



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
Ministério da Educação
Secretaria de Estado da Cultura
Rua de Vila Verde, Dili

GOVERNMENT RESOLUTION NO. 25/2011

14th September

RELATED TO THE PROTECTION OF CULTURAL HERITAGE

The Program of IV Constitutional Government, in point 3 related to the Arts and Culture, expresses the Government's determination in "placing culture at the use of affirming the Timorese Nation and State". Besides that, this document states that it should be "through culture that Timor-Leste should reposition itself, preserving, enriching and safeguarding its identity", since "the protection of Culture ensures an enduring transmission through generations of the historical and ethnographic legacy of our ancestors, and of the contemporary achievements, accomplishments and values".

In regards to specific cultural heritage, the National Cultural Policy, approved by the Council of Ministers on the 23rd of September 2009, envisages the creation of "legal mechanisms that allow an efficient management and preservation of Timor-Leste's cultural heritage", in order to "defining the rights and duties of all citizens before the country's cultural heritage, contributing to its safeguarding and valorisation".

Since it is the responsibility of the State to protect and value cultural heritage as an instrument of democratization of the access to culture, as well as a fundamental element in the process of consolidating the national identity and sovereignty, and considering that the classification and the protection of Timor-Leste's immovable cultural assets should always be undertaken with the ultimate purpose of creating a fair and equal society, assuming cultural diversity as humanitarian and development fundamental principles, the Government recognises that it is up to the State Secretariat of Culture and the services under its supervision, to secure the legal framework indispensable to the inventory, management, protection and valorisation of the cultural and architectural heritage of Timor-Leste.

The approval of a set of strategic and regulatory guidelines towards the protection and the preservation of Timor-Leste's cultural heritage, as a fundamental tool to preserve and consolidate national unity and national identity, will be further improved by the future Cultural Heritage National Law, currently under preparation.

Therefore, the Government decides, following paragraph a) of Article 116 of the Constitution of the Republic, and in pursuit of the Program of the IV Constitutional Government and its National Cultural Policy, the following:

- a) The current Resolution is approved, defining the concept of cultural heritage and measures for its support, defence, preservation and conservation.
- b) The current Resolution is in use until the Cultural Heritage National Law is approved.
- c) Cultural heritage is defined as all assets, moveable and immovable, tangible or intangible, which for its unique importance and value contribute to affirm the cultural identity of a community, country or region and that for such reason, should be the target of identification, research, classification and conservation and protection measures. Timor-Leste's cultural heritage should reflect values of memory, antiquity, authenticity, originality, rarity or exemplarity of its People.
- d) The types of cultural heritage existing in the country include:
 - Archaeological heritage, on land and underwater, including archaeological sites and materials from excavations and archaeological sites;
 - Architectural heritage, including several types of buildings from the Portuguese and Dutch colonial periods (including religious heritage), the Japanese occupation period and the Indonesian occupation period;
 - Ethnographic and traditional heritage, moveable and immovable, including traditional architecture, sacred architecture and sites, as well as ethnographic and traditional objects associated with living cultures;
 - Intangible heritage, including traditions, oral expressions and languages, social and ritual practices and festivities, knowledge and practices associated with nature and natural resource management, as well as traditional arts and performance, including music, dance and singing.
- e) The body within the State that holds tutelage of all cultural heritage in Timor-Leste is the State Secretariat of Culture, or the body within Government that will replace it in its competences, according to the expressed delegation of powers consecrated in no. 2 of Article 49 of the Decree-Law 22/2010, of December 9, which approves the Organic Law of the Ministry of Education. It is the responsibility of the Ministry of Education to supervise the activities of the State Secretariat of Culture.
- f) The tutelage now consecrated comprises the defence, protection, development and conservation of the Cultural Heritage of Timor-Leste, having the power to technically control and examine all type of interventions on the cultural heritage of Timor-Leste, through the use

of measures and mechanisms defined in the current Resolution or in any relevant legislation to be produced.

- g) The power of controlling and examining is applied through technical judgments and the relevant technical accompanying reports and it is applied to all institutions, public or private whom, through collaboration with the State or by their own initiative, on assets of public or private domain, intend to acquire, modify, recover, develop and/or intervene in any type of asset, public or private, which fall under the scope of the current diploma and are duly identified and classified through a dispatch from the tutelage body.
- h) Included in the above-mentioned are all specific projects developed by the Catholic Church of Timor-Leste in the cultural heritage under its ownership, as long as this heritage is classified.

Approved by the Council of Ministers on the 7th of September, 2011.

To be published.

The acting Prime-Minister,

José Luís Guterres