and performances are also constantly being adapted. For example, each performance of oral poetry and music performed by the same tradition bearers may slightly vary. Folktales can also be narrated in a slightly different way each time they are performed, because they too are fluid, just like the cultures they are part of. Factors such as the nature of the audience and venue can also have an impact on delivery, and thus ballads and epics have multiforms. Furthermore, the handmade masks, khukuris, water jars, pottery (all part of material culture) also show variations in design, just as the customs and social practices they serve are constantly changing. The same is true for festivals and fairs. Adaptation is an organic process for Nepalese folklore and ICH.

There is also always the possibility that traditions die out. If a group is relatively small, many of the languages, oral traditions, various types of performing arts, customs, beliefs and practices, as well as their knowledge, and skills may be threatened if they are not transferred to younger generations. This can be a great loss. If language, which is the basis of oral traditions is lost, many other things that the language supports or influences, may also disappear. Joshua Fishman very aptly remarks that:

*"Our minds are culturally fashioned so as to discern attributes in our language of everything that it is theirs. And when we loose our language we loose an entire world of seemingly automatic and immediately symbolic associations with the history and attainments of our own slice of humanity; in other words our own self-concepts become altered thereby. The turns of phrase that were parts and parcel of patrimony inherited from gifted kinfolk, historical events, triumphs of the mind, or ascents of God per se, exist no more, and it will take unfold time for a successor's language to develop new ones that are as rich in symbolic value for anywhere near as many members of the speech community. The shared symbols associated with a language are the shared sinews of community and of group identity"* (Fishman, 2005:245).

## **2.5 The Nepalese Languages: a Vehicle for Intangible Cultural Heritage**

As has already been stated, Nepal is a language store house. Grimes (2000) lists 126 spoken languages in Nepal whereas the Population Census of Nepal 2001 states that there are only 92 languages. A list of the languages defined in the National Census 2001 is given in Annex 2. Historically all the Nepalese languages are grouped into four families: Indo-European; Tibeto-Burman; Dravidian; and Austro-Asiatic. Indo-European languages are spoken in the Terai and Hill regions, and in some parts of the Himalayan areas. Tibeto-Burman languages are spoken in the Himalayan and Hill regions and in some parts of the Terai since the 1950s large numbers of people who speak Tibeto-Burman languages have migrated from the hill



regions to the Terai, and Dravidian and Austro-Asiatic languages are mostly spoken in the Eastern Terai region.

Out of 92 languages (CBS, 2002) only 14 are spoken by more than 100,000 people in Nepal, and hence they are categorized as the major languages of Nepal. They are Nepali, Maithili, Bhojpuri, Tamang, Tharu, Newar, Magar, Awadhi, Bantawa, Gurung, Limbu, Bajjika, Rajbamshi and Sherpa languages. Bajjika, a language spoken in the Bihar state of India has only recently been recognized in Nepal in the census of 2001. In the second category, there are 16 languages spoken by more than 10,000 people. They are Chamling, Santhali, Chepang, Danuwar, Jhangar, Sunuwar, Majhi, Thami, Kulung, Dhimal, Angika, Yakkha, Thulung, Sangpang, Bhujel and Darai.

In the third category there are 42 languages spoken by less than 10,000 speakers, out of which about 40 languages are spoken by the indigenous people: Khaling, Kumal, Thakali, Chantyal, Dumi, Jirel, Umbule, Puma, Hyolmo, Nachiring, Dura, Meche, Pahari, Lepcha, Bote, Bahing, Koyu, Raji, Hayu, Byangsi, Yamphu, Ghale, Khadiya, Chiling, Lohrung, Mewahang, Kaike, Raute, Kisan, Baram, Tilung, Jerung, Dungmali, Limkhim, Kusunda, Koche, Sam, Kagate, Chintang and Lhomi. In addition, Sanskrit is the classical language of the Hindu Pundits, Tibetan is the language of the Buddhist Lamas and Churauti is a variety of Nepali language used by the Hill Muslims. Nepalese Sign Language was recognized for the first time in the National Census of Nepal, 2001.

Only a handful of spoken languages in Nepal have written traditions; namely, Nepali, Maithili, Bhojpuri, Awadhi, Tharu, Newari, and Limbu<sup>4</sup>, which all use *Devanagari* script. Previously, *Mithilakshar* was used to write Maithili, and *Ranjana* was used by speakers of the Newari language. Traditionally, Tibetans have used a different script to *Devenagari*, however these days the speakers of various Tibeto-Burman languages also find it convenient to use *Devanagari* in Nepal.

A large number of people known as Hill Brahman, Chetri, Sanyasi, Kami, Damai, Badi, Sarki, and Gaine (Gandharva) speak Nepali as their mother tongue. Various caste groups of the Terai use the dominant language of the region such as Maithili, Bhojpuri and Awadhi. Even the language of the Tharus in the Terai is heavily influenced by these major Terai languages. Most of the speakers of various languages of Nepal use Nepali as their second language. Generally, different groups in rural areas use their own languages within their groups and Nepali as a *lingua franca*.

## 2.6 Oral Traditions and Folk Literature

As has already been stated, oral traditions are oral expressions "spoken, sung or voiced forms of traditional utterances" (Dorson, 1972: 2) known as folk literature, including prayers and curses, tales and memories, myths and legends. Sometimes *lokoti* "saying of the folk" is used to designate idioms and phrases as well as proverbs and riddles. The idiomatic expressions of the phrases are in essence colloquial metaphors based on the knowledge and experiences of the people within a given cultural group.

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<sup>4</sup> Limbu people also use Shreejaunga script.

Children do not use proverbs when they communicate with their elders. Rather, as a mark of status, the wisdom and knowledge of folk proverbs are used to teach juniors by their elders. People who have a high level of competency in the use of their language are likely to use more idioms and proverbs. Riddles are popular among children as verbal games, and in Nepali they are called *gaun khane katha* "the anecdote told to win a village". Whereby a riddler can win over an entire village if the listeners are not able to provide the correct answer! Thus riddles can be used as an important means of creating acceptance and affirming one's position within a village. Riddles are popular among various ethnic groups in the hill areas and the Terai. It is known as *Bujhauwal* in Bhojpuri. Some traditional Nepali riddles have been collected and published, and some of them are also transmitted via radio and television programs. Due to the popularity of riddles amongst children, new riddles have been created, signifying the transformation and renewal of oral traditions.

Nepal has a large number of myths and legends associated with the origins of different ethnic groups; many relating to mountains, hills and rivers. Myths and legends expressed in their prosaic forms are grouped together with folktales in the Nepalese tradition, whilst poetic forms are sung, and they are considered as folk epics and ballads. There are several myths and legends related to the origin of the gods and goddesses, as well as place legends relating to the valley of Kathmandu and different parts of Nepal. Sometimes the same legend will only be expressed in one of the forms whilst in other cases it may be expressed as a mixed form. The *Bharats* being performed by the Hudkyas of far western Nepal, and the story of *Sarumai Rani* sung and told by the Gandharvas of western Nepal are good examples of mixed forms. Sadly however, there remain place specific legends and heroic legends of different linguistic communities which have not yet been documented, such as the *Jari-Sona* of the Dhimals in the Terai.

Far Western Nepal is equally rich in its oral literature as the other districts, especially in relation to epic traditions. The *Hudkyas* are the carriers of the *Bharat* performance, which they sing playing a drum known as the *Hudka*. They sing epics on folk heroes, such as *Sakram Karki*, *Rani Raut*, *Uda Chapala*, and *Rani Maula*. *Chaits* are other forms of mythological and heroic based poems, which are narrated by men and women in the far western region. There are *chaits* of the folk gods and goddesses such as *Ganyap*, *Tulachhaha*, and *Malika Bhageshwar*. There are also some *chaits* of mythological heroes like *Rama*, *Sita* and *Pandavas*. The characters of Ram, Sita and Hanuman are presented as part of an oral recitation of the Ramayana. There are also the *chaits* of historical personalities such as Kings and fighters. Some of the Kings talked of are Ram Shahi, Narapati Shahi and Hari Shahi, and famous fighters include Rupa Shahi, Lal Deuwa, Dipa Rajawar, Piri Bora, Sai Karna (Bandhu, 2001:224–29). There are also notable epics such as *Salhesh* in Maithili Language, *Sorathi-Brijabhar* and *Alha-Rudal* in Bhojpuri and *Ram Bihagra* "the Folk Ramayana" and *Barkimar* "the folk Mahabharat" in the Tharu language of Dang

The most popular heroic poetry of central Nepal is known as *Karkha*. A *Karkha* is sung by professional singers known as the *Gandharvas* - a so-called 'caste of singers'. The *Gandharvas* sing playing a type of fiddle called a *Sarangi*. Their narratives are either based on the classical and local myths like *Pashupati*, *Gorakhanath* or the legends related to historical personalities, which include Kings, prime ministers and famous fighters of the country; such as Prithiwi Narayan Shah, Madan Kirti Shah, Amar Singh, Bhakti Thapa,

Balabhadra, Jung Bahadur, Chandra Shamsher, and Juddha Shamsher. *Gandharvas* also perform tragic ballads like *Sarumai Rani*, and recite narratives composed known locally as *Sabai* and *Ghatana*. *Sabai* is also popular among the Nepali speaking communities in a semi-literary form. It describes tragic events such as wars, earthquakes or floods, as well as the deeds of heroes. The *Bhotko Ladainko Sabai* which describes the war in 1854 between Nepal and Tibet was published in 1855 and remains very popular to date.

Whilst most *Sarangi* and *Hudka* players are men, women sing various mythological, legendry and social ballads notably during their work sessions in the fields. In eastern Nepal, woman sing a mythological ballad called *Kansasur Mama*, where as in western Nepal they sing *Krishna Lila*, *Bala Chandra*, *Sudham*, *Dilli Ram Bhujel*. The legendry ballad of *Bharathari* and *Gopichan*, and some of the social ballads such as *Dhanasiri*, *Deukala Cheli* are sung mainly in the eastern and central areas. These ballads reflect the beliefs of the women, and often serve as a cathartic release against life's hardships.

### *The Role and Function of Oral Traditions in Nepalese Society*

The different languages spoken by each ethnic group represents each group's collective identity, as well as the wider way in which interpersonal communication occurs in Nepalese societies. That is to say that in the context of Nepalese folk life, oral communication is more functional than written forms of communication. Oral traditions are immediate and directly engaging, serving as a point of immediate contact in village communities. Whereas written forms are limited; as illustrated by the fact that according to the 2001 Census only 53% of the population was literate.

