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**Democracy in Bhutan**  
**An Analysis of Constitutional Change in**  
**a Buddhist Monarchy**

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# I. Introduction

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*“Democracy in Bhutan is truly a result of the desire, aspiration and complete commitment of the monarchy to the well-being of the people and the country”*

(Chief Justice of Bhutan, Lyonpo Sonam Tobgye, 18 July 2008)

This short and simple statement made by Bhutan’s Chief Justice after the signing of the country’s first constitution, points to the core of what might be one of the most astonishing and unique transitions to democracy witnessed by scholars so far. With the Kingdom of Bhutan becoming a constitutional monarchy and consequently, one of the world’s youngest democracies, the country took yet another decisive step along a path on which it embarked several years ago. Ever since the emergence of the hereditary monarchy in 1907, the kings have followed a path of smooth and gradual modernization. Wielding absolute power, they maneuvered the country along the thin line between development and the preservation of Bhutan’s unique cultural heritage. For decades, modernization, development and preservation were the main goals of policy decisions rather than actively democratizing the country. But beginning in 1998, Bhutan experienced a rapid, peaceful, guided and unflinching transition to democracy solely initiated by the vision and will of King Jigme Singye Wangchuk. Within ten years the country became a constitutional monarchy.

The following essay attempts to provide a comprehensive overview of the constitutional developments in the Kingdom of Bhutan. Starting from the pre-monarchy era and looking closely at the different phases of modernization as initiated by the respective kings, the aim shall be to draw a conclusive picture of the

structural changes within the Bhutanese polity. While the historical analysis might appear to be excessive, it nevertheless is an important task to fully understand the uniqueness of the developments in Bhutan. Democratic transition does not happen overnight; it is usually a long process of successive developments. Analyzing such a process without taking into account its context, that is, the point from which it took off and the environment in which it took shape, is of little use, especially in the case of Bhutan where every initiative to modernize the country has emanated solely from the kings.

Bhutan constitutes a striking example of path-dependency, especially with regard to the reign of the fourth king, who continuously followed his vision of transforming Bhutan’s polity. Because of the numerous particularities that come with this case study, there will be two short excurses that are worth the writing. One will be on the creation of the monarchy, which provides for astonishing similarities with the ideas of Thomas Hobbes’ Leviathan and thus, serves as an interesting link between political realities and political philosophy. The second excursion will be on the concept of Gross National Happiness (GNH). Again, this policy constitutes a unique feature in Bhutanese politics, as it combines cultural and traditional preservation with post-modern values. It appears that it is not GNH that complements democracy in Bhutan, but that democracy is just one part of Gross National Happiness. The last part of section two will be dedicated to the analysis of the present Bhutanese polity as stipulated by the new constitution. In the end, conclusions will be drawn from the preceding analysis to assess if Bhutan can be regarded a unique case in political science.

## II. Constitutional Change: A Comprehensive Analysis

The following pages will present and analyze the history of modernization and development in the Kingdom of Bhutan. Beginning in 1616 with Ngawang Namgyal, who is “considered the first great historical figure of Bhutan,”<sup>1</sup> the administrative structure of the pre-monarchy era will be examined, followed by sections dealing with individual kings who ruled Bhutan 1907 onwards and the political, social, and administrative developments that took place under each of their reigns.

### THEOCRACY (1616-1907): YEARS BETWEEN STABILITY, WAR AND CIVIL UNREST

AC Sinah writes about Ngawang Namgyal, “he may be included among those few charismatic leaders of the human race whose life and death are the immortal saga linked intimately with the destiny of a people.”<sup>2</sup> In fact, it was he who united the monasterial districts in this remote Himalayan region in a land named Drukylu, known today as the Kingdom of Bhutan. He had been forced into exile from Tibet and soon brought the monasteries with their clergy and influential families under his control. The governmental system that he established reigned for almost 300 years. Namgyal became the head of state, bestowing upon himself the title of Shabdrung, presiding over a dual administrative system, composed of a religious and civil branch. While the religious branch of the system was headed by the Je Khenpo (lord abbot) who had authority over the Buddhist monasteries in Bhutan, the civil branch of administration

was headed by the Druk Desi. The Privy Council, made up of regional leaders and the Shabdrung’s confidants, elected him every three years. The country was divided into three regions - west, centre, and east, each headed by a Penlop (governor), who had to perform administrative tasks. The reign of the first Shabdrung also saw the construction of well-fortified monasteries (dzongs), which became centers of trade and administration, reaching into the present time.

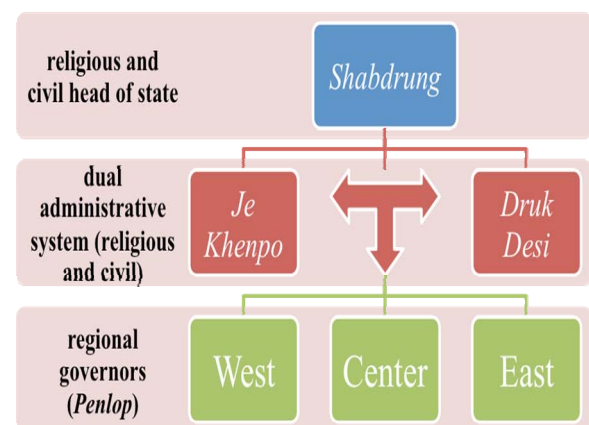


Figure 1: Bhutan’s Government Structure from 1616 to 1907

Even though Namgyal succeeded in centralizing and consolidating his power within Bhutan, the country faced serious external threats in the centuries that followed. Tibetans, Mongols and finally the British invaded or threatened to invade Bhutan. The country fought numerous wars, not all of them in self-defense, but also to enlarge its sphere of influence. However, although it had to give up parts of its territory in Sikkim, Assam and Bengal, Bhutan was able to maintain its independence vis-à-vis the British. This is perhaps the most important fact: despite military conflicts with the colonial power of the Indian subcontinent and a brief but fierce war in 1864/65, Bhutan never came

<sup>1</sup> Library of Congress. 1991. *Theocratic Government, 1616–1907*. Available at <http://lcweb2.loc.gov/frd/cs/bttoc.html>

<sup>2</sup> Awadhesh Coomar Sinah. 2001. *Himalayan Kingdom of Bhutan. Tradition, Transition, and Transformation*. New Delhi: Indus. p.52.

under British rule and thus, was able to sustain its administrative system and Buddhist culture.

