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Royal Government of Bhutan

PRIME MINISTER

C-2/39/320

Date: 30th October 2019

[Translated Text]

EXECUTIVE ORDER

Subject: Guidelines on engagement by RGoB agencies and officials with external agencies and related matters

Towards further strengthening the sovereignty of the Kingdom of Bhutan and to promote and safeguard national interests, it has become imperative for the Royal Government to exercise its duties enshrined under Article 20(5) (d) of the Constitution of the Kingdom of Bhutan. The following guidelines is therefore issued for the agencies and officials of the Royal Government and other public entities to engage with external agencies more effectively through better coordination:

Channel of Communication:

1. MFA shall be the channel of communication between the Royal Government and external agencies, both resident and non-resident, on all official matters. Where there exists an overseas diplomatic mission of the Royal Government, official communication from the external agencies shall be routed through the diplomatic missions concerned. However, bilateral mechanisms already approved by the Royal Government will continue to maintain their channel of communication.
2. Communication on routine technical matters can be exchanged by agencies of the Royal Government with external agencies.
3. Where an agency of the Royal Government receives communication directly from an external agency on matters requiring policy consideration by MFA, the external agency should be advised by the concerned agencies of the Royal Government to route the matter through the MFA or the diplomatic mission of the Royal Government. Thus, any matter referred for retrospective approval shall not be considered by MFA.



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Memberships to International organizations/Entering into a Memorandum of Understanding (MoU) and other Agreements:

4. Membership to international/regional organizations or any treaty action related to international instruments shall be undertaken in accordance with the Rules of Procedure for Treaty making 2016. In accordance with the Rules of Procedure for Treaty Making 2016, political clearance of the Ministry of Foreign Affairs and legal opinion from Office of Attorney General (OAG) must be obtained prior to initiation of any treaty action or membership to international /regional organization.
5. Proposals to sign MoUs and agreements of any nature with external agencies shall require the prior political clearance from MFA and legal opinion from OAG. Thereafter, the concerned agency shall submit the proposal to MoU Review Committee for approval.
6. To facilitate a constructive partnership between the government and CSOs in order to advance the public interest, registered CSOs in Bhutan shall consult MFA through the CSOA before entering into a partnership agreement or MoU of any nature with external agencies.

Ex-Country Travel:

7. The following shall require prior political clearance from MFA for official travel outside:
 - a. Ministers (Concerned ministry shall seek approval of the Cabinet after obtaining clearance from MFA)
 - b. Members of the Parliament
 - c. Officials from the Judiciary
 - d. Heads and officials of Constitutional Bodies
 - e. Heads and employees of the autonomous agencies of the RGoB
 - f. Officers in EX/ES category and all other civil servants in their representational capacity and those deemed necessary for clearance by the ministry/agencies



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- g. Former Prime Ministers/former Ministers and former Parliamentarians invited directly by foreign governments/International institutions/agencies to represent the RGoB at an inter-governmental body.
8. MFA's political clearance will not be required for ex-country travel by officials related to capacity building/training/seminar/workshop unless notified by MFA from time to time.
9. The role and responsibility for the ministerial delegation shall be clearly specified in order to keep the size of the delegation small.
10. Minister and Secretary from same ministry shall refrain from travelling on same delegation unless deemed necessary.
11. MFA shall provide pre-departure briefings to RGoB delegations where deemed necessary and the RGoB delegation, on solicitation by MFA, shall submit a comprehensive report of the event attended.

Official visits to Bhutan:

12. Ministry of Foreign Affairs shall verify and recommend visa application for international organization and government delegation.
13. However, in case the visit is related to an on-going project under implementation by an agency of the Royal Government, Gross National Happiness Commission shall issue the clearance, unless notified by MFA from time to time. MFA will be kept informed of all visits approved by GNHC.

Hosting of International Conferences/ Seminars in Bhutan:

14. RGoB agencies shall obtain prior endorsement of the MFA for hosting bilateral regional and multilateral meetings/conferences/seminars in Bhutan. A minimum of 30 days' notice must be given to the MFA when applying for such clearances.



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15. The organizing agency shall submit a copy of an outcome document of the event in a timely manner to MFA.

Private Sector:

16. In the case of business entities soliciting MFA's support in resolving business disputes with an external business entity, recommendation letter from the relevant agency should be submitted to MFA.

17. Business entities shall require the prior approval of MFA to participate in trade promotion events organized by foreign governments. Request for such clearance will require a recommendation from the BCCI or relevant agency of the RGoB.

This order shall come into immediate effect and supersedes the Executive Order C-2/85 dated 30th September 2013 and any other notifications on this matter issued by the Government.

Sd/-

(Dr. Lotay Tshering)

Copy to:

1. Zimpon to His Majesty The King, Office of Gyalpoi Zimpon, Tashichhodzong
2. Hon'ble Chief Justice of Bhutan, Royal Court of Justice, Thimphu
3. Hon'ble Speaker, National Assembly of Bhutan, Gyalyong Tshogkhang
4. Hon'ble Chairman, National Council of Bhutan, Thimphu.
5. Hon'ble Ministers, All Ministries, Thimphu
6. Secretary to His Majesty the Fourth Druk Gyalpo, Royal Secretariat, Tashichhodzong
7. All Heads of Constitutional Bodies, Thimphu
8. Secretary, All Ministries, Thimphu
9. Secretary, All Commissions, Thimphu
10. Governor, Royal Monetary Authority, Thimphu.
11. Heads of Autonomous Agencies, Thimphu
12. Secretary General, Bhutan Chamber of Commerce and Industry.