Oral traditions are not just forms of entertainment; they also serve various other functions: for example, school children develop their education and socialisation through nursery rhymes, folk tales, riddles and proverbs. It is interesting to note that many creative writers in Nepal enrich their works with elements from oral traditions. *Muna Madan*, the renowned literary work of a great poet, Laxmi Prasad Devkota, is an adaptation and recreation of a Newari folk ballad. In addition, religious songs, prayers and hymns are an integral part of Nepalese religious life, and many songs and performances are interwoven amongst rituals and festivals. Not only do folk songs help to entertain onlookers, but they can provide respite from a day of hard manual work, or song competitions can even act as a way to meet potential spouses!

## **2.7 Folk Performing Arts**

Folk Performing Arts constitute of folk music, dance and drama. There are a variety of songs, dances, and plays performed in different parts of the country by different communities. Each performance creates a unique identity for a particular folk group, and it serves to reaffirm group identity within the wider Nepalese caste/ethnic group. Folksongs are the most popular genre of Performing Arts in Nepalese society. So much so, that Nepalese folksongs are popular in the high hill areas, where the people will use their own Tibeto-Burman languages in their day today functions, yet they will sing in Nepali.

Songs are not only limited to traditional folk singers and dancers like *Hudkyas*, *Dholis*, *Badis*, *Gandharvas* and *Damais*, but are also popular amongst all Nepalese people of all ages. In different regions, children are taught about life through children's folk rhymes or poems, which are recited by the children themselves. Likewise there are songs appropriate for aged men; they sing various seasonal songs and recite poems and prayers. The folk poems composed in traditional folk meters are generally composed and recited by semi-literate Brahmins and Chetris (often with a religious social standing) in the hill regions. Prayers such as *Bhajan* and *Arati* are performed in the temples, pilgrimage sites, and during religious fairs and rites.

The hill regions of Nepal are very much active with songs and dances like *Deuda*, *Jhyaure*, *Selo*, and *Sangini*. Starting from the west, *Deuda* is the most popular among both men and women in the far western hills, *Jhyaure* in the western hills, *Selo* in the central hills and *Sangini* among the women of the eastern hills. Though *Jhyaure* is a general term for folksong, the words *Sangini* and *Deuda* are the songs and dances of the eastern and western regions respectively, and signify their unique cultural traits. Although geographically limited, *Tamang Selo* serves the same function for the Tamangs of the central hill region.

Ritual songs like *Mangal* and *Sagun* are performed mainly by women or by professional singers as part of the performances. Singing of ritual songs is also important for the communities who speak *Maithili*, *Bhojpuri*, *Awadhi* and *Tharu* in the Terai. Seasonal songs like *Tije*, *Malsiri*, *Deusi*, *Bhailo* and *Phagu* are performed during the various related festivals. Hindu women in the hill areas perform *Tij* festival in August dancing to the typical tunes of *Tije* songs. Though the word *Malsiri* came down from classical traditions (Sanskrit) it has a place in folk traditions too, notably during the Nepalese festival of *Dashain*.

The songs of *Deusi* and *Bhailo*, which are sung during the festival of *Tihar* are very popular among the hill people. In some parts of Nepal *Deusi* is performed only by men and *Bhailo* only by women. These are typical songs often sung visiting neighbours homes throughout the festival of *Tihar* in order to wish good health and prosperity to the family members. *Phagu* is more popular in the Terai regions, where it is performed during *Holi* festival in March. It is also celebrated to a lesser extent in the hill areas with local variations.

As Nepal (outside of Kathmandu) is still largely an agricultural society, there are several performing arts associated with this livelihood. For example, work songs are sung during the plantation of paddy, weeding of millet, at the time of harvesting and grinding of corn, and during the husking of rice. *Asare* is sung during plantations in the field, and it is sometimes known as *Ropain Git* "the planting song". The tradition of planting paddy with songs and folk bands of *Panchai Baja* has almost vanished as many young farmers look for jobs in the towns, but *Asare* is still sung alone in some parts. Women also sing songs and ballads during the weeding of millet in the hill areas. However traditional songs are dying out: a typical song called *Dain Git* or "harvesting song" is slowly disappearing, because the boys who would have performed it in the past are now going to schools.

The Gurungs and Athpahare Rais have specific entertainment houses called *Rodighar* and *Deraghar* respectively, and it is here that young men and women traditionally assemble for singing and dancing; it serves as a courting place for young boys and girls - a place to meet

potential spouses. However during the last twelve years of insurgency many of these places have closed down due to the restrictions placed on groups gathering and fear of intimidation.

Like the other regions, Western Nepal has many unique folk dances/songs and dramatic performances. *Sorathi* is perhaps the most popular one. The story of *Sorathi* which is dramatized in the Magar and Gurung communities of central Nepal is also performed in some of the villages of eastern Nepal, and in the Nepalese populated villages of north-eastern India. There are Bhojpuri, Maithili and Tharu versions of *Sorathi*. In addition, *Ghantu* is another dramatic performance which is mainly performed in the Magar and Gurung communities of western Nepal, in which virgin girls are selected to perform a colourful dance.

For the Dimals, the performance of the *Badha Nhaka* is their great dance drama. Around 400 years ago singers, saints and travelers came and helped spread different verbal art form. The contribution of Gorakhapanthi saints should also be noted in relation to the performances of *Sorathi*, *Gopichan* and the song of *Bharathari*. For Sherpa Buddhist monks, *Mani Rimdu* is a significant dance-drama performed during the Mani Rimdu festival at the Monastery of Tengpoche. It is essentially a prayer ceremony in which the dances are symbolic, as are the special costumes and masks worn by the monks. The main purpose of this dramatic performance is to initiate the fundamentals of Buddhism as practiced by the Sherpas (Fantin, 1976:19).

There are many other examples of dramatic performances. For example, the episodes of *Ramayana* and *Mahabharata* are also performed in many communities during night-long *Bhajan* (song and dance) sessions after the *Satya Narayan Puja* and *Saptaha*. In *Bhajan*, the singer is the main performer, whilst in *Balun* groups of four, eight or sixteen perform important portions of the *Ramayana* and *Mahabharata*. In addition, the Tharu communities of Dang perform *Barkimar*, the Maithils of the Terai *Jat-Jatin*, and the Newars of Kathmandu perform *Charya* and *Kartik Nach* in Lalitpur.

During traditional performances people use different types of folk musical instruments and costumes. There are varieties of folk musical instruments used locally in many parts of the country. Some of them are collected and preserved at the Museum of Folk Musical Instruments in Kathmandu (mentioned in Chapter 3). In most of the dances and dramas typical dresses and costumes are also worn that serve as visual markers for unique cultural identities.

## 2.8 Customary Folklore

In Nepal, rituals are related to the life-cycle activities of people, whilst festivals are related to the annual lunar cycle and agricultural calendar. Different castes and ethnic groups perform their life cycle rituals in different ways. Birth, initiation, marriage and death rituals each have unique rites (prescribed customary acts) with interesting variations. For example, the Newars perform *Ihi* also known as *Bel Bibaha*, which is the symbolic marriage of young girls to nature. The girls are dressed in wedding attire and the rite is performed as a group whereby the girls give offerings to the sun.

Various songs and dances are performed for the sake of good rains and agricultural prosperity, such as *Bhoto Jatra* and *Indra Jatra*, and for the good health of children, *Ghode Jatra* in Kathmandu Valley. Related to well being, *Chhatha* is celebrated by the Maithili people and *Mhapuja* by the Newars in order to encourage the well being of the self. Similarly, *Dashain* and *Tihar* (already mentioned) are also celebrated for the well being and re-union of the family.

It is important to note that different castes and ethnic groups sometimes celebrate the same festival but on a different day and in a different manner. New Year is such an example, whereby it is celebrated by different ethnic groups such as the Sherpas, Gurungs, and Thakalis on different days of the year, just as Hindu caste based groups celebrate New Year in mid-April in different ways (this is called *Bisu* in far western Nepal).

There are some festivals that are celebrated every 12 years. One of them is *Bya-La*, a festival organized in Baudhdhanath, Kathmandu. *Gaura* is another important festival in the far western region celebrated by women in the month of August. Some performances like *Chaits* and *Athawali* are related to this festival.

Pilgrimage to holy places is an important custom of Hindus, Buddhists and Muslims alike. Both Hindus and Buddhists visit Muktinath and Pashupati. Lumbini (the birthplace of Lord Buddha) is perhaps the most sacred site of pilgrimage for Buddhists and there are many important pilgrimage sites for Hindus; notably, Gosainkunda, Devaghat, Baraha Chetra, and Triveni.

## **2.9 Material Folklore**

Material folklore has a visible component. However, the knowledge and skills inherited by the folk group are invisible and intangible. For centuries various ethnic groups of Nepal have survived due to their knowledge and practices relating to nature and the universe, which has been handed down from generation to generation through spoken word. The knowledge of cultivating fields and taming animals, preparing and using agricultural tools, designing houses and furniture, using tools and techniques for fishing, hunting and gathering are all skills passed from generation to generation. In addition, medicinal plants and herbs have been sourced and used to become part of systems of diagnosis of diseases and healing practices. Such practitioners in various ethnic groups and communities are the pioneers of traditional ecology, ethno-zoology, ethno-biology and ethno-botany.

Traditional arts and crafts are unique examples of material folklore. The distinction between arts and crafts is well made by Henry Glassie (1972:253) when he says: “*if a pleasure-giving function predominates, the artifact is called art, if a practical function dominates, it is called craft.*” In Nepal traditional craftsmanship is closely related to the caste system. Traditionally various castes of the hill such as *Kami* “blacksmiths”, *Damai* “the tailors and drum beaters”, *Sunar* “the goldsmiths” all came from so-called untouchable castes. Whilst a law in the 1960s legally emancipated the so-called lower castes they remain important tradition bearers in the villages, serving people by making and repairing agricultural tools, ornaments and clothes for men and women.

The *Gandharvas* who make *sarangi* "the fiddles" and *Badis* who make the *madal* "the drum" for musical performances and dances are still active in their occupation. It is important to note that not all the occupational castes are socially ranked at the lower levels of caste hierarchy. The Newars of Kathmandu who are very skilled in metal works manifest a high level of craftsmanship and prepare images, artifacts, ornaments and jewellery. In doing so the highly skilled nature of their craftsmanship serves to elevate them in society. Similarly in the Terai, the Tharu women who prepare artistic *Dhakkis* "containers", and the Maithili women who prepare hand-made Mithila paintings (often for export), both enjoy some social kudos from their crafts. Indeed, craftsmanship and social status also come into play with the artisans who make brass works from Palpa and Chainpur, Khukuri from Salyan and Bhojpur.