The major shortcoming of the system manifested itself 1651 onwards, the year Ngawang Namgyal died.<sup>3</sup> As the title of Shabdrung was not hereditary, but based on the reincarnation of Namgyal, his death left a power vacuum that was gradually filled by the Je Khenpo, Druk Desis, and the Penlops, all of them becoming more powerful over time. The civil branch of administration gained even more control of the state apparatus and the rivalries within and between different levels of the civil elite began to adversely affect Bhutan's inner stability. Having grown accustomed to their new influence and reluctant to give back power to the Shabdrung, religious and civil elites failed numerous times to name an actual reincarnation of Ngawang Namgyal. Adding to these horizontal and vertical tensions over the distribution of power were major disagreements on how to handle the British. All this led to "constant civil war, plots, and counterplots, and no less than 54 Druk Desis held office between 1651 and 1907."<sup>4</sup>

At the height of conflict, the young Penlop of Tongsa, Ugyen Wangchuk, entered the struggle for power. It would take decades, but eventually this man would change the country dramatically, building the foundations for peace, tranquility, development, and modernization.

### **EMERGENCE AND CONSOLIDATION OF THE MONARCHY UNDER THE FIRST AND SECOND DRUK GYALPO (1907-1952)**

The decades preceding the introduction of hereditary monarchy in Bhutan were plagued by political instability, war, and civil unrest. From the 1870s onwards, civil wars

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<sup>3</sup> Namgyal's death was kept a secret for almost 50 years. Cp. Ibid. pp.58ff.

<sup>4</sup> Tashi Wangchuk. 2004. "The Middle Path to Democracy in the Kingdom of Bhutan." *Asian Survey* 44(6): 838.

and rebellions, fueled by rivalries between regional leaders, spoiled the efforts of previous rulers to unite the country. It became apparent that "the dual political system was obsolete and ineffective."<sup>5</sup>

Ugyen Wangchuk emerged a capable leader from the turmoil, defeating his political opponents and gaining greater administrative control of the country, especially after the last Shabdrung died in 1903. He was also able to improve relations with the British and secured their support after successfully mediating between the British and Tibetans in 1904. Finally, in 1907, he forced the last Druk Desi to abdicate. Even though Ugyen Wangchuk appeared at first sight to be striving for political power and influence, he showed obvious commitment to his country and people by ending the civil war and re-uniting the country. In late 1907, "an assembly of leading Buddhist monks, government officials, and heads of important families unanimously chose Ugyen Wangchuk as the hereditary king of the country."<sup>6</sup>

### **EXKURS: THE BIRTH OF A MODERN LEVIATHAN**

The circumstances under which this monarchy came into being have striking similarities with what Thomas Hobbes outlines in his famous work *Leviathan*.<sup>7</sup> The decades preceding the establishment of the monarchy in Bhutan were marked by violence, civil war, uncertainty, and political impasse. Hobbes sees a way out of this state of nature which is characterized by an absence of government and a 'war of all against all' – a social contract which will create peace, tranquility and certainty by

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<sup>5</sup> Library of Congress. 1991. *Establishment of the Hereditary Monarchy, 1907*. Available at <http://lcweb2.loc.gov/frd/cs/bttoc.html>. Accessed on 26 June 2009.

<sup>6</sup> Klaus Hofmann. 2006. *Democratization from above: The case of Bhutan*. p.2. Available at <http://www.democracy-international.org/fileadmin/di/pdf/papers/di-bhutan.pdf>. Accessed on 26 June 2009.

<sup>7</sup> On the state of nature especially see chapter 14 of Hobbes's *Leviathan*.

establishing a civil society under the omnipotent rule of the Leviathan. In Bhutan that contract had been made between all conflicting and rival parties, relieving them from the state of nature and conferring power and legal authority on one person in exchange for the guarantee of peace and stability for the country and its people. What Hobbes writes on the creation of the Leviathan in chapter 17 of his famous work is of astonishing relevance to the creation of the monarchy in Bhutan:

“This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up, thy right to him, and authorise all his actions in like manner. This done, the multitude so united in one person is called a COMMONWEALTH; in Latin, CIVITAS. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence. For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad.”

It would be too much to allege that the people of Bhutan, though indirectly represented, had agreed to the contract. However, with all the influential and rival parties involved, people hoped that the first Druk Gyalpo (the Dragon King) would bring back peace, tranquility and harmony to Bhutan, values central to the country's culture and faith, and would rule the country to the benefit of the people. Tashi Wangchuk writes, “this contract between the ruler and the ruled legitimized the authority of the king, and Aris writes that it was a ‘voluntary undertaking entered into by

free negotiation’ to end the ‘incessant feuds’ of succession and ‘above all else to achieving lasting peace.”<sup>8,9</sup> The British colonial officer Jean Claude White wrote after witnessing the coronation of the newly-crowned king that “Sir Ugyen is a man of particular strong character, who has [...] piloted Bhutan through a series of revolutions to a state of peace and prosperity, who has the welfare of his country at heart and thinks of it before all things. [...] I am certain his rule will be entirely for the benefit of his people and their country.”<sup>10</sup> A country and a people tired of war, civil unrest, and violence, chose to submit their fate to the authority of a single omnipotent ruler, and were not let down.

