

Bhutan's March to Democracy: Challenges Ahead

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Introduction

The pocket sized kingdom of Bhutan is a country better known for its fiercely protected environment that is why it is referred to as the 'The Last Shangri-La'. By a strange medley of choice and historic accident, Bhutan accomplished what no other society in Southern Asia was able to do during the colonial period, that is, to isolate itself from a wide variety of influences from the West and the frenetic pace of modernisation. Seemingly, it was this virgin character that made it a popular destination for tourists. But behind the tourist temptation, Bhutan is being catapulted into the 21st Century. A new Penal Code will for the first time 'define': what is and is not a crime? If the traditional masked dance is pride of the Buddhist culture, as is the fresh yak meat in the market stall; so has the stylish cappuccino and the western discotheque found a place in the heart of Bhutan.

The year 2008 may go down in the history of South Asia as the year of democratic institutionalisation and electoral process.² After Pakistan and Nepal, Bhutan is a case in sight. But what makes Bhutan's case so distinct was the fact that the elections were not triggered by any grass-root upsurge for political change and representative governance. The Bhutanese people were to be governed by traditional monarchy, whose criteria for development was defined by the unique concept of Gross National Happiness (GNH), in contrast with Gross National Product (GNP) – felt and enjoyed not only materially but also spiritually by its people. Bhutan's call for democracy was a top-down gift to people by the king Jigme Singhye Wangchuk, much to the amazement of domestic and international onlookers.

In 2005, the king of Bhutan decided to open up his traditional monarchy to political liberalisation. He set about the process of drafting a new constitution that would make the king a constitutional head and transfer executive power to the elected representatives. The new written constitution was drafted by a committee of 39 members headed by the Chief Justice of Supreme Court of Bhutan.

The Constitution

The Preamble declares "The people of Bhutan do hereby ordain and adopt this Constitution for the kingdom of Bhutan". The Constitution provides for separation of legislative, executive and judiciary. Article 7 carries a long list of Fundamental Rights for the people of Bhutan that include the right to life, liberty and security of a person, and the right to freedom of thought, conscience, religion among others. The new Parliament is bicameral with elected National Council and National Assembly. Most significantly, political parties are legalised for the first time in Bhutanese history. The other notable provisions are political neutrality of the civil services, local governance and decentralisation.

Although the institution of monarchy remains central, many changes have been introduced. Some are quite unusual. For instance the monarch can be a woman, which is new in Bhutan. He / she shall step down and hand over the throne to his/her successor upon reaching the age of 65 years. This is a unique constitutional concept. Provision is also included for the monarch to abdicate, for wilful violation of the Constitution. King would remain as the head of state but the Parliament will have power to impeach him by two-third vote, if necessary.

Much like India and other democracies, there is separation of the executive from the legislature and the judiciary.³ The three branches of the government work in their respective spheres but with suitable checks and balances.

Branches of Government

Executive Branch

The Executive branch comprises of the Cabinet or the Council of Ministers (Lhengue Zhuengtsho). In 1998, the king devolved full executive powers to an elected Cabinet. Bhutan ministers (Lyonpos) are no more appointed by the king. They had to be voted in by the National Assembly. Candidates for the Council of Ministers are elected by the National Assembly for a fixed five year term, and must be a part of the Legislative Assembly. The Cabinet is headed by the Prime Minister, who is the head of the Government. The post of the Prime Minister rotates each year between the five candidates who secured the highest number of votes.

Legislative Branch (The Parliament)

Under the new democratic system there will be a bicameral legislature consisting of the Upper and Lower House, the latter based on political party affiliations. Elections for the Upper House, 20 seat (National Council) were held on 31 December 2007, while elections for the Lower House, 47 seat (National Assembly) were held on 24 March 2008. The two political parties – the People's Democratic Party (PDP) headed by Sanjay Ngedup and the Druk Phuensum Tshogpa (DPT) headed by the Jigmi Thinley, competed in the National Assembly election. The DPT won a landslide victory taking 45 out of 47 seats in the Parliament. The elections were monitored by more than 40 international observers including the UN and praised by the USA as a "positive step in Bhutan's transition to a Democratic Constitutional Monarchy"

Apart from election scenario in the Parliament, what becomes noteworthy is that the Tshogdu or the Parliament

has gradually evolved from being a rubber-stamp institution, at the beginning of the 1970s to a more active and representative institution today. Besides, on various occasions, members of the National Assembly have expressed views that differed significantly from those defended by the king. Where debates have been more open to criticism, discussions on the annual budget have become more incisive.