## CHAPTER 3

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### **Institutions and Agencies involved in the Management of Intangible Cultural Heritage**

*Bhim Nepal*



In the context of Nepal, there are a number of governmental and non-governmental institutions and agencies, at a national and local level, that directly and indirectly play a vital role towards the management and promotion of intangible heritage and folk culture. There is currently however no formalized coordination of activities amongst the organizations listed below. This chapter aims at presenting a brief introduction to, and synopsis of the key agencies involved in developing the ICH of Nepal.

#### **3.1 Government Management Structures**

##### *Ministry of Culture, Tourism and Civil Aviation*

The Ministry of Culture, Tourism and Civil Aviation (MOCTCA) is the overall responsible body at central governmental level for the safeguarding, promotion and revitalization of the ICH of Nepal. Within the Ministry there is the 'Preservation & Promotion of Cultural Heritage section' which is the unit directly responsible for ICH. Overall MOCTCA is responsible for preparing cultural policy, planning programmes, and creating legislation to foster the development of Nepal's cultural heritage. MOCTCA is also responsible for drawing up bilateral and multilateral cultural agreements with other countries, and for ratifying international conventions relating to the safeguarding and promotion of tangible and intangible cultural heritage. Thus the Ministry functions as a central coordinating body working alongside other organizations concerned with cultural heritage. In addition, MOCTCA provides a degree of financial support to public and private cultural organizations for the safeguarding and promotion of traditional cultures and associated performing arts.

##### *The Department of Archaeology*

The Department of Archaeology (DOA), under MOCTCA, is the principle organization working on the preservation of tangible cultural heritage in Nepal. In addition, it provides some financial support towards the promotion and continuation of significant religious and cultural dances, festivals and activities largely in the Kathmandu Valley<sup>5</sup>. It also prepares a number of audio-video recordings on various types of intangible heritage, such as religious festivals, rites and worship rituals. The Ministry in collaboration with the DOA started preparing an inventory on various types of tangible and intangible heritage within the Kathmandu Valley, with the aim of widening the study in future years. The DOA has also been financially supporting over 40 local organizations that conduct festivals each year.

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<sup>5</sup> Many development initiatives continue to focus on the Kathmandu Valley, however there is a growing realisation within the government and civil society that more needs to be done further a field.



The DOA is ultimately responsible for collecting various types of ethnological objects through its three regional museums, which are in Pokhara, Dhankuta and Surket. It also publishes a Journal titled "Ancient Nepal" that includes articles relating to current anthropological and archeological findings in Nepal.

#### *Development Trusts, Municipalities and Village Development Committees*

The Lumbini and Pashupathi Development Trusts are representative of localized government bodies that contribute funds and coordinate religious activities and festivals within their respective areas. In addition each Municipality and Village Development Committee (VDC) across Nepal is responsible for preserving their own religious and cultural activities within their municipal and VDC areas. However, there is currently no policy stating that VDCs are directly responsible for the safeguarding and promotion of ICH at a local level, nor do they currently have a regular income source to carry out such activities. Yet, their position as local level authorities puts them in a prime place to act as middlemen between national government and concerned agencies, as well as with local performers and tradition bearers.

#### *The Cultural Corporation*

The Cultural Corporation in Kathmandu, is a government owned corporation established in 1972. Under the provision of the Communication Corporation Act it aims at raising awareness on cultural heritage. It is also responsible for organizing cultural exchange programmes abroad, such as dance performances and art exhibitions. The Corporation also organizes and participates in festivals, and it conducts short and long term training programmes in acting, dancing and music. Thus the Corporation plays a vital role in preserving and promoting the Nepalese culture.

#### *Guthi Samsthan (Corporation)*

There are about 4000 different types of *Guthi* altogether (including private *Guthis*, see p. 22). The *guthi* system is a very old communal tradition in Nepal; it is believed to have originated in the 7<sup>th</sup> Century. Essentially, the *Guthi* Corporation is a centralized trust run under the auspice of the government. It consists mainly of cultivated land, from which the revenue is used for the performance of rituals, and maintenance of their associated religious monuments. In other words it was established to preserve religious, historical and cultural activities. The *Guthi* Corporation was formalized under the provision of the *Guthi* Corporation Act (1964) - under the Ministry of Land Reform and Management and it is run by a board, which is entrusted with the management and protection of all *guthi* lands across Nepal.

The funds that support the functions of the *guthi* come from the revenue collected from the tillers of the endowed *guthi* lands. At present there are approximately 67,000 Bighas (approximately 5,836.23 hectares) of fertile land in the Terai belt in southern Nepal, and 535,000 Ropanis (27,226.46 hectares) in the mid hills and valley belonging to the *Guthi* Corporation. However, the collection of funds from these lands has proven to be very difficult. The *Guthi* Corporation has suffered several set backs over the last 30 years. Namely, after the amendment of the *Guthi* Act (1972), *Guthi Adhinastha* land (land

ploughed by tillers) was converted into *raikar* i.e. land that could be sold, which over the years has led to a loss of income. The interest on the money made from selling land has been used for *guthi* administrative and activity purposes decided upon by the Executive Board. At present, largely due to low interest rates, the *Guthi* Corporation struggles to fund all necessary activities.

The *guthi* system i.e. the Corporation and private *guthis* (see p.22) have the potential to be effective organizations in promoting and safeguarding both tangible and intangible cultural properties. Sadly, however, at present many lack effective management structures and funding.

#### *The Nepal Academy*

The Nepal Academy in Kathmandu is an autonomous research institution (supported by the government) established in 1957. It conducts research and provides scholarships for research in relation to language, literature, social sciences, folklore, music and the arts. The Academy provides regular training in dance and performing arts, and acknowledges and felicitates artists and scholars every year. The head of the institution is officially the Prime Minister and it functions through a council of senior academics led by the Vice Chancellor. It has a substantial role that it could play towards future ICH activities (see Chapter 6).

#### *The Nepal Association of Fine Arts*

The Nepal Association of Fine Arts was established in 1965, and was incorporated as part of the Nepal Academy in 1977. It is devoted to fostering and developing fine arts, paintings, sculptures and graphic arts in Nepal. It also promotes research activities in the aforementioned areas of interest.

#### *The Nepal Copyright Registrar's Office*

The Nepal Copyright Registrar's Office (under MOCTCA) was established under the provision of the Copyright Act, 2002, in 2003. The main function of the office is to protect the intellectual and creative rights of authors and artists in relation to their work. It essentially has the authority to register and copyright literary and artistic works.

#### *The National Foundation for the Development of Indigenous Nationalities*

The National Foundation for the Development of Indigenous Nationalities<sup>6</sup> was established in 2002 in order to promote the social, economic and cultural development of indigenous nationalities in Nepal. The Foundation is headed by the Prime Minister and Vice Chairman, and the other members are approved by the government. NFDIN supports individuals and institutions towards studying the languages of Nepal, awareness raising activities and a variety of programs relating to the education of indigenous nationalities, such as the building of libraries and reading rooms.

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<sup>6</sup> According to NFDIN an 'indigenous nationality' is a 'community who has its own mother tongue and traditional culture and yet does not fall under the conventional fourfold VARNA of the HINDU VARNA system or the Hindu hierarchical caste structure.' A government report in 1996 identified 61 such groups.

### *The Nepal National Commission for UNESCO*

The Nepal National Commission for UNESCO, under the Ministry of Education and Sports is implementing ethnological studies relating to the safeguarding and promotion of tangible and intangible cultural heritage with the financial support of UNESCO Headquarters in Paris. It is currently conducting a study on the Musahar.

## **3.2 Other Key Stakeholders**

### *Educational Institutions*

In the context of Nepal, some tangible and intangible cultural heritage education has already been introduced into school-level and higher-level education curriculums as part of social studies. Many schools (both government and private) across Nepal also play a vital role in celebrating events such as ‘Cultural Diversity Day’ on 21 May and so forth. Furthermore, Tribhuvan University and other universities in the country conduct research and provide scholarships for ethnographic studies on various forms of intangible cultural heritage. To date these have included studies on the languages<sup>7</sup> and the cultural practices of many ethnic groups, such as the Gurungs, the Chepang and the Limbus.

### *The Nepali Folklore Society*

The Nepali Folklore Society was established in 1995 as a non-profit academic organization with the aim of preserving and promoting the folklore and folk life of the country through conducting and publishing field based research. It is playing a vital role in the preservation and promotion of ICH through skill based workshops for fieldworkers, lectures, and discussion programs. The Society has already conducted research on: the Gopalis, Danuwars, Gandharvas, Tharus, Meches and the Athpahare. In addition the society collects materials related to folk culture and organizes seminars and workshops for the promotion and safeguarding of folklore (see Chapter 4). Bi-annually it publishes a newsletter; ‘Nepali Folklore and Folk life’ which provides information on current research and future programs. They currently have over 24,000 photographs, 170 hours of video material and 430 hours of recorded audio materials.

### *The Federation of Handicraft Associations of Nepal*

The Federation of Handicraft Associations of Nepal, a service oriented non-profit organization of private sector business and artisan communities, was established in 1972. The main objective of the association is to promote and enhance handicraft trade and industry. It is the largest organization in the country that focuses on handicraft trade with more than 1200 members.

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<sup>7</sup> In relation to languages it is important to acknowledge the work of the Linguistic Society of Nepal, which was established in 1979 with the mandate to promote and research linguistics in Nepal.

### *Music Nepal*

Music Nepal is the largest music publishing house in the private sector. The Kathmandu based institution was established in 1982. It has set up a separate wing for cultural preservation and plays a vital role towards the promotion and enhancement of folk performing arts by producing and distributing albums.

### *The Nepal Folk Musical Instrument Museum*

The Nepal Folk Musical Instrument Museum at Bhadrakali in Kathmandu is a non-governmental museum, which was established in 1997. In the collection there are roughly four hundred traditional musical instruments from various caste and ethnic folk groups. Linked to the museum is also a publication by Mr. Kandel, "Folk Musical Instruments of Nepal" (2001), which is a start towards the documentation of musical instruments in Nepal.