After coming to power, the king abolished the dual system of administration while centralizing authority. Only the position of the Je Khenpo remained, even though it lost most of its influence. The first Dragon King also initiated the process of gradual modernization by introducing western-style schools, fostering infrastructure and communications, and encouraging commerce and trade with India. On the other hand, he fostered the traditional religious base of the country by “revitalizing the Buddhist monastic system.”<sup>11</sup> Relations with the British improved considerably and they soon recognized the new monarchy. The Treaty of Phunaka, signed in 1910, granted political independence to the Kingdom of Bhutan. The British did not interfere in Bhutanese internal politics and administration and Bhutan would consult the British on matters of external relations. Thus, the foundations were laid for Bhutan

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<sup>8</sup>Tashi Wangchuk, n.4, p.838.

<sup>9</sup> Excerpts of this contract or rather of the oath of allegiance can be found in Michael Aris. 1994. *The Raven Crown: The Origins of Buddhist Monarchy in Bhutan*. London: Serindia Publishing. p.96, and in Jean Claude White. 1909. *Sikhim & Bhutan: Twenty-one Years on the North-East Frontier, 1887–1908*. Asian Educational Service, 2000. (ed.). pp.226–228.

<sup>10</sup>Jean Claude White. 1909. *Sikhim & Bhutan: Twenty-one Years on the North-East Frontier, 1887–1908*. Asian Educational Service. 2000. (ed.). p.230.

<sup>11</sup> Library of Congress, n.5

to embark on an independent, sovereign, and unfettered path of development.

In 1926, after King Ugyen Wangchuk's death, his son Jigme Wangchuk ascended the throne to become the second Druk Gyalpo. He continued with the cautious modernization policy of his father, and further centralized administration and authority. Bhutan remained largely isolated from the rest of the world, and was thus able to maintain its distinct, self-chosen path of development. After India's independence, the status of Bhutan again came into question and it took two years for India to recognize Bhutan's independence and sign the Treaty of Friendship with the Government of Bhutan in 1949. Through this, India inherited the British prerogative over Bhutan's external policy while it granted the Kingdom independence and sovereignty on all internal matters. Jigme Wangchuk died in 1952 and the crown of the Dragon Kingdom was passed on to his son Jigme Dorji Wangchuk.

#### **HISTORY UNFOLDS: POLITICAL MODERNIZATION AND COMMITMENT TO DEMOCRACY UNDER THE THIRD AND FOURTH DRUK GYALPSO**

While the first two kings of Bhutan concentrated primarily on securing the power and legitimacy of the monarchy and initiated careful modernization and development, while simultaneously sustaining the traditional foundations of society like Buddhism, it was the third Druk Gyalpo who "initiated key processes of democratic institutionalization."<sup>12</sup> Under his rule, from 1952 to 1972, the system of government changed considerably. Jigme Dorji Wangchuk was "dedicated to reform and restructure [...] the existing political and economic system to allow the kingdom to adapt to new challenges from a rapidly changing world."<sup>13</sup> Due to Bhutan's

isolation, all major political currents sweeping the world in the first half of the twentieth century, whether capitalism, socialism, communism, or liberalism, had no impact on the Bhutanese polity and political culture.<sup>14</sup> Influenced by the decolonization of South Asia, the founding of the People's Republic of China and its annexation of Tibet, the King became convinced that modernization had to be extended to the political sphere.

The pace of reforms under the third Dragon King accelerated considerably. In the economic sphere, he abolished slavery and serfdom and initiated extensive land reforms which have ensured that today all Bhutanese citizens living in rural areas of the country own their share of land. From the 1960s, modernization and development were further formalized through the country's five-year plans, which focused primarily on the improvement of infrastructure such as building a network of major roads from the north to south and east to west which would be accessible throughout the year. These roads were also intended as a means of building closer links with India to promote and enhance trade between the two countries. Also, Bhutan gradually moved away from international isolation, formally applying for UN membership in the late 1960s and being granted full membership in 1971. After strengthening its infrastructure, the focus of its developmental activity shifted to education and healthcare, thus again demonstrating the commitment of the monarchy to the wellbeing of the Bhutanese people.

Political developments under the third king started directly with the beginning of his reign. In order to differentiate the political system, he first separated the judiciary and legislative from the executive. The High Court was created, but the King remained the highest appellate authority and nominated the judges to the court. In 1953,

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<sup>12</sup>Tashi Wangchuk, n.4.

<sup>13</sup>Thierry Mathou. 1999. "Political Reform in Bhutan: Change in a Buddhist Monarchy". *Asian Survey* (39)4: 614.

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<sup>14</sup>Cp. Thierry Mathou. 2000. "The Politics of Bhutan: Change in Continuity". *Journal of Bhutan Studies* Vol.2(2): 230ff.



the National Assembly (Tshogdu) was created. It consisted of 110 delegates and was enlarged to 150 delegates in 1960. A distinct feature of this first parliament was its tripartite design. As the Bhutanese tradition of consensus had to be translated into the changing political system, the three main sources of legitimacy for the political system - the clergy (though not being engaged in Bhutanese politics since the introduction of monarchy, but still an influential part of traditional Bhutanese society and culture); the bureaucracy (being both “the instrument of the monarchy in the development process and the incubator of the modern elite”);<sup>15</sup> and the people, were represented in the National Assembly.

