

Status on Democratization Process in the Kingdom of Bhutan: Briefing

by

The Chief Election Commissioner of Bhutan

to

The Eleventh Round Table Meeting, 2011

1. I would also like to join Dasho Karma and the preceding speakers in welcoming all dignitaries and development partners to our country.
2. I am grateful for this opportunity to brief the distinguished delegates on the status of democratization process in Bhutan as I see it.
3. In 2008 at the Tenth Round Table Meeting I had the opportunity to talk on parliamentary democracy and the first-ever parliamentary elections in Bhutan. Since then, a lot of progress has been made. With the conduct of the much-awaited local government elections in 2011, we can claim that Bhutan has now in place all the institutional arrangements necessary for democracy.

Local Government Elections

4. Today I will first touch briefly on the local government elections of 2011, in order to save time, as a more detailed account of the same, is being distributed to read at your leisure. I will then focus more time on certain topical issues having direct bearing on the **Status on Democratization Process in the Kingdom of Bhutan**.
5. The first-ever local government elections under the Constitution were conducted more than 2 years after the conduct of parliamentary elections.
6. The local government elections were conducted against the backdrop of a long standing national debate on the legality and constitutionality of conducting the elections without

certain conditions provided for in the Constitution being fully met. After the inordinate delay, elections were conducted for all 205 *Gewog Tshogdes*, 4 *Dzongkhag Thromde Tshogdes* and 16 *Thromde Tshogpas* to *Gewog Tshogdes Tshogpas* by June 2011. The first-ever local government elections in Bhutan had to be conducted as a *one-time measure*.

7. We began with the conduct of elections to four *Dzongkhag Thromde Tshogdes* of *Gelegphu, Phuentshogling, Samdrup Jongkhar* and *Thimphu*, in January 2011 and the elections to *Gewog Tshogdes* in June 2011.
8. The *Gewog Tshogde* elections were called for and notified on 6th of April 2011, with the Poll Day initially set for 24th of May 2011 and later rescheduled for 27th of June 2011, owing to issues concerning the participation as candidates by the former members of the two political parties who were required to resign one year prior to their nominations to contest in the local government elections and revocation of waiver of one year civil registry durational requirement.
9. A total of 2,185 candidates were nominated to contest 1,475 positions in the local governments of which only 1,102 positions were filled in and 76 out of a total of 156 female candidates who contested the elections were elected with majority being for the post of *Gewog Tshogde Tshogpas*. The overall voter turnout was 56 percent of the total voter population.
10. There are a total of 371 local government positions still vacant. Elections to these vacancies will be called in due course of time.
11. With the elections to the local governments, the process of democratization of Bhutan has come a full circle, except for the conduct of elections to remaining vacant positions.
12. The recent elections affirmed our apprehension that future elections in Bhutan will not always be smooth sailing as the first parliamentary elections given the anticipated interferences to the electoral processes due to measures adopted by ECB that appeared to

thwart the short-term interests of stakeholders. The recent elections did help us see clearly the many challenges that were present on our path.

Topical Issues concerning the Bhutanese Democracy

The Bhutanese Democracy

13. Bhutan, with the conduct of first-ever elections to parliament in 2008 and the local government in 205 *Gewogs* and 1,044 *Chiwogs* has now entered a new chapter in the history of democratic Bhutan.
14. To share my views on status of democratization in Bhutan I would like to refer to the framework for the assessment of development of electoral democracy developed by International Institute of Democracy and Electoral Assistance (IDEA), which consist of four main headings focussing on those areas that I find relevant to my personal engagement. The four headings are:
1. Citizenship, Law and Rights;
 2. Representative and Accountable Government;
 3. Civil Society and Popular Participation; and
 4. Democracy Beyond the State.

1. CITIZENSHIP, LAW AND RIGHTS

Nationhood and Citizenship

15. Bhutan has since 2008 graduated itself as sovereign and a constitutional democracy. The Constitution declared Bhutan as a Democratic Constitutional Monarchy, with a Parliament directly elected by the people. The King of Bhutan is the Head of State Who would automatically retire from service at the young age of 65 years.