### *Radio and Television*

In this regard both of these forms of media contribute by recording, organising and broadcasting the folk culture of the country. Shows featuring folk songs and dance are broadcasted both locally and nationally daily and are widely watched on channels such as Image Channel and Nepal Channel One.

### *Private Guthis*

The private *Guthi* system is generally found only in Newar communities both in and outside the Kathmandu Valley. The private *Guthi* is a 'common trust', and the source of income comes from the descendents of a group of Newar families. The *Guthi* system is an organic part of the social and cultural life of Newars and it is in effect a form of social security based on the ownership of land. Among the Newars, the term '*Guthi*' is also used to denote an organization based on caste or kinship, or occasionally on geographical propinquity, which insures the continued observance of social and religious customs. It is worth noting that further research needs to be done in relation to other ethnic and folk groups who may have similar systems to the *Guthi*; at present most research has been conducted on Newari *Guthis*.

### *Communities, Folk groups and other Privately Owned Cultural Organizations*

There are over 50 community based cultural centers or organisations scattered across the country, which are also playing a vital role in safeguarding and promoting folk performing arts<sup>8</sup>. Most of these organizations are involved in training and/or conducting performances as well as research and collecting material folklore. Folk groups and ethnic groups are also

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<sup>8</sup> They include: Namuna Yuba Samuha, Udayapur; Chakali Jansewa Samskritic Samuha; Sumnima Theater Academy, Khotang; Bhanu Kala Kendra, Biratnagar, Morang; Sagarmatha Pariwar, Okhaldhunga; Mithila Natya Parisad, Janakpur; Nawaudaya Rangamancha, Morang; Narayani Kala Mandir, Chitawan; Sadhana Kala Kendra; Mandapika Kala Samuha; Manamajju Samskritic Samaja; Pragatishil Kala Samuha; Everest Audio-video P. (Ltd.), Kathmandu; Om Shiva Kala Mandir, Kashki; Nawayuga Samskritic Samuha, Dang; Jumli Kala Samskritic Manch, Jumla; Phulbari Samaja, Dailekh; Saupal Samskritic Kala Kendra, Humla; Khaptad Samaja, Kanchanpur. This list is by no means complete.

establishing their own museums, such as the Tharu museum in Dang, which officially opened in 2007.

*Youth Clubs: Athpahare Rai Cultural Clubs and Gurung Rodi Clubs*

Many ethnic and folk groups have informal/formal cultural clubs largely for children and youth to learn the songs and dances of their own folk group, two such well known clubs are the Athpahare Rai Cultural Clubs and Gurung Rodi Clubs. Rodi is a traditional club of Gurung boys and girls, which is responsible for performing, and safeguarding folk songs and dances, such as *Ghatu*, *Kaura*, *Chudka* and *Dohori Geet*. It is also a training institution, where Gurung boys and girls can learn different types of dances and songs. However during the last 11 years of conflict the practices of Rodi and other cultural clubs have largely been suppressed, as gatherings of groups were often forbidden.

## CHAPTER 4

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### Research, Documentation and Training: Past Activities related to Intangible Cultural Heritage

*Tulasi Diwasa and Chura Mani Bandhu*



This chapter provides a summary of past government and non-governmental initiatives in relation to ICH. Many of the organisations mentioned and introduced in Chapter 3 are elaborated upon in this chapter.

#### 4.1 Government Initiatives

So far documentation and inventories on various elements of ICH are being carried out by the government, educational institutions, societies, scholars, artists and individuals. As already mentioned, MOCTCA has been preparing a roster of artists, scholars, professionals, and experts, who are working or involved in the field of tangible as well as intangible cultural heritage since 2005. The Ministry is also collecting data on various elements of ICH in the country through the Nepal Academy (see section 3.1).

In addition, the *Guthi* Corporation has a number of documents and audio-video recordings on festivals, rites and rituals, and the DOA has a collection of representative tools and cultural accoutrements, such as the dress and ornaments of different ethnic and folk groups in its three regional museums. Documentary films on various types of ICH such as festivals, and folk performing arts have also been produced by the Nepal Tourism Board for the promotion of tourism. However a consolidated and coordinated approach is still lacking.

#### 4.2 The Study of Nepalese Languages

In the beginning, the unwritten languages of Nepal were studied by native and foreign scholars. After Tribhuvan University was established in 1959, a few teachers and students collected materials on different languages and dialects. However the collection and analysis of unwritten languages in Nepal using a systematic approach did not begin until the mid 1960s by the linguists of the Summer Institute of Linguistics (SIL), and during that decade several spoken languages were identified and analysed. SIL worked in Nepal under the auspicious of Tribhuvan University and in 1979 the linguists of Nepal established the Linguistic Society of Nepal to promote and preserve the languages of Nepal.

In 1993 the government of Nepal formed a commission to recommend the promotion of the use of the languages and dialects of Nepal, and hence the Central Department of Linguistics was established in 1996. The department organised several workshops, seminars and conferences including the Himalayan Language Symposiums in 1999 and 2006. The teachers and students of the department have conducted fieldwork and analysed several unwritten languages, and the department has also collaborated with other organisations such as the National Foundation for the Development of Indigenous Nationalities, which has focused on collecting and documenting unwritten and endangered languages in Nepal.

The German funded “Chintang and Puma Language Project” (which is part of the DOBES programme started by the Volkswagen Foundation in 2000) has also focused on studying and documenting unwritten languages through the use of audio-visual equipment. Chintang and Puma are spoken in localities situated to the south and south-east of the Everest region, and both languages belong to the Kiranti family of Tibeto-Burman, which includes more than thirty languages in East Nepal. The linguistic studies have focused mainly on compiling dictionaries, writing a sketch grammar, devising orthographies for the languages and sociolinguistic studies.

### 4.3 The Study of Oral Traditions and Folk Performing Arts

The collection of Nepalese folklore and elements of ICH started in the 1930s (with the rise of printing and recording equipment) through the compilation of folksongs, folktales and proverbs. Analysis of various genres of folk literature developed through the establishment of academic institutions such as the Nepal Academy and Tribhuvan University. Foreign and native scholars have taken an interest in the oral traditions of ethnic groups, and hence oral traditions such as Nepali, Maithili, Bhojpuri, Awadhi, Tharu, Newari, Kirati and Dhimal have already been documented.

The general practice of storytelling in Nepalese communities in rural areas has changed and evolved dramatically in the last 30 years. It is now less common to find adults sitting around fireplaces and telling folk tales to their children. Migration, modernisation and the schooling of new generations has led to a change in the manner of story telling. However, the following traditional folk and fairy tales, such as the *Sunkesi Maiya* "The Golden Hair Girl", from central Nepal, *Raja Mauna* "King Mauna" from east Nepal, *Jyapuko Jit* "The Victory of the Farmer" from the Kathmandu Valley, *Khira Pak Tauli* "The Magic Pan" from the far west, as well as the tales of *Gonu Jha* from Mithila and the tales of the Yeti from the mountains still remain popular and have been published for children and adults alike.

Dissemination of folk songs via disc records began in the early 1930s. Later after the establishment of Radio Nepal, folk songs were widely disseminated, which resulted in mass demand for cassettes and CDs of Nepali folksongs. This trend was started by Setu Ram, Mitra Sen Thapa and Bahadur Singh Baral in the 1930s, who promoted Nepali folk performances and culture within the Nepalese groups living both in India and Nepal. Throughout the second half of the last century, organisations like Radio Nepal, Ratna Recording Trust, Nepal Television, and Music Nepal have popularised Nepalese folksongs and folk dances by awarding the creators and tradition bearers (often through competitions).

The traditional songs of some folk groups are however almost on the verge of extinction, largely because indigenous nationalities are increasingly influenced by mainstream Nepali songs on radio and television. Modernisation and changing lifestyles have compelled many performers to shorten the traditional oral recitations of the epics; for example, these days, performers are often requested only to perform pieces of the *Ramayana*- viewers preferring shorter segments. Various other legendary, mythical and heroic epics face the same problem. The theatrical performances of *Sorathi* and *Ghantu* of the central hill areas, *Kartik Nach* of Patan, *Asthmatrika* dance-drama of Kathmandu valley, the *Bharats* of Karnali and Seti zone, *Loriki*, and *Jat-Jatin* of the Maithili speaking area, *Chanani* of the Awadhi speaking area,

and *Barkimar* and *Sakhia* of the Tharus of Dang are all facing the possibility of dying out. Many of the professional singers, players and performers of the epics and ballads, such as the *Gandharvas* and *Hudkyas* have found other jobs, and those who remain are poorly encouraged. Many performances may in fact be disappearing as there have been few suitable environments for traditional performances during the last 12 years of national conflict: indeed research into this would be very enlightening.

There is no doubt however that the feudal system in the last century has helped to promote folklore. Feudal lords safeguarded the occupational groups and skilled artisans by employing them in construction work and by buying their products, as well as by rewarding singers and performers (from occupational groups) for their performances. Hence, feudal life is very much reflected in the songs and poems of the Nepali oral traditions.

As the numbers of traditional performances have decreased (partly related to increased opportunities in towns and cities), younger generations have become reluctant to learn and play folk musical instruments. Nepal has a large number of folk musical instruments, some of which have been collected at the Nepal Academy and at the Bhadrakali museum of folk instruments. However, more museums need to be established at a regional level, and government initiatives should encourage local people to be trained in using traditional folk instruments.

In the 1950s persons such as Dharma Raj Thapa, Satya Mohan Joshi, Lakshaman Lohani and Kaji Man Kandangwa contributed towards the promotion of Nepalese oral traditions. In the 1960s the Nepalese word *lokavarta* for folklore was introduced, and teachings on folklore with special reference to folksongs and folk dances were promoted by Professor Tulasi Diwasa. Furthermore, in 1988 the Lotus Research Centre (LRC) was founded, which focuses on research and programmes related to Buddhism. The LRC posts articles on the World Wide Web, thus utilising a modern method to disseminate information.

Since the 1960s various journals<sup>9</sup> and magazines have contributed towards promoting folklore, such as the Nepal *Sanskritk Samsthan* "Nepal Cultural Corporation" and Tribhuvan University publications. Tribhuvan University and other educational institutions in the country have conducted research activities and provided scholarships within the fields of Nepalese history, religion, sociology, anthropology and archeology. There is also a newly devised post-graduate level curriculum on Nepali and Linguistics which emphasises the theoretical aspects and methodology of folk linguistics and literature. It is worth noting that there are also a number of smaller independent institutions and schools providing training in dance and music e.g. the Padma Kanya Campus, Kathmandu.