The King nominated 35 representatives from the bureaucracy, 10 members were chosen by the monastic bodies, and 105 representatives were elected on the basis of consensus by the village heads and adult representatives of each household. The number of representatives varied throughout the years. The delegate’s term of office was three years. Obviously, this mode of selection did not qualify as an election in the western sense as suffrage was highly restricted and far from universal. However, it had a striking resemblance with the overall principle guiding modernization and development. Change was introduced gradually to give the Bhutanese people the opportunity to adapt to it and preserve the cultural and traditional foundations of their society. The competences of the legislative branch of government were constantly expanded while the consensual basis of politics was ensured by the requirement of a two-thirds majority to make decisions. However, the King had a veto on all acts and decisions made by the Assembly until 1968, when he voluntarily relinquished this right. What is even more astonishing is the introduction of a triennial vote of confidence in the King, an element unique to quasi-absolute monarchies.

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<sup>15</sup> Ibid. p.242.

In 1958, the position of the Prime Minister (Lonchen) was introduced, primarily to be able to receive the Indian Prime Minister on an equal level. A close relative of the King, coming from the Dorji family, filled the position until his assassination in 1964. As a result, the position of the Prime Minister was abolished in favor of the creation of the Royal Advisory Council (Lodoi Tshogde),<sup>16</sup> which advised the King and served as a “coordinating body between the political institutions and the people.”<sup>17</sup> Finally, in 1968, the Council of Ministers “as a broad based royal consultative body”<sup>18</sup> was introduced, thereby further differentiating the executive branch of government.

During his twenty-year reign, King Jigme Dorji Wangchuk laid the foundations of a distinct but modern political system, capable of managing the challenges of changing times and, at the same time, preserving the traditional foundations of Bhutanese society. The differentiation of the polity together with great efforts to strengthen education, led to the development of an efficient and professional bureaucracy that became more and more important in implementing the King’s plans for modernization and also became a source for recruiting political personnel for the new institutions.<sup>19</sup>

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<sup>16</sup> Like the National Assembly (NA), the Royal Advisory Council was a tripartite institution. Consisting of eight members, five being elected by the NA, two by the monastic bodies, and one nominated by the King, it was clearly design to ensure the tradition of consensus in the new polity.

<sup>17</sup>Thomas Winderl. 2004. *Bhutan – the Making of a Modern State*. Available at <http://www.winderl.net/countries/bhutan/Bhutan%20-%20Towards%20a%20Modern%20State.pdf>. Accessed on 22 March 2009.

<sup>18</sup>Smruti S. Pattanaik. 1998. “Political Reforms in Bhutan: Re-establishing the Old Order.” *Strategic Analysis* Vol. 22(6): 948.

<sup>19</sup> Cp. Thomas Winderl, n.17

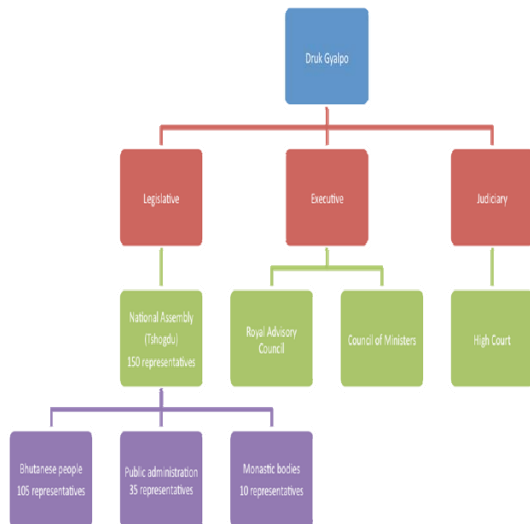


Figure 2: The Political System of Bhutan as Established by the Third Druk Gyalpo

The process of ongoing development and modernization in the economic and political spheres continued without interruption under the fourth king of Bhutan, Jigme Singye Wangchuk, who ascended the throne in 1972, at only 17 years, after the death of the third Druk Gyalpo. Although the King reintroduced his veto rights in the National Assembly and abolished the vote of confidence soon after he came to power, he showed constant commitment to the wellbeing of his country and people and seemed to have planned Bhutan's modernization and eventual democratization with great foresight. The main pillars of his policy were the creation of a concept of national ideology to foster the nation's identity, a process of decentralization and finally, the devolution of his powers to lead and guide the country on its last steps towards democratization.

### EXKURS: GROSS NATIONAL HAPPINESS AS AN IDENTITY CREATING CONCEPT

The concept of GNH structures, formalizes and combines the substance of policy goals as aspired to by the Druk Gyalpos. First introduced in the 1980s by King Jigme Singye Wangchuk, it basically combines modernization and conservatory policies. Its

essence is that economic development in particular and modernization in general, have to take into consideration the wellbeing of the people not only in material terms, but also spiritual and social terms. It thus, resembles the constant commitment of the monarchy to be responsive to the wellbeing of the people, while simultaneously guiding Bhutan along a path of development to adapt to the challenges of a changing world. The current understanding of GNH identifies four main aspects of the policy: economic development, environmental preservation, cultural promotion, and good governance.<sup>20</sup>

The concept of GNH has “provided a coherent political basis to the regime”<sup>21</sup> on which policy decisions can be based. Further, it resembles a modern adaptation of Buddhist tradition, as it is “inspired by traditional principles of conciliation, pragmatism, and compassion.”<sup>22</sup> By and large, GNH is an additional cornerstone in an effort to create a coherent national identity. Often referred to as the ‘Bhutanization policy’, it is an endeavor of the monarchy to form a common and generally accepted identity among the Bhutanese people. These efforts started under the third King of Bhutan in the 1960s when he introduced Dzongkha as the national language. Later a ‘dress code’ was enacted stipulating that every citizen would have to wear traditional Bhutanese clothing when entering a public building.

