

I . Safeguarding System & Policy

1. National Law / Act

Currently, cultural preservation, protection and promotion activities are mostly being carried in accordance with the following existing policies, legislations, guidelines, rules and regulations and bills:

1. Bhutan 2020 (1999, country's vision document)
2. Legal Deposit Act (1999)
3. The Movable Cultural Property Act of Bhutan (2005)
4. The Movable Cultural Property Guidelines (2006)
5. The Religious Organizations Act of Bhutan (2007)
6. The Religious Organization Guidelines (2010)
7. Basic Guidelines for Conservation of Heritage Sites (2008)
8. Constitution of the Kingdom of Bhutan (2008)

...the State shall endeavour to preserve, protect and promote the cultural heritage of the country and entrusts every citizen with the responsibility to protect culture and heritage"

2. Current Status on Developing Legal Framework on Culture

2009-2010: The National Library and Archives in coordination with Office of the Attorney General started preliminary preparation of Draft Archives Bill

2011: Department of Culture requested UNESCO New Delhi office for technical cooperation to develop legal framework in the area of heritage in Bhutan, particularly:

1. Heritage Sites Bill
2. Archives Bill
3. Intangible Cultural Heritage Bill

Ms. Moe Chiba, Programme Specialist for Culture, UNESCO New Delhi identified International legal expert, Prof. Toshiyuki Kono, Distinguished Professor of Law, Kyushu University, Japan and arranged the first meeting with the Department of Culture on March 2011.

The framework of cooperation between the Department of Culture, Kyushu University and UNESCO New Delhi formally established to enhance efficient technical and financial cooperation to develop national legal framework in the area of culture in Bhutan from October 3, 2012 to October 2, 2015 for three years (to be extended for three years until October 2, 2018). Prof. Kono and Ms. Chiba has provided guidance throughout the drafting process and looked for consistency with international heritage laws.

2012 to 2015: Preparation of Draft Heritage Sites Bill

Reviewed Draft Archives Bill

Extensive discussion with Department of Culture and other relevant stakeholders about the requirement to draft Intangible Cultural heritage of Bhutan

The National Library and Archives prepared Draft Intangible Cultural Heritage Bill in consultation with Ms. Moe Chiba and Prof. Kono.

3. Drafting of Heritage Sites Bill was Complete and had a series of Consultation Meetings

1. The Bill was discussed within the Department of Culture and the Ministry of Home and Cultural Affairs.
2. The legal aspect of Archaeology in relation to the Bill was discussed in a two-day workshop on April 20 and 21, 2012. Participants included relevant eminent members of the Parliament, Culture Officers of the twenty Dzongkhags, and officials of other relevant government agencies and the Dratshang.
3. Discussed relevant aspects of the Bill with the officials of the Division of Human Settlements of the Ministry of Works and Human Settlements.
4. The Bill was presented to the twenty Dzongdas and discussed during the Annual Dzongdag conference held in 2014.
5. Discussed the Bill with officials of the relevant government agencies during the Poverty and Social Impact Analysis (PSIA) of Heritage Sites Bill launch workshop on February 24, 2014.
6. The Archaeology workshop in November 2014 introduced the Bill to the stakeholders, which included relevant eminent members of the Parliament, officials of other relevant government agencies and the Dratshang.
7. Discussed sustaining cultural landscape with officials of the relevant government agencies and CSOs in the Cultural Landscape Panel sessions on August 17, 2014 and August 5, 2015.

8. Discussed protecting heritage sites relating to agricultural land and livelihood with officials of the Department of Agriculture on August 14, 2015.
9. The Bill has been distributed to most of the relevant government stakeholders (including Dzongkhags) for review and comments.
10. The Bill was translated in Dzongkha and consistency with laws in Bhutan was undertaken by Garuda Legal Service. The Dzongkha translation was further reviewed by internal expert team.

During the **86th Lhengye Zhungtshog (Cabinet Meeting)** held on 1st September 2015, the Ministry of Home and Cultural Affairs submitted "Heritage Sites Bill of Bhutan" which purpose was to provide protection for heritage site (immovable cultural heritage) and received the following directives as per the letter no. C-3/86/81 dated on 14 September 2015:

- a) To explore the possibility of merging provisions of both **Tangible and Intangible into one Bill.**
- b) The intent of the Act should not be to impose restrictions but to look at providing incentives and ways to encourage people to pursue the conservation initiatives.
- c) The economic developmental aspects such as construction of hydropower projects and other such important activities are not hampered while pursuing the conservation of heritage sites.

9 October 2015:

As per the instruction of Cabinet, the Department of Culture had a meeting and decided to work on merging the three draft bills (Heritage Sites, amend the Movable Cultural Property Act 2005 and the Intangible Cultural Heritage Bills) into one Bill as **Cultural Heritage Bill.** The work was spearheaded by Ms. Junko Mukai in coordination with relevant focal person from Division of Cultural Property and the National Library and Archives.

18 November 2015:

Concept of Cultural Heritage Bill introduced to Ministry of Home & Cultural Affairs (MoHCA)

4. Cultural Heritage Draft Bill

December 2015 to September 2016:

Amendment, merging, translation into Dzongkha, drafting of rules and regulations, consultation meetings with stakeholders as a due process completed and the Cultural Heritage Bill along with its background report was submitted to the concerned ministry (Ministry of Home and Cultural Affairs) for inclusion in the agenda for deliberation in the Parliament.