In the 1970s some important research projects were carried out by the Nepal Academy. The Karnali Folk Culture Project was lead by Satya Mohan Joshi and the Dhimal Folk Life Study Project by Professor Tulasi Diwasa. In 1975 the Nepal Academy published a compilation of folktales collected and edited by Professor Tulasi Diwasa. For the first time, the Academy

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<sup>9</sup> Such as *Hamro Sanskriti* "Our Culture", which has published songs and folktales from different parts of Nepal.



also organized a seminar on Nepalese folklore and culture which was coordinated by Professor Diwasa, and the proceedings published in 1978.

In the 1990s, the Nepal Academy published a bilingual journal *Sayapatri* with materials in indigenous languages and in Nepali. Some folklore materials in Newari, Maithili and Tharu were also published. But these are just a small part of the vast number of oral traditions facing endangerment, due to the passing away of tradition carriers, unwillingness of the new generations to carry them on, and possibly a shift of emphasis onto economic well being rather than on cultural prosperity and identity.

The Nepali Folklore Society (NFS) has in fact organised several folklore conferences aimed at promoting the study of Nepal's ethnic and folk groups; notably in 2001, 2003 and 2006. In addition, a *Sarangi Diwasa* ("Day") was held in Kathmandu in collaboration with the Gandharva Art Culture Organization in 2003 and in 2006, with the aim being to disseminate the significance and role of the Gandharvas in Nepalese society, and to make the Gandharvas themselves aware of their unique cultural identity. NFS has also started the Folklore and Folk Life Study Project (2005-2008) with Finnish support, which will study a selected number of folk groups within a period of three years. Six studies have already been completed on the Gandharvas of Batulechaur in Pokhara, the Gopalis of Kunchal in Makawanpur, the Athpahare Rais of Dadagaun in Dhankuta, and the Danuwar of Dukuchhap in Lalitpur<sup>10</sup>. NFS is an important vessel for the protection and promotion of the intangible cultural heritage of Nepal, because it has already compiled documentation on various elements of ICH throughout the country.

Various linguistic, literary and cultural organisations have also arranged seminars, lectures and discussions focusing on folk language, folk-life and folk culture in Nepal. Current trends in Nepalese folklore studies show a continuum of promotional activities: there are regular programs (often competitive) on folk songs and dance on radio and television. However, institutional initiatives are required in order that some dances, such as the *Carya* of Kathmandu and other mythological performances do not disappear. They will if they are not supported and encouraged in time.

#### **4.4 The Study of Customary Folklore**

Folklorists sometimes talk about the "Great Tradition" and "Little Tradition" i.e. dominant written Sanskrit forms and localised oral traditions. Folklore is more vibrant in the little tradition as it is rooted in every day activities. In Nepal, the influence of dominant cultural groups, schooling and urbanisation, as well as internal migration have changed, simplified or even stopped some traditional customs. Some detailed studies need to be conducted in order to ascertain the extent to which customs have been eroded or altered. Some native and foreign scholars through the Department of Sociology and Anthropology and the Center for Nepalese and Asian Studies (CNAS) at Tribhuvan University have already conducted studies

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<sup>10</sup> In connection with these studies NFS has published bulletins periodically entitled "Nepali Folklore and Folk life".

focusing largely on rituals and festivals of various ethnic groups (however a full discussion of these is not the scope of this monograph). CNAS was established under Tribhuvan University in order to carry out research in the field of history, culture, civilisation, art, religion and allied subjects. There are a number of prestigious publications on Nepalese history, culture and language to the credit of this centre.

#### **4.5 The Study of Material Folklore**

For centuries the various ethnic groups of Nepal have survived because of their knowledge and practices which have been handed down from generation to generation. Preparation and use of agricultural tools, housing and furniture, tools for hunting and gathering, diagnosis of diseases and healing practices and instruments are some aspects of traditional material folklore which should be preserved. Whilst there are museums<sup>11</sup> of images and sculpture, metal works and woodworks, as well as water colour and oil paintings (largely in the Kathmandu valley), there is however no single national museum which covers the entire cross section of material folklore of different folk groups.

#### **4.6 The Need for Training among Younger Generations**

Most folk performing arts in Nepal originate from mythology, ancient scriptures, and from oral traditions. The various forms of folk performing arts are preserved in people's memories- often without being written down and practical aspects of dance, such as a particular body movement or facial expression, are all unique features of folk culture which can only be learnt directly from another human being. In this regard, the *Rodi* (see section 3.2) is an example of a permanent institution in the Gurung community where various types of folk culture are taught through senior artists. In the Kathmandu valley among the Newars, and in almost all communities throughout the country, a *Guru* ("teacher"), who is generally a priest or monk, or even the head of the group, will train new artists.

Training in traditional craftsmanship or skills is taught through "learning by doing" within the family and traditional workshops. This approach is, in fact, in line with the prevailing traditional system of inter-family and inter-caste training of traditional skills; metal crafts, wood carving, stone carving and painting. Traditional handicraft workshops being a central learning domain, disseminating practical knowledge and experience, and in Nepal even today, many traditional caste-bound skills and craftsmanship remain. The skill transfer is inter-family and inter-caste and normally takes place within this closed circle.

Having said this, there is still a need for reinterpreting and successfully communicating elements of ICH, knowledge and skills to younger generations. The modern way of learning and living has to see the value in ICH so that the younger generations continue to practice these precious elements of heritage. Traditional artists are often local farmers, who are

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<sup>11</sup> Archaeological objects can also be found in the DOA museums of Kathmandu, Pokhara, Dhankuta, Surkhet, and Kapilvastu.

heavily involved in their occupation. Hence, their folk performances are mainly enacted during seasonal rituals, or spontaneous moments of singing and dancing in villages. Folk performances are still often not taken seriously as an 'occupation', and with the breakdown of traditional training models and funding, young artists are often unable to obtain professional opportunities, including scholarships for training. Therefore many traditional performing arts are not consistently transmitted, nor adequately promoted to younger generations.

## CHAPTER 5

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### Nepalese Legislation: a Wink towards Intangible Cultural Heritage

*Bhim Nepal*



To date, no effective legal measures have been taken specifically in relation to the promotion and preservation of ICH and folk culture at a government level. However, in many cases concerned communities, agencies and institutions have developed their own programmes and plans to compensate for this lack of formal legislation and enforcement. This chapter looks at existing Nepalese legislation relating to ICH, as well as the wider context of international legislation, and it concludes by offering an assessment.

#### 5.1 Current Legal Provisions

*Interim Constitution of Nepal, 2007*

The recently formulated Interim Constitution of Nepal, 2007 acknowledges the “fundamental rights” of different caste and ethnic groups in Nepal in relation to education and culture. Article 35(3) asserts that the state will strengthen the national unity of the country through the equal development of languages, literature, scripts and art and culture; in order to preserve the cultural diversity of the country. The preservation and promotion of the languages of all Nepalese people is thus a ‘fundamental right’. Hence the Interim Constitution of Nepal acknowledges some aspects of the cultural rights of its citizens, and it states that every citizen has the right to enjoy and observe their own culture (Article 17).

It also states that the government will undertake activities relating to the promotion and safeguarding of traditional cultures, and written and oral languages of all different castes and ethnic groups, as it is a fundamental right of the people. The Interim Constitution states that it will not interfere and control activities relating to culture and language, and that the people also have a right to education in their own language (Article 17).

*Copyright Act, 2002*

The Copyright Act, 2002 is the central piece of legislation in regards to the ICH of Nepal. The Copyright Act defines the works of authors as "work/creations", which are legally recognised. Section 2 of the Act defines artistic creations as "any work presented originally and intellectually in the field of literature, art and science and in any other field". Artistic works are defined in the Act as irrespective of the artistic quality of the item in question, whether it is a painting, sculpture, drawing, engraving, photograph, or a work of architecture.

In addition, there are a number of provisions in the Act relating to the protection of copyright of authors via registration of the creations; economic rights of the work; moral rights; and the rights of the performers; as well as consequences relating to the infringement of protected

rights and punishable offences. Revisions to this act in relation to ICH should however be made and they will be discussed in Chapter 6.

### *Guthi Corporation Act, 1972*

As has already been mentioned, the *Guthi* Corporation Act is the principle act for the preservation and management of religious and cultural festivals and activities in Nepal. The Act defines the term *Guthi* as “a movable or immovable property of income kept by the donor leaving his/her ownership in order to maintain and conduct religious rites and festivals or social and religious activities and to maintain temples, pilgrim houses, wells, ponds, roads, bridges, rest house etc” (Article 2).

There are a number of provisions in the act relating to the management of *Guthi* land and cultural activities. The Act states that the main functions of the *Guthi* are to manage and administer the *Raj Guthi* (the largest), which comes under the ownership of the *Guthi* Corporation. The Act also asserts that religious rites, rituals and festivals should be conducted by the Corporation or individuals or groups who are asked by the *Guthi*, and that the Corporation should utilize movable or immovable property of the *Guthi* or the income gained from *Guthi* land for any religious, educational, cultural or social purposes. Furthermore, the *Guthi* Corporation also has the right to initiate legal action on behalf of the *Guthi*.

The *Guthi* Corporation Act states that if any concerned person or community does not perform accordingly (as stated in the *Guthi* deeds) that amounts to loss or damage then they shall be fined no more than Rs.500, and the Corporation may ask the concerned person(s) to fulfill their duties: a small sum these days, which may have little impact. Although it also affirms that if the head of a monastery, priest or trustee disobey such an order, they face dismissal from service. The enforcement of the Act is certainly in need of reviewing.

### *Local Self Governance Act, 1999*

The Local Self-Governance Act provides the “cultural right” to Municipalities and VDC’s to preserve various languages, religious activities, and to assist in their development within their respective areas. The Municipality has the right to protect and promote archaeological objects, languages, religions and cultures within their municipal areas. However, the Act does not prescribe any formal duties to Municipalities or VDC’s, nor does it stipulate management or monitoring mechanisms.

## **5.2 Comparative Analysis: International Precedents**

For the protection and promotion of ICH, as "Intellectual Property" or as a "Living Human Treasure", several efforts have been made nationally and internationally. There are a number of international conventions, treaties and recommendations which directly or indirectly relate to the safeguarding and promotion of various forms of ICH.