On the one hand, the creation of a national identity is a crucial step in forming a modern nation state, even though it has to be complemented by a clearly defined territory with effective administrative control over such territory. It serves as a unifying

<sup>20</sup> Cp. Thomas Winderl, n.17 and Thierry Mathou. 2008. *How to Reform a Traditional Buddhist Monarchy. The Political Achievements of His Majesty Jigme Singye Wangchuk, the fourth King of Bhutan (1972-2006)*. Available at <http://www.bhutanstudies.org.bt/admin/pubFiles/TraditionalMonarchy.pdf>. Accessed on 22 March 2009.

<sup>21</sup> Ibid. p.7.

<sup>22</sup>Thierry Mathou, n.13, p.617.

element, especially in smaller countries, where a homogenous society is of importance. On the other hand, it was this 'Bhutanization policy' that, in parts, led to the escalation of conflict with the people of Nepali origin in southern Bhutan,<sup>23</sup> as they felt their cultural traditions being threatened.

With its emphasis on environmental protection and good governance combined with the preservation of tradition and socio-economic development, GNH provides an interesting modernization concept that can address the problems of changing societies in a globalized world far more adequately than prevailing concepts. For Bhutan, GNH is the formulation of the monarchy's commitment and efforts to gradually change the society, economy, and polity, without risking disruptive effects on the inner peace and stability of its people.

The vertical differentiation of Bhutan's polity is one of the major achievements of the fourth Dragon King. Beginning in 1981, decentralization in two stages provided for better administrative capability and greater and genuine possibilities of participation for the people in the process of policy formulation. Also, it further strengthened modernization and development of the largely rural areas outside the capital, Thimphu.

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<sup>23</sup> The conflict escalated in the late 1980s after a census under new and restrictive citizenship laws was conducted and led to the flight or eviction of approximately 100,000 people to refugee camps in India and Nepal. The census made apparent that the Nepalese community had grown considerably, which was perceived as a threat to the unique Buddhist culture of the Kingdom. The Royal Government feared suffering a similar fate as Sikkim did earlier and concluded that more restrictive citizen laws were required to distinguish people who were legally residing in the southern parts of Bhutan from people who did not. Even though this conflict is of significance to the politics of Bhutan, it did not influence the process of modernization and democratization. Political reforms are not and were not aimed at counterbalancing the problem, or incorporating the refugees into the political system. Further, as the status of these refugees is highly controversial, it would be too extensive a subject to discuss within the scope of this paper. However, further and detailed information on the conflict can be found at <http://www.nepalresearch.org/politics/bhutan.htm>.

In 1981, Bhutan was divided into 20 districts (Dzongkags) and District Development Committees were set up in each of them. In 1991, further decentralization was implemented by subdividing the districts into blocks (Gewogs) and again a Block Development Committee was set up for each of the 201 blocks. Through the process of decentralization, the coordination of development was significantly improved as the Block and District Development Committees were provided substantial autonomy in allocating financial resources to modernization projects, which in turn could be better formulated with respect to the direct needs of the predominantly rural population.<sup>24</sup> The committees play a key role in the formulation of five-year plans.

Besides ongoing modernization, decentralization also enabled the population to participate in the decision making process which discussed matters of personal grievances and any other matter relating to life in the districts in an open manner and decisions were made on the basis of consensus. This helped in promoting political awareness among the traditionally apolitical population. It also activated civil society and created a substantial stock of social capital on which future efforts of more direct democratization were able to be built. The people's involvement in the procedures of what Dahl calls 'primary democracy' also showed the people that values and principles like justice, liberty, and equality, derived from the Buddhist tradition, were also compatible with political modernization, thus reducing apprehensions about the ongoing changes in the societal and political spheres.<sup>25</sup> Like the representatives in the National Assembly, the representatives to the Block and District Committees were directly elected, though under the above mentioned restrictions. In finalizing the process of decentralization, the judiciary was also subdivided into

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<sup>24</sup> Cp. Thierry Mathou, n.14, p.244.

<sup>25</sup> Cp. Tashi Wangchuk, n.4, pp.840ff.

different courts at the block and district levels.

10 July 1998 “will probably remain a milestone date in modern Bhutanese history.”<sup>26</sup> By a royal edict, the King devolved his executive powers, stepping down as head of government, and reintroduced the principle of his own responsibility, which he had abolished back in 1972. The Council of Ministers also had to step down, as the new regulations foresaw the election of ministers by the National Assembly. Also, the triennial vote of confidence in the King was reintroduced to legitimize the King’s rule and a provision was introduced which would allow the National Assembly to initiate a vote of no-confidence against the King anytime, by a one-third majority, upon which the King would have to step down in favor of the crown prince or the next in the line of succession. Although the King was imbued with and not required to give up his executive powers, he rejected these provisions, demonstrating yet again his commitment to genuine reform and political modernization.

It seems the King had planned these rather radical changes for a long time. After setting up an efficient system of administration in combination with grassroots democracy through decentralization and having created a coherent national ideology, he surprised the nation, especially the political and administrative elite.

The year 1998 was only the starting point of radical changes in the political landscape of the Kingdom. Having pursued the modernization and development of Bhutan in the same committed, passionate, and careful spirit as his predecessors for over two decades, the King kick-started a revolutionary process of democratic transition.

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<sup>26</sup> Thierry Mathou, n.13, p.613.