Judicial Branch

In Bhutan's judicial system, the king is the final court of appeal. The High Court of Thimpu is known as the Royal Court of Justice which is the Supreme Court of the Country. It was set up in 1968 to review appeals from the District Courts. Until then the District Courts administered the law. The Judges of the District Court and High Court are appointed by the king. Over the years one notices an improvement in the judicial process through the enactment of decisive acts, the development of standard civil and criminal court procedure, which all amount to modernisation of the overall system which has been enriched by the principles of western origin.

Democracy at the Grassroots

As mentioned earlier Bhutan's call for democracy was a top-down sermon by the king himself. Keeping in tune with this principle, a constitutional mandate provides the framework for decentralised institutions at the local level to be recognised as an important tier of the government. Bhutan is divided into 20 districts or DZONGKHAGS each headed by a district officer (DZONGDA) who must be elected. Larger districts are further subdivided into sub-districts called DUNGKHAGS. Between 1976 to 1981 District Development Committees (DDCs) were established as a first step. Today there are 20 DDCs with more than 560 elected members.⁵ A group of villages are grouped into a constituency called GEWOG, administered by a locally elected leader called a GUP. There are 201 elected GUPS, elections for which were held on the basis of universal suffrage from September to December 2002. For better functioning of the GEWOGS, Gewog development committees were created at the block level in 1991. Each local area is responsible for creating and implementing its own developmental plan in consideration with the district.

Elections with a Difference: The Bhutan elections were unique not only because they were ordered by the king but also because, unlike other South Asian countries, educational qualifications were made an important factor. The king introduced a stipulation making it mandatory for the candidates to the Parliament to have a university degree of western education format. A large section of the population, endowed with experience and patriotism were thus denied their inalienable democratic right to participate in politics and become MPs on the ground that they were not graduates. Here it becomes imperative to mention that Bhutan has a small graduate community of just 3000 persons. This is also indicative of the fact that in a Country where the rate of literacy is still around 42 per cent, the graduate community may mostly come from the upper and elite sections of the society. In that case the Bhutanese Parliament may just turn out to be a forte of the elite.

So far personalities have been more significant than ideological differences in the emerging political debate as shown by results of the Parliamentary elections. Elections were also constrained as the contesting parties were screened before they were given permission to participate. The Druk People's Unity Party (DPUP) was disqualified after scrutiny for what was described as lack of credible leadership.

Another notable feature was that certain sections of the Bhutanese population were denied access to elections. The parents of the contestants have to be Bhutan born. The relatives of rebels were banned from participating in the current democratic elections. The democratic voting rights of monks were denied too so that the electoral process could be kept free from the religious issues. One wonders - Are they not Bhutanese citizens? Another bone of contention has been the exiled Nepali origin Bhutanese who are 100,000 in number and reside in refugee camps. They were not included in the voter's list and were not allowed to participate in the elections.

Ushering in all this change was Bhutan's brand new Election Commission which successfully held one round of mock elections as a preview to the final elections in March 2008. The wooden ballot finally gave way to the Electronic voting machine which was funded by India. As many as 74.4 per cent of more than 318,000 registered voters cast their votes. The Election Commission gave one lakh Bhutanese rupees, in addition to essential election material, to each candidate towards poll expenses. A television debate between the leaders of the contending parties was also organised by the Election Commission.

Good Governance and Modernisation. Over the years, good governance and modernisation have become an intrinsic part of Bhutan's efforts towards democratic reforms. The television finally arrived in early 1990s although the rural areas still depend on radio for their information. Internet access followed in 2001 and a cellular phone service in November 2003. The draft constitution categorically points out that there would be freedom of press, radio and television. Last December Bhutan became the first country to impose a complete ban on the sale of tobacco products. In fact, this lead is without a parallel. As defined by the Royal Civil Service Commission, good governance is guided by the principles of promoting efficiency, transparency, accountability, justice, equality and empowerment in order to meet the goals of peace, progress, security and people's welfare. New administrative bodies like the Employment Agency have been created in as much as the establishment of a career line for civil servants. Enhancing the private sector development has long been part of the good governance efforts.