In 1989, the twenty-fifth session of the General Conference of UNESCO adopted the Recommendation on the Safeguarding of Traditional Culture and Folklore. The main

objective of the Recommendation was to encourage countries to take legislative measures within the framework of their constitutional practice to safeguard traditional cultures. This document was designed to be used by States as a reference document for policies on ICH.

In relation to the Copyright Act in Nepal there are a number of International Instruments committed towards the international protection of copyright and related rights, which Nepal also adheres to. These instruments which are administrated by the World Intellectual Property Organization (WIPO) are:

- The Berne Convention for the Protection of Literary and Artistic works, 1971 (with its several revisions).
- WIPO Copyright Treaty (WCT), 1996 and the WIPO Performances and Phonograms Treaty (WPPT), 1996.
- The International Protection of Related Rights/Neighboring Rights (i.e. the rights of performers)

#### *The Berne Convention, 1971*

The Berne Convention was the first international copyright mechanism ever established. The Convention covers "Literary and artistic works" i.e. any original literary, scientific or artistic works, regardless of their form of expression, such as novels, short stories, musical scripts, artistic works, audio-visual works, computer programmes, sound recordings and so on.

The convention affirms the following principles: of national protection; of automatic protection; independent protection; and minimum rights for authors. The minimum rights for authors includes: the right to translate; the right to make adaptations and arrangements of the work; the right to perform in public dramatic, and/or musical works; the right to recite in public literary works; the right to communicate to the public the performance of such works; and the right to broadcast. In addition the convention provides for "moral rights," that is, the right to claim authorship of the work, and the right to object to any modification of, or other derogatory action in relation to, the work which would be prejudicial to the author's reputation.

#### *WIPO Copyright Treaty (WCT), 1996 and the WIPO Performances and Phonograms Treaty (WPPT), 1996*

This Treaty is a special agreement within the meaning of Article-20 of the Berne Convention for the protection of Literary and Artistic works. Under the provision of the Treaty any member of WIPO may become party to this treaty.

Both treaties are intended to provide protection for multimedia works. To some extent the treaties mirror the provisions in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement, 1994). However, certain aspects are new; such as the right of communication, and the public right of distribution.

It should be noted that the WPPT covers only performers in audio productions and phonograms, but it does not safeguard performers using audio-visual productions, nor does it cover broadcasters' rights. These two treaties contain provisions, which aim at providing

protection in the field of digital technology. However, the TRIPS Agreement does not contain any specific provision for the rights of traditional folk performers, nor do these international conventions and treaties contain any specific provisions for national enforcement. Copyright and neighboring rights are considered to be rights under national civil law, and the enforcement a matter for individual governments.

In view of the increase in commercial piracy in the field of music and audio-visual materials, severe cases of infringement of copyright are deemed criminal offences and consequently a matter for public prosecutors according to these treaties. The TRIPS agreement which contains provisions to combat infringements of intellectual property rights deals with all aspects of civil, administrative and criminal measures.

### *International Protection of Related Rights/ Neighboring Rights*

There are three international conventions relating to Related Rights/ Neighboring Rights:

- The Rome Convention, 1961
- The Phonograms Convention, 1971
- The Satellites Convention, 1974

The Rome Convention relates to the protection of performers, producers of phonograms and broadcasting organizations. The Phonograms Convention and the Satellites Convention, however only provide for the protection of one category; phonogram producers and special types of broadcasters. They do not however, contain any specific provision for the rights of authors/creators of traditional folk performances. Furthermore, these international conventions may be used by States for reference and as guidelines for the protection of copyright (which is to a lesser extent applicable to ICH), however copyright is essentially implemented and regulated by national law.

After reviewing the existing international instruments concerning the protection of intellectual property rights, it seems that many other categories, such as applied art, oral works, and works of folklore are not adequately catered for. On assessment it also seems that the "intellectual property" protection stipulated in these international conventions focuses on individual creations, and they are therefore less suitable for traditional cultures; which inherently produce collective creations.

### **5.3 Assessment of the Existing Legal Provisions**

Whilst analyzing legislation related to the preservation and protection of ICH, there are two types of separate, but inter-related legislative approaches which should be adopted nationally: one is preservation, promotion and continuation of traditional cultures and the other is the protection of copyright. The first one may be achieved by the implementation of effective plans and programmes. The later can be addressed through legal mechanisms.

In relation to the Nepalese Copyright Act, 2002, it has been formulated within the wider framework of the aforementioned international documents. Hence it is similar in nature, and therefore there is no special legal provision for the direct protection of ICH. Section 2 of the Act has defined 'work' (creations) as "any work presented originally and intellectually in the

field of literature, art and science and in any other field... it also includes architectural design, photography, painting, work of sculpture, work of wood carving, lithography and work of applied art". So whilst there is some acknowledgement of the different domains of intangible heritage it is by no means comprehensive.

Furthermore, Section 3 of the Act states that "... any proverb, folklore, folk song falling under folk expression shall be protected as original work". However, immediately after this provision, the Act clearly states that "Notwithstanding anything contained in section 3, copyright protection under this Act shall not be extended to any thought religion, folk song, folk tale, proverb etc" under the provision of "Non-availability of Copyright Protection". Hence a contradiction arises in this Act, and clarification needs to be made through an amendment.

Although, there are a number of provisions relating to protection of copyright, registration of work, so-called economic and moral rights, rights of performers, rights of sound recording producers, and provisions relating to broadcasting in the Act, which do relate to ICH protection. In addition, the Act contains provisions regarding reproduction of work, public exhibition, transfer of copyright, infringement of protection rights and its related punishment, as well as the functions, duties and powers of the Registrar, appeals against decisions of the Registrar, actions to be taken against unauthorized work, as well as settling disputes. So therefore, the Act has some fundamental legislative components relevant to the Nepalese context- although it is only a start.

Indeed, after reviewing the Copyright Act with regard to the protection of copyright of stipulated works, it leads one to the conclusion that the Act does not cover all forms of ICH. In particular, the Copyright Act focuses on copyright protection for literary and artistic works/ handicrafts, and therefore the Act ignores copyright protection for folk performing arts and other forms of traditional culture. This is a critical weakness of the Copyright Act and legal protection of ICH can and should be provided for through the amendment of the present Copyright Act. In addition the *Guthi* Corporation Act and Local Self Governance Acts also need to be reviewed in relation to promoting and preserving ICH.



## CHAPTER 6

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### **Future Directions: a Discussion**

*Tulasi Diwasa, Chura Mani Bandhu and Bhim Nepal*

This final chapter is aimed at provoking discussion amongst all key stakeholders (as mentioned in Chapter 3). The only absolute recommendation is that a working group or Committee of Representatives on ICH (from each group of stakeholders) is set up immediately by MOCTCA (supported by UNESCO). The following sections aim to provide a structure for future dialogue, and provoke questions and issues to be debated.

As earlier chapters have mentioned, the ICH of Nepal can not be discussed without first acknowledging the great richness in the cultural diversities of Nepal. Secondly, ICH needs to be viewed as an integral part of living, changing, dynamic cultures; cultures which are interwoven with each other. Hence the authors recognize that it is impossible to preserve every element of ICH in its entirety, nor is it a conservative desire, because ICH is closely linked to shifting wider cultures and ultimately the devolvement of Nepal. As we change and progress, it is natural that some forms of ICH will be left behind, whilst others develop with us. In this regard, it is of utmost importance that we identify the most vital elements of Nepal's ICH, and safeguard them accordingly.

Essentially, there is a gap at a central governmental level for a Folklore Academy or separate ICH department, which needs to be responsible for a long-term plan to preserve and promote folk culture. The following is a discussion of the key issues that need to be addressed, as well as a series of provocative questions, ideas and possible solutions. Essentially the ICH of Nepal has far reaching links to wider peace and prosperity in Nepal, and therefore must be given due consideration. If some ethnic/folk groups believe that their heritage and identity is undermined or ignored, it could have disastrous consequences.

### **6.1 Cultural Policy, Legal Measures and Intangible Cultural Heritage**

MOCTCA is currently working on an overall Cultural Policy for Nepal. Therefore the adage "Unity in Diversity" should be foremost in the minds of those developing the national intangible cultural policy of Nepal. It should essentially allow the State to maintain national unity through cultural diversity by developing and safeguarding languages, literature, art and other forms of culture.

There are two main possibilities in relation to ICH legislation. Nepal can either formulate its own ICH policy or it can incorporate ICH protection and promotion within the overall Cultural policy which is currently being formulated. It will be essential for the Nepalese government to critically analyze other government's policies as a springboard in formulating their own.

In the context of Nepal, as mentioned earlier, there are a number of legal texts indirectly dealing with ICH in Nepal, but none of them specifically formulate legal instruments for its safeguarding and promotion.

The Copyright and Guthi Corporation Acts ensure some degree of protection for the ICH of the country, but as already stated they are insufficient, and need amendment. Traditional folklore and intangible culture comes from a wealth of intellectual creativity, and therefore it deserves to receive legal protection all of its own. Hence, to enhance the legal protection of ICH some measures need to be adopted from the judicial angle. Amendments should include, acknowledging the fact that many cultural expressions are **collective creations** belonging to a given community (and performed collectively), and therefore specific ‘author’s names’ may not be relevant i.e. in some cases, common character of an ICH domain may make it difficult to define and therefore the concerned community could be defined as the author. In addition, compulsory registration of types of ICH should be inserted in the Act and procedures for registration should be prescribed. This will help to prepare the national register on ICH and the Nepal Copyright Registrar's Office could be developed as the principle authority in this regard. An expert committee should also be formed to coordinate those applying for ICH forms to be registered.

Amendments should be incorporated into the Copyright and Guthi Corporation Acts as appropriate (as well as the wider Cultural Policy), namely:

- The rights of the bearers, authors and performers of ICH should be defined in the Act.
- Provisions relating to the production and broadcasting reproduction of folk performing arts should also be inserted.
- Provisions relating to the production and broadcast of folk performing arts for the general public should be prescribed.
- It will be the duty of citizens to respect other cultures, particularly those beliefs and practices which reveal secret emotions or emotional value.
- Provisions relating to the infringement of protected rights, and appropriate punishments should also be inserted in the Act.
- Legal provisions relating to the Copyright of ICH should be supported by policy, plans and programmes i.e. “Living Human Treasures” (see section 6.4).
- The government should disseminate several codes of conduct about various forms of traditional and folk cultural activities relating to traditional customs, dance, music, traditional festivals, and masked festivals. These rules will try to clarify the duties and obligation of the concerned communities for the protection, safeguarding and continuation of the folklore and traditional cultures. This is a matter for discussion and VDCs could have a much greater role to play.
- The right of access to materials and information about ICH should be ensured for any person who wishes to study them. Suitable facilities should be provided for this purpose.
- Some of the popular forms of ICH are traditional beliefs, rites and rituals, which ultimately become traditional customs in a given community, and which members are obliged to perform. It would be appropriate to update the *Guthi* Act in this regard, because some of the laws relating to ICH should be customary law, rather than any other form of law, as this is the most comprehensive mechanism to promote intangible cultural heritage.