## ACCELERATED DEMOCRATIC REFORM

The radical changes within the structure of the executive combined with the reintroduction of the monarch’s responsibility vis-à-vis the parliament and by extension, the people, were only the first steps in an extensive agenda of political reforms, stipulated by King Jigme Singye Wangchuk. Reforms were aimed at bringing the administration and bureaucracy in line with democratic norms, providing for more civil liberties, which finally led to the drafting of the first written constitution in Bhutanese history.

In 1999, television and the Internet were introduced, modern sources of information that had been prohibited before. Together with the Bhutan Information Communications and Media Act <sup>27</sup> of 2006, the possibilities for the public to receive independent information had improved considerably. After the Act had been passed in the National Assembly, two new independent broadcasting corporations and two newspapers were established, challenging the preeminence of Kuensel, the state-run daily newspaper.

In 2002, the first sub-national election was conducted. Although the turnout was not very high, it was the first attempt to make the public familiar with universal adult franchise <sup>28</sup> and the procedures linked with democratic elections.

There were two important acts which were aimed at promoting democratic norms within the administrative system. The Anti-Corruption Act established an independent Anti-Corruption Commission to pursue cases of corruption and build confidence within the administration.<sup>29</sup> With regard to a

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<sup>27</sup> All Acts of Law recently approved by the National Assembly and referred to in this section can be found at [http://www.bhutan.gov.bt/government/acts.php?av\\_id=0](http://www.bhutan.gov.bt/government/acts.php?av_id=0). Accessed on 26 June 2009.

<sup>28</sup> Note that the voting age was set at 21. However, that qualifies as universal suffrage.

<sup>29</sup> In 2008, Bhutan scored 5.2 on Transparency International’s *Corruption Perception Index*, achieving

truly independent judiciary, the Judicial Service Act provided for the establishment of the Judicial Service Council, which is now responsible for the allocation of positions and promotions within the judicial branch.

In March 2005, after three years of work, the first draft of the new constitution was officially presented. Members of the Royal Family and the King himself extensively toured the country, presented the constitution to the people,<sup>30</sup> and discussed their concerns. This enabled the people's suggestions and concerns to be taken into consideration during the final drafting. In December the same year, the King announced that the first democratic elections at the national level would be held in 2008 and that he would then abdicate in favor of his son, the Crown Prince. This public declaration marked the culmination of the modernization and transformation of Bhutan's political system to a democracy. In 2006, the Electoral Commission of Bhutan was inaugurated and it started to prepare for the general elections in 2008 through voter education, promotion of political awareness and organizing the conduct of the elections.

On 14 December 2006, King Jigme Singye Wangchuk, the fourth Druk Gyalpo, surprisingly announced his immediate abdication. "It was the first time in world history that a monarch, who was initially vested with absolute powers, voluntarily reduced the scope of these powers and eventually abdicated with no other reason than his own dedication to political reforms."<sup>31</sup> His son Jigme Khesar Namgyel Wangchuk took over the official functions, but postponed his coronation until after the elections and the passing of the new constitution. This might be interpreted as a

sign of his commitment to his father's political legacy and also to demonstrate that there were more important things to achieve for Bhutan than enthroning a new king, thus reflecting the new power structures and relations in a changing polity. Even if only symbolic, this can be regarded the first achievement of the new monarch. The second important achievement of the new King was the revision and renegotiation of the Friendship Treaty with India. Having settled its border and relations with the People's Republic of China, Bhutan now sought political independence from India. In February 2007, a new friendship treaty was signed, basically resembling the old one of 1949 with the exception that Bhutan now gained absolute sovereignty over its foreign policy.

In June 2007, the ban on political parties was lifted to allow for their formation in the face of the upcoming elections. No parties on the basis of race, religion or ethnicity were allowed to contest. Subsequently, only three parties registered, of which one was rejected on the basis of the restrictions mentioned above. In December 2007, the first elections to the upper chamber of the parliament took place, though not on a party basis.<sup>32</sup> The turnout was 53.14 per cent and in several districts, elections had to be postponed, as there were no candidates. The National Assembly elections were finally held on 24 March 2008 and contested by two parties: the People's Democratic Party (PDP) and the Druk Phuensum Tshogpa (DPT). At 79.4 per cent, the turnout was very high considering the majority-based electoral system.

With the first democratic elections, a decisive step had been taken along the country's path of transition. Even though the election results suggest that there had been no real competition, this is not due to an undemocratic character of the polity, but the tradition of consensus, which will have to adapt step by step to the concept of

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the 45th rank of a total of 180. For details see [http://www.transparency.org/news\\_room/in\\_focus/2008/cpi2008/cpi\\_2008\\_table](http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table). Accessed on 26 June 2009.

<sup>30</sup>Cp. Freedomhouse. 2007. *Countries at the Crossroads. Bhutan*. Available at <http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrpage=37&ccrcountry=150>. Accessed on 26 June 2009.

<sup>31</sup>Thierry Mathou, n.20.

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<sup>32</sup> A detailed description of the new institutions and procedures is provided in the next section.

political contestation and competition on which a true multi-party system is based.

2008	Total Number	%	Seats	%
Registered voters	318,465	—		
Votes cast	253,012	79.4		
Invalid votes	0	0.0		
Valid votes	253,012	100.0		
			47	100.0
DPT	169,490	67.0	45	95.7
PDP	83,522	33.0	2	4.3

*Figure 3: National Assembly Election Results*

The last step along Bhutan’s transitional path was the passing and signing of the country’s first written constitution on 18 July 2008, with which, Bhutan had been transformed into a constitutional monarchy a year after the monarchy’s centenary. On 6 November 2008, Jigme Khesar Namgyel Wangchuk was crowned the fifth Dragon King of Bhutan and head of state.