Challenges Facing the Bhutanese Democracy

The question that comes to everyone's mind is: will the democratic experiment in Bhutan survive or give way to chaos?

First, the transition to democracy in Bhutan has been an uphill task. The transition to democracy has been more an act of grafting than a process of growth.⁷ It has been implanted on a soil accustomed to some hundred years of benevolent monarchy. The success of democracy requires change in the mindset of the people of Bhutan to accept the virtues of democracy. It is however the case that while the people of Bhutan want democracy, they want monarchy more. The outcome of two rounds of mock elections held in April and May 2007 was in favour of traditional values and traditional system.

Second, most observers have been surprised by the results of recent Parliamentary elections where the DPT routed the PDP and won 45 out of the 47 seats of the first new National Assembly. These elections may have emphasised the importance of consensus politics but they have also spelt the insignificance of the smallest opposition anywhere in the world amounting to three only. The absence of real opposition will be a challenge for the incoming government that will have to prevent consensus from being seen as a denial of democracy.

Third, right to criticise the political elite may not come naturally to the conformist people of Bhutan. This mindset may actually stand in the way of free flow of opinion.

Fourth, in a Country where 60 per cent of the population is illiterate, making education (graduation) a necessary qualification for contesting elections to the Parliament, it seems, would not actually represent the interests of the common people but rather the interests of the educated sections who come from the rich upper strata of society.

Fifth, another thorn in Bhutan's quest for democracy is that the Constitution has not addressed the plight of the Bhutanese people of Nepal origin who have not been given due right and representation.⁸ Migration by Nepalīs into southern Bhutan began in the early 19th Century. Currently these and other ethnic Nepalīs referred to as Lhotsampas, comprise 35 per cent of Bhutan's population. In 1988, the Government census led to the branding of many ethnic Nepalīs as illegal immigrants. Local Lhotsampa leaders responded with anti-government rallies demanding citizenship and attacks against government institutions. Between 1988-93, thousands of ethnic Nepalīs fled to refugee camps in Nepal alleging ethnic and political repression. Bhutan and Nepal have been working for over seven years to resolve the problem and repatriate certain refugees living in Nepal. However, officials from both the political parties DPT and PDP have said resolving the grievances of ethnic Nepalīs' is a priority.

Lastly, a major obstacle to the growth of democracy is that the Bhutanese territory is being used by Indian insurgent outfits like the ULFA, Maoists and so on.

Conclusion

Whatever be the challenges in Bhutan's march to democracy - it is heartening to note that the kingdom has taken the first bold step on the democratic journey. The fact remains that Bhutan's much worshipped Monarchy today co-exists with a newly elected Parliament and an accountable Government. Democracy holds the key to addressing several issues of non-conventional security. It promotes an opportunity to ensure domestic security through dialogue and people's participation in the process of governance.

Struggling democracies, be it in Bhutan or elsewhere, must be consolidated so that all levels of society come to terms with democracy as the best form of government and to the country's constitutional norms and restraints. Even if the democratic reforms had not been thrust upon, I think Bhutan's transition to democracy would have come anyway. It was only a matter of time. In the present era of democracy - absolute Monarchy is an anachronism. Bhutan for all the advantages of benevolent dictatorship could never have taken up its place in the world until it became a full fledged democracy.

Contrary to Huntington's general predicament that "The struggle between a pro-status quo-traditional elite and a pro-change modernising elite is likely to be fatal to any monarchical system lacking the Western political-cultural background",¹¹ the process of political modernisation has not been fatal to the monarchical system in Bhutan. On the contrary, the Monarchy has been the main agent of democratic reform as demonstrated during the reign of the Fourth King. In fact, the coming in of modernisation in Bhutan has not necessarily meant replacement of tradition. Both co-exist. Far from conservatism; change in continuity has been a reality in Bhutan and a credible alternative to revolution.¹² It may also have lessons for other countries in the region. King Wangchuk was right in saying in his abdication speech. "Why wait for a revolution"?

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