The recently formulated Interim Constitution of Nepal, 2007 underlines the fundamental right to education and culture. It states that it is a right of each ethnic group in Nepal to preserve and promote their indigenous languages, scripts, cultures, and heritage. Thus it is important that the new constitution explicitly acknowledges the need to protect ICH and transmit the knowledge onto younger generations. ICH should be defined legally and categorized on the basis of the domains/forms and types of ICH (as suggested in this monograph). All the domains of ICH could be legally designated as cultural property and those of particular value awarded “Living Human Treasure” status. The new constitution would be wise to set up measures that legally ensure that different ethnic communities have the freedom and equal cultural rights to practice their customs and culture without any interference. How could this function? What existing mechanisms exist? These are all questions that the working group should debate, and no doubt the institutions like NFS and NFDIN would have a key role to play.

The following sections could all be part of an ICH policy within the overall Cultural Policy, which is currently being formulated by the government.

## **6.2 Administrative Measures**

As already stated there is no directly responsible government agency that attends to all matters relating to the safeguarding and promotion of ICH. In general terms, matters of traditional culture/folklore are handled by the MOCTCA, the Nepal Academy, the Culture Corporation, NFDIN and the *Guthi* Corporation (perhaps to a lesser extent). The Nepal Academy, the Nepali Folklore Society, the Cultural Corporation and CNAS are the main cultural agencies in Nepal dedicated to studying and collecting information regarding the traditional performing arts, oral traditions and folklore. The following administrative measures relating to ICH need to be clarified:

- Should MOCTCA, the Nepal Academy, and the Cultural Corporation be the responsible agencies for implementing activities relating to the identification, safeguarding, documentation and promotion of ICH? If so, how would they work in close cooperation with concerned communities and organizations such as the Nepali Folklore Society? Essentially, what type of role can private sector organizations play?
- Should an independent department be set up under MOCTCA or within the “Cultural Heritage section” to look after matters relating to traditional/folklore cultures? Tangible and intangible heritage are often interrelated and therefore the DOA should be involved, but to what extent?
- Should an independent institution like Nepal Folklore Academy be established for the conservation, promotion and dissemination of Intangible Heritage of Nepal?

## **6.3 Inventory-making**

Should inventory-making on ICH be part of a cultural policy? Probably “yes”. In order to identify and document the ICH of Nepal it is essential to first define and classify all forms of ICH. Can the Nepalese domains offered in this paper be used? Are they incomplete? As folk languages are both a vehicle for other cultural forms, as well as an aspect of culture itself, it is important to identify all folk languages and dialects, and the ethnic and caste groups

speaking their respective languages. Many folk languages are endangered; should this be a priority for inventorization? These are questions which the working group should debate.

Since 2005 the government of Nepal has been compiling an inventory of mainly tangible heritage within the Kathmandu Valley. This inventory could also extend to incorporate all forms of intangible and tangible cultural heritage across the country (not just inside the valley). How could this work? What type of technical support is needed? Who would be involved and would they require special training? How could the process be systematic and scientifically sound? How would this be coordinated? The Music Nepal and the Nepali Folklore Society have already collected some data. Indeed, the Nepali Folklore Society is planning to establish a cultural databank as well as a separate folklore archive in the coming years. How could their collections be incorporated? Should the National Archives of the DOA take on this responsibility or the National Academy? The documentation centre would need a central cataloguing and electronic storing facilities. It could also be developed as an academic resource and research center, with strong linkages to sister organizations.

It is worth noting here that the Asia/Pacific Cultural Centre for UNESCO (ACCU) has discussed the answers to some of these questions during a 2004 Workshop on Inventory-making and a Symposium in 2005. The Recommendations from the 2004 workshop stress the need for participatory community methodologies i.e. NGOs, individuals and concerned communities at the local level must be involved and the need for appropriate databases i.e. storage of audio-visual materials, and a standard typology is essential. A process of cultural mapping could take place in which information on performing arts would include formal and informal names, a description, geographical location, the individuals or groups involved, as well as the bearer/carrier(s) of the tradition and date of origin. Essentially information on craftsmen, practitioners and performers could be recorded, and musical instruments, costumes and religious props collected. NGOs, individuals and concerned communities at the local level should be involved in this effort.

#### **6.4 Planning and Programmes**

The guidelines for the establishment of national "**Living Human Treasures**" set by UNESCO in the ICH Convention offer a way to achieve the sustainable safeguarding of ICH, which will guarantee that the bearers/carriers of heritage continue to develop their knowledge and pass their skills onto younger generations. The aim is that the ICH bearers/carriers are identified, honored and awarded. This is achieved through a committee that decides on selection criteria, monitoring mechanisms and training programmes for younger generations. What role could existing organizations play in identifying possible candidates? Is there a role for *Guthis* here or not? Could government results based grants give *Guthis* and other organizations such as Nepali Folklore Society a much needed boost to revive and reform their activities? Does the *Guthi* system need any other support or should alternative organizations take on some of the responsibilities of *Guthis*?

An effective Living Human Treasures programme should reflect the sense of the new constitution. It should aim to foster national unity by developing the social and economic aspects of the various caste and ethnic folk groups and their different languages, scripts, culture and art. The government could implement a policy that puts a special emphasis at all

levels of education on the study and training of national and ethnic cultures. It is essential that ethnic groups are provided with access to education in their own languages. How could this happen in a coordinated manner?

Local ethnic groups and folk groups should be encouraged to organize regional or local folk festivals to disseminate various aspects of their skills and products. How could this function? What governmental decentralized structures would implement and monitor such activities? VDCs? The Nepal Tourism Board has in recent years promoted the celebration of local festivals. However, how could such promotional activities be extended to focus on less well known aspects of Nepalese folklore, culture and ICH?

## **6.5 Research and Training**

It is important that representatives of all stakeholders involved in ICH are able to meet, discuss new ideas and participate in trainings. Hence it is important that seminars and conferences are formalized and arranged regularly to develop awareness and train government officials, museum curators, researchers, and folklorists etc. to safeguard and promote the ICH of Nepal. The Universities, particularly Tribhuvan University, the Nepal Academy and the Nepali Folklore Society can contribute and collaborate towards training activities. If the Nepal Academy was restructured with permanent personnel working on folklore, it could also take a lead in organizing capacity building programs. Rather than establishing a new centre, the Nepal Academy has the potential to be heavily involved in ICH training activities. In the long term this will help to develop awareness among the younger generations and help to improve the quality of fieldwork, collection of materials and documentation and publishing of reports.

In order to secure a high quality of fieldwork, native scholars interested in intangible heritage should be given appropriate training for field work through workshops with national and foreign experts. It will be important for Nepalese experts to participate in international conferences and seminars so that best practices are shared. The ‘Cultural Heritage and Museum Practices’ (CHAMP) Conference on Intangible Heritage, May 2007 and the ‘International Council of Museums’ (ICOM) yearly conferences would be valuable forums to attend.

Many fundamental aspects of ICH, such as traditional philosophy, religious practices and indigenous knowledge are considered important elements in the process of nation building. Therefore, as part of a national cultural policy, large scale identification, collection and classification of folklore and traditional cultures should be carried out. It is necessary to conduct a thorough study of the historical/traditional social systems and ways of thinking:

- Research facilities in colleges, universities and other educational institutions should be promoted to protect and safeguard ICH in Nepal.
- Universities and other educational institutions should be encouraged to offer and develop practical courses such as folklore and linguistics, which are related to the study of ICH.
- A common school curriculum for the study of various types of folklore and ICH should be developed, which could be an extension of the social studies curriculum. This should be done in consultation with experts in this field. Students should be encouraged to visit

festivals, crafts workshops and performances of folk and other performing arts, and to collect research on folk forms and literature as part of the curriculum.

- Courses on traditional expressions and forms of various arts and crafts, folk literature etc. should be conducted in public and private schools and other academic institutions (as well as out of schools).
- Lectures, demonstrations, seminars and workshop should be conducted with scholars and students in order to safeguard and promote ICH. Such seminars and workshops will also provide knowledge and wider international experience, with the aim of improving the qualifications of the collectors, archivists and other specialists.
- Manuals and books on folklore and ICH should be prepared for the new artists or performers and practitioners.
- Audio/video recordings and dedicated television programs should be produced and aired on local and national television channels.
- Training programmes for younger generations in the concerned communities should be duly arranged, and the young people should be encouraged through lectures, workshops and other incentives.
- Linkages between development and folklore and traditional cultures should be identified and an awareness program should be designed targeting all levels of the population. Special attention should be given to younger generations through educational institutions.
- Several intangible heritage clubs should be established within interested groups, such as youth groups nationwide for the safe-guarding and promotion ICH.
- A website should be created detailing the various types of ICH for exposure as well as academic interaction. This should be linked to the ICH documentation centre at the National Archives.

## **6.6 Community Participation**

It is our prime duty to safeguard our heritage so that we can transmit it intact to future generations, but at the same time acknowledge that ICH is dynamic, fluid and ever changing. To succeed, the importance of cultural heritage must be recognized by the general public as well as by specialists. The local people who are the bearers and performers of the oral traditions, folklore and performing folk arts are the true guardians of cultural heritage. Community participation in safeguarding such heritage will not only help local people to appreciate the remarkable legacy of the past, but also teach them how to participate actively in promoting it, and by doing so contribute to a better common future.

As the UNESCO-ACCU Expert meeting on Community Involvement in Safeguarding ICH, March 2006 emphasized, heritage will only be effectively protected and safeguarded if people value their heritage sufficiently. Unless the motivation for safeguarding comes within the community itself, long term protection will be difficult to maintain. Hence it is crucial that at all stages community participation is sought after. Local communities can participate in the safeguarding and promotion of activities through performing, campaigning, public awareness programmes, providing information on heritage, producing information materials.

