

FORWARD PLAN

Title of regulatory measure: Heritage Sites Bill of Bhutan

Type of regulatory measure: Act

Lead Ministry: Ministry of Home & Cultural Affairs

Expected year of adoption: 2014

Problem identification

Heritage sites form important link to our rich history and the past, and integral to our national identity. They are great sources of information and evidence of our past culture and traditions to the modern society. But these aging and degrading heritage assets have not received enough attention and support amidst the nation being engaged in bringing rapid socio-economic development. However, this is happening in the context of growing recognition internationally of the important role of heritage in the sustainable development of a country. Heritage resources have inherent cultural, environment as well as socio-economic values, and their conservation and use as part of development can critically improve the living environment of our towns, villages and communities, addressing social and economic issues that our new towns and settlements are facing.

Heritage sites are increasingly demolished and rebuilt (to accommodate new needs and aspiration of the people), replacing historic fabric and distinctive architectural style of heritage sites. Heritage sites consist of historical evidences, traditional knowledge and techniques, unique aesthetic qualities, and potential for important scientific research and education. Demolition without proper study and documentation completely erase all these aspects. Reconstruction and renovation works on heritage sites, the rate of which is accelerating every year due to development of the country, tend to follow common style and techniques leading to standardization, replacing architectural uniqueness of the individual sites in different parts of the country, impacting the diversity and richness of Bhutanese architecture. Further, the loss of historic authenticity of individual heritage sites can potentially impact touristic and other heritage values of the sites.

Development till date has shown poor integration of cultural heritage concerns into overall program. The need for protection of existing landscape features, local architecture, settlement pattern and other cultural and natural resources is not sufficiently incorporated in our development planning and implementation. New towns and concrete buildings that are replacing the rural landscape and settlements are almost completely alienated of the context, completely changing the former landscape features, and depriving the place of its historic character and

cultural identity. Such developments lacking sensitivity to the context significantly impact the environment, as well as potentially increase social and economic problems. One main reason is the lack of comprehensive understanding, and recognition or respect of diverse heritage assets in the country. Only Dzongs, Lhakhangs, choetens and other religious and monumental buildings are considered heritage today. However, even the immediate (traditional) settings of these sites are not effectively regulated. Recognition and support for conservation of vernacular architecture, areas of archaeological interests and historic or cultural areas and landscape is nonexistent to moderate from the government as well as private sector.

With modernization and availability of modern materials and techniques, it is not only replacing our traditional architecture with modern constructions but also affecting our heritage stock due to adulteration of our traditional knowledge, techniques and materials. The situation is aggravated due to minimal understanding of the values and effectiveness of our traditional knowledge, techniques and materials. This could lead to decrease in the employment of local traditional craftsmen, and serious long term consequence of complete loss of our traditional knowledge and skills.

Objectives

The Bill once enacted will be the principal law to deal with and promote the protection, management and regulation of the heritage sites in the country. The Bill is expected to achieve the following objectives:

- Contribute to holistic conservation and management of diverse heritage sites and cultural landscape of Bhutan. The Bill broadens the concept and recognition of heritage sites. Besides Heritage Buildings and Archaeological Sites, definition of heritage sites in the Bill includes the category of Cultural Sites that includes heritage villages, and other broad area and landscape which are part of living cultural traditions and other intangible aspect of our heritage.
- Foster responsibility among the citizens, community and individuals for the protection of heritage sites, through delegation of roles and responsibilities. This will be backed by the government through proper and realistic financing and other incentives mechanism.
- Promote comprehensive stewardship of heritage sites across the country. And this is expected to eventually lead to improving local culture, economy, ecology, and society and community conditions, and thereby raise self-esteem and community vitality.
- Clarify the roles of various governmental institutions concerning protection and management of heritage sites.

Social and Economic Impacts

The Department of Culture in collaboration with the World Bank had undertaken a comprehensive Poverty and Social Impact Analysis (PSIA) of the draft Heritage Sites Bill in 2012 and 2013. The PSIA study assesses the potential socio-economic impacts and effectiveness of the Bill if enacted as Act.

Levels of Consultation

The following consultations on the Bill were made till date:

- The Bill was discussed within the Department of Culture and the Ministry of Home and Cultural Affairs.
- The legal aspect of Archaeology in relation to the Bill was discussed in a two days 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.
- Discussed relevant aspects of the Bill with the officials of the Division of Human Settlements of the Ministry of Works and Human Settlements.
- Discussed the Bill with officials of the relevant government agencies during the PSIA launch workshop on February 24, 2014.
- The Bill has been distributed to most of the relevant government stakeholders for review and comments.
- The Bill will be taken for wider and thorough consultation with all the relevant stakeholders in the days to come.