16. The sovereign powers of the monarch are now being exercised by the elected representatives of the people. All political issues are discussed at both national and local levels by the people in Parliament, *Dzongkhag Tshogdus*, *Gewog Tshogdes*, *Thromde Tshogdes*: forums put in place under the Constitution for people to voice their views. In addition, the media and the civil society organizations contribute considerably in influencing and shaping the quality of decision-making processes and the decisions that ultimately culminate as policies, laws, rules, procedures and systems for the wellbeing of the people and the Nation.
17. The manner of functioning of different organs of the Government gives cause for one to feel generally happy. However, when the ruling party and government mindlessly exerts its authority and numerical supremacy while the opposition is often unyielding to the pressure of the majority and when the National Council fortified with apoliticalness is equally unrelenting of its reviewing mandate though sometimes fruitlessly, it becomes a matter of concern.
18. The Election Commission as a body envisaged to be independent of the control of parliament and executive, stands not to be truly so any longer, and it is on the receiving end with the enactment of the Civil Service Act of Bhutan 2010 curtailing its independence over its personnel; and the Amendment Bill to the Election Act of the Kingdom of Bhutan attempting to arbitrarily provide public resources to finance organizational operations of political parties elected to Parliament and to require the Election Commission to report to the Parliament on an annual basis. The concerted effort to strait-jacket the ECB to be no more important or independent than other constitutional entities and consistent attempts to render it subservient to the executive and parliament is now our genuine concern as we are fearful of whether future elections in Bhutan can truly be free and fair. The Chief Election Commissioner is periodically faced with the threat of impeachment for any decision made by the Election Commission that does not suit the palates of elected leaders.
19. As such, the thorny and controversial issues of the Constituency Development Grant (CDG) and the state funding of political parties, **over and above the public funding of**

parliamentary election campaigns of political parties and candidates, being pushed through somehow are cause of concern to those who wish to uphold the sanctity of the Constitution in insuring a multiparty democracy and electoral system free from the influence of muscle and money power.

20. In the process the media has had many field days and has to be attributed for its share of mischief in any governmental conflicts, differences and confrontations, although as pointed out by Dasho Karma, it indicates the high degree of freedom enjoyed by the media.
21. In spite of all these, or indeed as indicated by these, the democratic nation of Bhutan stands tall and more vibrant with most of the dimensions and institutions of a democratic society in place and working: a small nation with its share of diversity where all citizens form active and engaging member of the Bhutanese plurality respecting cultural differences and protected from any form of discrimination based on class, caste, creed, race, religion, sex or age under the Constitution.

The Rule of Law and Access to Justice

22. On the eve of Bhutan embarking on the path of multiparty democracy there were people who swore freely that “they would see in 2008”, the year of the first-ever Parliamentary Democracy, as if democracy is anarchy and a free-for-all system, where the rule of law would be non-existent and no duties and responsibilities are required to be performed.
23. I could not help but tell a few such persons that according to my understanding of democracy it would mean rule-of-law with rights guaranteed but duties and responsibilities expected to be rendered by each citizen. When a parliament is elected it is for making laws which are expected to be enforced and obeyed.
24. In actual fact, the pendulum has swung to the extreme and Bhutan is now inundated with new laws and many old laws being amended, some avoidable, as if the nation is in a big hurry. Irony is that on the receiving end of these laws are the ordinary and defenseless

individuals who were ignorantly making a choice-less effort to make ends meet in the rat race that has begun with development. Bhutanese are getting subjected to rule-of-law more than ever before. These laws and media are unsettling the usual peaceful culture of living, as enthusiastic law-makers play the role of activists.

25. However, recourse to justice and settling of grievances are better organized now. With the Supreme Court in place and constitutionally mandated independent judicial system, rule of law is better guaranteed to all aggrieved.
26. In order that both the criminal justice and penal systems observe due process to ensure impartial and equitable treatment more lawyers are educated and appointed. Judges no longer prosecute cases as professional advocates are appointed, enhancing the confidence of the people in the legal system to deliver justice fairly and effectively.
27. The police is placed under the direct control of the Ministry of Home and Cultural Affairs. Efforts are made to carry out many reforms. So much so that already some tend not to even dread committing crimes as jails are better provided than many homes.