### THE NEW SHAPE OF THE BHUTANESE POLITY

While the 35 articles of the Constitution of the Kingdom of Bhutan<sup>33</sup> meet democratic norms, there are certain particularities in the Constitution that differ from other constitutional monarchies. Additionally, there are provisions within the Constitution, which are unique or cannot be found in the constitutions of western-style democracies. The Constitution declares that Bhutan’s form of government shall be that of a “Democratic Constitutional Monarchy,” (Art.1.2) in which “sovereign power [will] belong to the people of Bhutan” (Art.1.1). With regard to horizontal separation of powers, it states that there “shall be

<sup>33</sup> The English version of the Constitution on which this section of the paper is based, can be found on the official homepage <http://www.constitution.bt/>.

separation of Executive, the Legislature and the Judiciary and no encroachment of each other’s powers is permissible” (Art.1.13). The King functions as head of state (Art.2.1). The rest of article 2 deals with the institution of the monarchy, its privileges, obligations, and powers. Article 2.19 lists the offices that are appointed by the King. Even though this is a long list with key political and administrative figures, appointments to most positions are made on the recommendation of the Prime Minister or the respective body in charge of the same. In theory, Article 2.26 provides for the possibility of abolishing the monarchy and changing the form of government by a national referendum. Remarkably, Art.2.6 has a provision under which the king has to abdicate in favor of the next in the line of succession upon reaching the age of 65 years. This provision is unique to monarchical systems across the world and shows a commitment to a stable, decent, and reasonable rule of the monarchs and is probably intentioned to provide for generational changes. Also, the King still remains accountable to the parliament, which can pass a vote of no-confidence by a two-thirds majority.

Particularly with regard to the concept of Gross National Happiness, the Constitution provides for a number of articles, which are rather uncommon in western constitutions. The manifestation of parts of the GNH concept can be found in articles 3 and 4, in which it is stated that “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance.”(Art.3.1) This is clearly aimed at enhancing the spiritual wellbeing of the people, ensuring the preservation of their traditional culture, without elevating Buddhism to the status of state religion. Article 4 also has cultural promotion at its core. Another component of GNH, namely, environmental preservation, is a distinctive feature that, as far as the author is aware, cannot be found in any other western-style constitution. Article 5 gives environmental

protection a constitutional status, thus revealing the post-modernist values of a country which is generally viewed as traditional and conservative. The concept of good governance, which is the third cornerstone of GNH, is laid out in Article 9 which outlines the major principles of state policy. On the other hand, as the functioning of communities and the state is always based on some forms of reciprocity, the fundamental duties of the citizens are explicitly laid out in Article 8.

Fundamental rights and civil liberties, the cornerstone of liberal democracies in theory and practice, are granted by Article 7. As the provision of political rights is in context of Bhutanese citizens, Article 6 is of importance. The Constitution distinguishes between three types of citizens: first, there are natural born citizens whose parents have both been citizens of Bhutan (Art.6.1); second, there are citizens by registration, referring to all people domiciled before 31 December 1985 and registered in the official record (Art.6.2); and third, there are citizens by naturalization, a category for which people can apply if they fulfill certain criteria (Art.6.3). With regard to the refugee problem, the situation may be complicated since they can only apply for a citizenship by naturalization. Another problem that comes with this article is that Article 31.1.a of the Constitution, among other things, prescribes that the holders of constitutional office have to be natural born citizens.

Another interesting fact is that two of the most important administrative bodies were granted constitutional status - the Royal Civil Service Commission (Art.26) that provides for the organization and administration of an efficient and apolitical bureaucracy, and the Anti Corruption Commission (Art. 27) which seeks to make administration and government more transparent and accountable in terms of spending. The latter is especially important, as Bhutan is completely dependent on foreign aid and the efficient allocation and

distribution of such aid guarantees ongoing development and funding.

An oft-criticized element of newly emerging democracies has been the constitutional provision for proclaiming emergency. In the case of Bhutan, these rules are prescribed in Article 33 of the Constitution. Accordingly, emergency may be proclaimed by the Druk Gyalpo on the advise of the Prime Minister “if the sovereignty, security, and territorial integrity of Bhutan or any part thereof is threatened by an act of external aggression or armed rebellion“ (Art.33.1). After the proclamation, the state of emergency may last 21 days, unless the parliament, in a joint sitting and by a two-thirds majority, decides to extend it (Art.33.3). At the same time, one-fourth of the members of parliament may move a motion of disapproval of the proclamation of emergency or its extension upon which the parliament, in a joint sitting, has to deliberate and decide (Art. 33.4). During an emergency, the national government may “give appropriate directions to the concerned local governments” (Art.33.6) and the rights stated in Article 7 of the Constitution may be temporarily suspended (Art.33.7). Further, during a state of emergency, the Constitution may not be amended (Art.33.9). As precarious as these provisions may be, the Bhutanese Constitution also provides for reasonable, controllable, and moderate rules and procedures, guaranteeing parliamentary revision of the emergency at any time and prescribing high thresholds for the extension of the 21-day period, which imply that a broad consensus is needed.