It would be advisable to bear the following points in mind when seeking community involvement:

- Activities should be locally oriented rather than highly academic;

- Local priorities and methodologies for cultural mapping should be sought after;
- Information meetings could be organized with local people's representation via the VDC or new MOCTA department to inform locals regarding work being carried out in their localities, and to request them to extend their cooperation, suggestions and involvement;
- Wide representation to the local people should be given in decision making and policy-making, formulation of plans and programmes, laws and regulations relating to ICH;
- Local representatives may be invited to workshops/seminars to provide feedback on ICH documentation and policy development; they could be part of the overall ICH Committee.

*So, what next for the Intangible Cultural Heritage of Nepal?*

Fundamentally, a forum (where a working group or committee can debate) is needed that will involve representatives from at least all of the key stakeholders mentioned in this monograph. It is imperative that all stakeholders feel involved in promoting the intangible cultural heritage of Nepal. This forum should take place with the wider understanding that 'culture' does not stand alone in relation to development, but rather culture is an active ingredient in the process towards peace and prosperity.

What's more, each individual, each Nepali must be viewed in a more three dimensional manner- as being several identities; as Amartya Sen remarks "...important as culture is, it is not uniquely significant in determining our lives and identities. Other things such as class, race, gender, profession, politics, also matter, and can matter powerfully" (Sen: 2006:112). A *Magar*, may also be a *Pokharali* (come from Pokhara), as well as a Nepali; each identity having more prominence depending on the situation the individual is in. Each individual has multiple layers of cultural heritage; which elements should be promoted? How can this be done? These are all pertinent questions, which hopefully this monograph will encourage future discussion and action upon.

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## Annex 1: The Population of Nepal by Caste & Ethnic Group

Ethnic Groups	Population in 2001	(%)
<b>Total</b>	<b>22736934</b>	<b>100.00</b>
1. Chhetri	3593496	15.80
2. Brahman hill	2896477	12.74
3. Magar	1622421	7.14
4. Tharu	1533879	6.75
5. Tamang	1282304	5.64
6. Newar	1245232	5.48
7. Muslim	971056	4.27
8. Kami	895954	3.94
9. Yadav	895423	3.94
10. Rai	635151	2.79
11. Gurung	543571	2.39
12. Damai/Dholi	390305	1.72
13. Limbu	359379	1.58
14. Thakuri	334120	1.47
15. Sarki	318989	1.40
16. Teli	304536	1.34
17. Chamar, Harijan, Ram	269661	1.19
18. Koiri	251274	1.11
19. Kurmi	212842	0.94
20. Sannyasi	199127	0.88
21. Dhanuk	188150	0.83
22. Musahar	172434	0.76
23. Dusadh/Paswan/Pasi	158525	0.70
24. Sherpa	154622	0.68
25. Sonar	145068	0.64
26. Kewat	136953	0.60
27. Brahman Tarai	134496	0.59
28. Baniya	126971	0.56
29. Gharti/ Bhujel	117568	0.52
30. Mallah	115968	0.51
31. Kalawar	115606	0.51
32. Kumal	99389	0.44
33. Hajam/Thakur	98169	0.43

34.	Kanu	95826	0.42
35.	Rajbanshi	95812	0.42
36.	Sunuwar	95254	0.42
37.	Sudhi	89846	0.40
38.	Lohar	82637	0.36
39.	Tatma	76512	0.34
40.	Khatwe	74972	0.33
41.	Dhobi	73413	0.32
42.	Maji	72614	0.32
43.	Nuniya	66873	0.29
44.	Kumhar	54413	0.24
45.	Danuwar	53229	0.23
46.	Chepang /Praja	52237	0.23
47.	Halwai	50583	0.22
48.	Rajput	48454	0.21
49.	Kayastha	46071	0.20
50.	Badhae	45975	0.20
51.	Marwadi	43971	0.19
52.	Santhal/Sattar	42698	0.19
53.	Dangar/Jhangar	41764	0.18
54.	Bantar	35839	0.16
55.	Barae	35434	0.16
56.	Kahar	34531	0.15
57.	Gangai	31318	0.11
58.	Lodha	24738	0.11
59.	Rajbhar	24263	0.11
60.	Thami	22999	0.10
61.	Dhimal	19537	0.09
62.	Bhote	19261	0.08
63.	Bing/Binda	18720	0.08
64.	Bhediyar/Gaderi	17729	0.08
65.	Nurang	17522	0.08
66.	Yakkha	17003	0.07
67.	Darai	14859	0.07
68.	Tajpuriya	13250	0.06
69.	Thakali	12973	0.06
70.	Chidimar	12296	0.05

71. Pahari	11505	0.05
72. Mali	11390	0.05
73. Bangali	9860	0.04
74. Chantel	8931	0.04
75. Dom	8761	0.04
76. Kamar	7969	0.04
77. Bote	7969	0.04
78. Bhramu/Baramu	7383	0.03
79. Gaine	5887	0.03
80. Jirel	5316	0.02
81. Adiwasi/Janajati	5259	0.02
82. Dura	5169	0.02
83. Churaute	4893	0.02
84. Badi	4442	0.02
85. Meche	3763	0.02
86. Lepcha	3660	0.02
87. Halkhor	3621	0.02
88. Punjabi/Sikh	3054	0.01
89. Kisan	2876	0.01
90. Raji	2399	0.01
91. Byangsi	2103	0.01
92. Hayu	1821	0.01
93. Koche	1429	0.01
94. Dhunia	1231	0.01
95. Walung	1148	0.01
96. Jaine	1015	0.00
97. Munda	660	0.00
98. Raute	658	0.00
99. Yehlmo	579	0.00
100. Patharkatta/Kuswadiya	552	0.00
101. Kusunda	164	0.00
102. Dalit/Unidentified Dalit	173401	0.76
103. Unidentified Caste/Ethnic	231641	1.02

Source: Population Census 2001 National Report, published by the Central Bureau of Statistics, 2002, Table 16, pp 72-73

## Annex 2: Population Classified by First Language Spoken

Mother Tongues	Population in 2001	(%)
<b>Total</b>	<b>22736934</b>	<b>100.00</b>
1. Nepali	11053255	48.61
2. Maithili	2797582	12.30
3. Bhojpuri	1712536	7.53
4. Tharu (Dagaura/Rana)	1331546	5.86
5. Tamang	1179145	5.19
6. Newar	825458	3.63
7. Magar	770116	3.39
8. Awadhi	560744	2.47
9. Bantawa	371056	1.63
10. Gurung	338925	1.49
11. Limbu	333633	1.47
12. Bajjika	237947	1.05
13. Urdu	174840	0.77
14. Rajbansi	129829	0.57
15. Sherpa	129771	0.57
16. Hindi	105765	0.47
17. Chamling	44093	0.19
18. Santhali	40260	0.18
19. Chepang	36807	0.16
20. Danuwar	31849	0.14
21. Jhangar/ Dhangar	28615	0.13
22. Sunuwar	26611	0.12
23. Bangla	23602	0.10
24. Marwari (Rajsthani)	22637	0.10
25. Majhi	21841	0.10
26. Thami	18991	0.08
27. Kulung	18686	0.08
28. Dhimal	17308	0.08
29. Angika	15892	0.07
30. Yakkha	14648	0.06
31. Thulung	14034	0.06

32.	Sangpang	10810	0.05
33.	Bhujel/ Khawas	10733	0.05
34.	Darai	10210	0.04
35.	Khaling	9288	0.04
36.	Kumal	6533	0.04
37.	Thakali	6441	0.03
38.	Chhantyal/ Chhantel	5912	0.03
39.	Nepali Sign Language	5743	0.03
40.	Tibetan	5277	0.02
41.	Dumi	5271	0.02
42.	Jirel	4919	0.02
43.	Wambule/ Umbule	4471	0.02
44.	Puma	4310	0.02
45.	Yhollmo	3986	0.02
46.	Nachhiring	3553	0.02
47.	Dura	3397	0.01
48.	Meche	3301	0.01
49.	Pahari	2995	0.01
50.	Lepcha/ Lapche	2826	0.01
51.	Bote	2823	0.01
52.	Bahing	2765	0.01
53.	Koi/ Koyu	2641	0.01
54.	Raji	2413	0.01
55.	Hayu	1743	0.01
56.	Byangshi	1734	0.01
57.	Yamphu/ Yamphe	1722	0.01
58.	Ghale	1649	0.01
59.	Khariya	1575	0.01
60.	Chhiling	1314	0.01
61.	Lohorung	1207	0.01
62.	Punjabi	1165	0.01
63.	Chinese	1101	0.00
64.	English	1037	0.00
65.	Mewahang	904	0.00
66.	Sanskrit	823	0.00
67.	Kaike	518	0.00

69. Kisan	489	0.00
70. Churauti	408	0.00
71. Baram/ Maramu	342	0.00
72. Tilung	310	0.00
73. Jero/ Jerung	271	0.00
74. Dungmali	221	0.00
75. Oriya	159	0.00
76. Lingkhim	97	0.00
77. Kusunda	87	0.00
78. Sindhi	72	0.00
79. Koche	54	0.00
80. Hariyanwi	33	0.00
81. Magahi	30	0.00
82. Sam	23	0.00
83. Kurmali	13	0.00
84. Kagate	10	0.00
85. Dzonkha	9	0.00
86. Kuki	9	0.00
87. Chhintang	8	0.00
88. Mizo	8	0.00
89. Nagamese	6	0.00
90. Lhomi	4	0.00
91. Assamise	3	0.00
92. Sadhani	2	0.00
93. Unknown language	168340	0.74

Source: Population Census 2001 National Report, published by Central Bureau of Statistics, 2002, Table 19, pp 83-84



## Annex 3: List of Photos used in the Monograph

### Location /Caption

### Photos

Inside Cover Page/ *Tharu* performing *barka dance*



Abbreviation Page/ *Gopali* performing *lakhen dance*



Chapter 1, Page 1/ Hari Bahadur Gandarva making *Sarangi*,  
Badare



Chapter 2, Page 6/ *Danuwar* performing *lakhen dance*, Duku  
Danuwar Village



Chapter 3, Page 18/ *Gopali* woman making *straw mat*,  
Shikharkot



Chapter 4, Page 24/ *Bathiniyas* dancing *paiya* at Palase, Dang



Chapter 5, Page 30/ Mohan Gandharva playing *Sarangi* *Arghau*



Chapter 6, Page 35/ *Gopali* performing *barha barse dance*





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