Civil and Political Rights

28. For the first time in the history there is in place a written Constitution that guarantees every Bhutanese their fundamental rights. It also defines the duties and the responsibilities of citizenship. Bhutanese continue to live free from fear enjoying equal protection of the freedom of movement, expression, association and assembly. To my knowledge no Bhutanese is discriminated on the basis of class, caste, race, sex, religion, language or culture. There are national, international and civil society organizations which oversee these rights are respected, reported and protected.
29. In addition, a Nation with a population of 6,83,407 (Statistical Yearbook 2010) and with an electorate of 3,47,808 has two daily newspapers, five weekly newspapers, five radio stations, one television station and many cable TV operators. Besides the ICT has

revolutionized the behaviour of the society in terms of reach and expression of both desirable and undesirably vicious expression of views and thoughts. The implementation of the recommendations of the recent Media Development Assessment 2010 would go a long way in further strengthening the enabling environment of responsible and committed media in the nation that would take as their mission upholding the principles that are enshrined in the Constitution.

Economic and social rights

30. With democracy, the access to work or provision of social security has become the priorities of the political parties and the candidates as more than having received the benefit of the votes of the electorates, it becomes natural that they continue to enjoy the support for them to carry out their promises and also the assurance of reelections. As such child labour and marriage are now regarded as crime, minimum wages are not only assured but protected. All school going age Bhutanese children now enjoy the right to education which continuous to be provided of free. Concerted efforts are being made to give relevant education of a good standard.
31. Continuous efforts are likewise being made towards provision of the basic necessities of life including adequate food, shelter and clean water under the five year plan activities. The State continues to provide free health services.
32. Private sector and corporate sector including small and medium sectors are being promoted with the cooperation of the Bhutan Chamber of Commerce and Industry. Consistent efforts are being undertaken to promote bilateral and multilateral trade and investment under New Economic Policy.

2. REPRESENTATIVE AND ACCOUNTABLE GOVERNMENT

Free and Fair Elections

33. Bhutan had the first experience of holding elections in 2007-2008 and 2010-2011 under the provisions of the Constitution. We could take joy and be proud to state that the electoral management system is comparable with the best in the world. Our experience so far is very encouraging. After filling up the 371 LG vacancies and with the amendment of the Local Government Act 2009 by Parliament we hope to see the flourishing of a more democratic Bhutan.
34. The appointment to governmental and legislative offices are determined by popular competitive elections, regularity of elections to which are set in the Constitution itself. As to the issue of inclusiveness and accessibility in terms of the registration and voting procedures, independence from government and party control, and free from intimidation and abuse, the elections are found to be more than satisfactory by the national and as well as the international electoral observation teams.
35. As to the experience of the first Parliamentary Elections, a study published by a private firm with funding from DANIDA in the book *Drukyul Decides* reveals the complete picture.
36. Bhutanese electoral laws promote an inclusive and broad-based electoral and multi-party democracy as such the legislations reflect the social composition of the electorate. Continuous efforts are being made to inform and educate the electorate on the electoral system and democracy.
37. Bhutan has demonstrated to the world that it has successfully put in place system and processes capable and tested to ensure free, fair and genuine elections.

Democratic role of Political Parties

38. No law or any person can restrict the freedom of parties to form and recruit members, engage with the public and campaign for office except to promote free and fair electoral practices. As to the effectiveness of party membership, organizations, influencing public policy etc., much more improvement is desirable as the political parties are yet to be confident in terms of how the party system should effectively support and sustain good governance once they are in Parliament, be it the Ruling or Opposition Party.
39. The debate on the system of party financing to prevent the alleged subordination of parties to special interest groups is an ongoing one that is yet to see what direction it could take as the Constitution provides adequate public financing of election campaign whereas the National Assembly is interested for the State to fund even their organizational operations, bestowing on political parties the status of budgeted entities of the State like any other governmental departments or bodies.
40. A big challenge to the election administration is how to ensure that the local governments do not get entrenched with political party activists as many former party members now occupy the local government positions.
41. The National Assembly has passed the amendment bill on the Election Act 2008 for providing state funding of the two political parties in Parliament. We expect heated discussions and hope for sincerity and reason to prevail on the issue in the next session of Parliament.

Government Effectiveness and Accountability

42. While much was achieved under monarchy, with democracy, hopes and expectations of the people are enlarged with leaders no longer waiting for directions but seek out the needs and wants of the electorates. These include reviews of the plan activities by

Parliamentarians, checking on the working of the civil servants and pressure exerted on completion of plan activities on or before the deadline. The memories of the manifestoes of the parties and candidates and hope generated for providing more in the next elections are good enough motivations to perform. Going by the pronounced outcome of the mid-term reviews and the success of the Tenth Plan under the leadership of the elected government, public confidence in the government and the political leadership to be able to deliver on its promises is high.

43. The Cabinet ministers have become increasingly accessible to the general public and media. The regular press briefings are evident enough. Due credit must be given to the government, given a negligible presence of the opposition, for non-insistence on the exercise of its whip in parliament and making it possible for legislative scrutiny to be more objective and non-partisan.
44. As to the role of the opposition the two-member team has been a force to reckon with.

3. CIVIL SOCIETY AND POPULAR PARTICIPATION

Political Participation

45. The Civil Society Organization Act and the Religious Organization Act has made it possible for many informal groups and bodies to gain formal recognition and legitimacy. These encourage the growth of more civil society organizations as alternative forums and options for expression of will, wants and needs of the public effectively.
46. In addition to charitable and welfare oriented roles the increasing evidence of taking causes to right injustices, abuses and mis-governance is gaining more prominence. Many such causes had received judicial and police actions.
47. We expect more eligible citizens to choose to exercise their rights to vote and run for elected offices, so that our democracy will become stronger and more vibrant. It is also

important that a broad range of people of different ages, sexes, races, regions, classes and status participate in the decision-making process.

48. The maximum participation by women in Bhutan's electoral democracy is proof of commitment of our women exercising their fundamental rights and duties. In the first parliamentary elections in 2008, 56 percent of our voters were women, and 10 of the 72 seats in Parliament are filled by women. In the local government elections, a total of 156 women candidates contested and 79 of them were elected as local leaders.
49. We see increasing interest and role of young people contributing to our democracy. Today, as more than 64% of Bhutan's population is between the ages of 15 and 64, it is a group that has the potential to make the difference.
50. The skeptics critical of Bhutanese with low literacy rate not being in position to play a responsible role are being proven wrong. Our people have shown that they are politically responsible and aware of their right, duties and obligation. They are competent to make correct priorities even if they be from the rural section and no one can take them for granted; be it a candidate, party or authority.

Decentralisation

51. The Constitution of Bhutan has consolidated and strengthened the decentralized system of governance that has been initiated since 1981. The institution of local government in Bhutan is apolitical and thus non-partisan with full authority to represent the people in their own right. In effect, unlike in other countries, parliament and the national government, can act on most matters only those originated or endorsed by the local government entities. The local bodies can function independent from the centre, enjoying authority on the use of resources to carry out their responsibilities. The *Dzongkhag Tshogdu* at the *Dzongkhag* and *Gewog* and *Thromde Tshogdes* have a critical role in determination of national priorities.

52. *Gewog* bodies supported with full complement of administrative and sectoral staff being provided renders the elected officials to be free to concentrate more on decision-making from that of the traditional administrative and financial roles and administration of people's participation.

Conclusion

53. Given the situation I have presented, I find the democratic culture in Bhutan is gradually taking firm roots. As a small developing country, Bhutan must prepare itself to face bigger challenges on its way to become a vibrant democracy as envisioned by His Majesty Jigme Singye Wangchuck, the Father of Bhutanese Democracy.
54. Some of these challenges will rise from within and others may come from external environment to which Bhutan is inseparably interdependent. Therefore, the next few years will be crucial for how successfully we endeavour for our democracy to gain added vibrancy.
55. As such on this ambitious journey, the people of Bhutan have great hope and abiding faith in our development partners, continuing to play active and positive roles.
56. Lastly, I wish the distinguished delegates a pleasant stay in Bhutan and a fruitful RTM.