Article 21 of the Constitution relates to the structure of the judiciary, which, by the creation of the Supreme Court, has now become four-tiered, starting with the sub-district and district courts to the High Court and Supreme Court, which is responsible for judicial review. Interestingly, it can also act upon its own motion, if it deems the matter before the subordinate courts significant enough. Even before the Constitution was

adopted in 2008, the judicial system of the country underwent substantial changes.<sup>34</sup> The new structure of the political system, as stipulated by the Constitution, is presented in figure 4:

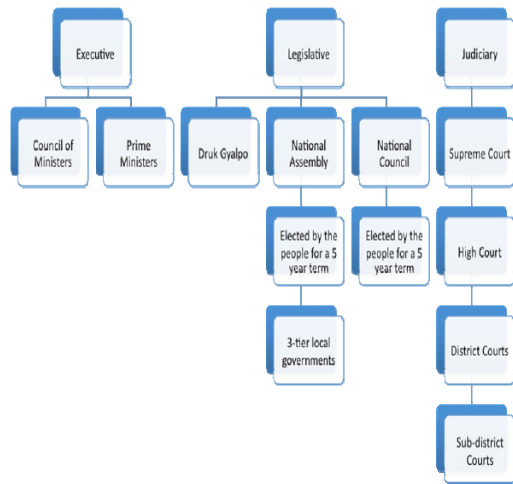


Figure 4: Structure of the Political System of Bhutan

According to the Constitution, the new Parliament will “consist of the Druk Gyalpo, the National Council and the National Assembly” (Art.10.1). The National Council is directly elected only in part, as the King appoints 5 out of the total 25 members (Art.11.1). The other 20 members are directly elected every five years on a non-partisan basis (Art.11.3) from each of the 20 districts of Bhutan by a simple plurality vote in single-member constituencies. The National Council mainly functions as “the House of review on matters affecting the security and sovereignty of the country and the interests of the nation and the people.” (Art.11.2) The National Assembly is also elected for a term of five years and is comprised of a maximum of 75 members, whereby each district is to be represented by a minimum of two members and no more than seven

<sup>34</sup> In 2001, the ‘Civil and Criminal Procedures Code of Bhutan’ was enacted, followed by a new ‘Penal Code’ in 2004. The ‘Judiciary Service Act’ of 2007 formally separated the judiciary from the executive and legislative.

(Art.12.1).

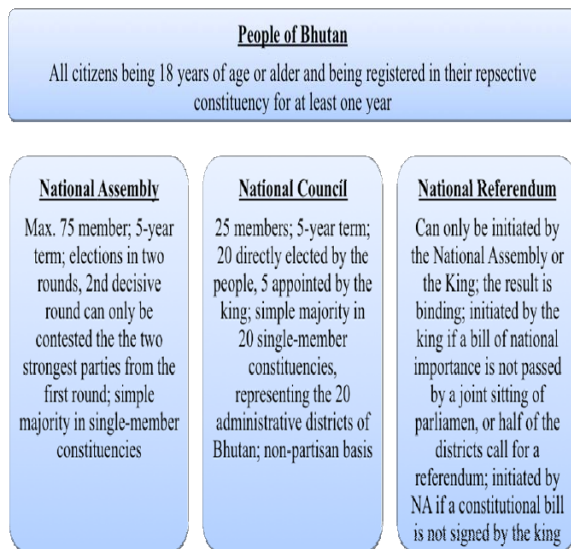
Elections take place in two phases. In the first round, all competing parties in a constituency may participate, but only the two strongest parties can enter the second round of elections. Elections are held according to a majority-based voting system. While the First-Past-the-Post (FPTP) system applies in the first round, the second round is decided on the basis of an absolute majority. Though there is a possibility that more than two parties may enter the National Assembly, the aim is to provide for a two-party system in which there is a clear separation between the government and opposition. The King appoints the leader of the strongest party as the Prime Minister, who can serve only two consecutive terms. Premature dissolution of the National Assembly is possible following a vote of no-confidence moved in the House or by the King on the recommendation of the Prime Minister. Candidates for elected offices have to be at least 25 years of age and no older than 65 in addition to holding a university degree. Further, the draft of the electoral law of Bhutan stipulates that members of the clergy shall be excluded from the electoral process, as “religious institutions and personalities shall remain above politics” (see Art. 3.3).

Articles 15 and 16 provide for regulations on parties and campaign financing. An important aspect of these articles is that in the tradition of unification and consensual politics, parties cannot be established on the basis of religion, ethnicity, or region, although this may deny effective political representation of Bhutanese people of Nepali origin.

The participation of Bhutanese citizens in national-level politics is not restricted to general elections to the National Assembly and National Council alone, but also extends to voting in the case of a national referendum (see Art. 34). However, only the Parliament or King can initiate such a referendum.



Voting, whether at the national or sub-national level, is administered, supervised, and conducted by the Election Commission of Bhutan. Furthermore, it is responsible for maintaining and updating the electoral register and delimiting constituency boundaries.



*Figure 5: Participation at National Level*

The institutionalization of the Bhutanese tradition of consensus is best demonstrated by the procedure of passing bills in parliament. Qualified majorities and the permanent involvement of all three bodies of the legislature illustrate that the political system is clearly aimed at building consensus. All three bodies of the legislature equally have the right to introduce bills and at any given time the consent of each of them is required to pass a bill. The only exception to this rule concerns monetary and financial bills, which can only be introduced by the National Assembly. If a simple majority in both chambers of parliament approves a simple law, it is presented to the King and passed after his approval. If the King vetoes the law, it comes back to the Parliament and a joint sitting of both chambers is summoned, which can then pass the law by a two-thirds majority. If the joint sitting fails to produce a majority, the King can decide to initiate a

national referendum on the subject, if he deems the bill to be of national importance. Similarly, the King can initiate a referendum on the subject if at least half the members of all District Councils make an appeal. The decision of the referendum is binding. The same procedures are followed in the event that only one of the chambers of parliament approves a simple law. When the house in which the bill originated is unable or unwilling to incorporate changes and amendments suggested by the other house, the joint sitting of parliament is commanded by the King. To initiate and pass constitutional bills, a simple majority of members of parliament in a joint sitting of the houses is required. It then needs a three-quarter majority to pass it, after which it is presented to the King. If the King does not grant his approval, a national referendum can be initiated by a two-thirds majority of a joint sitting of parliament and the people are then to decide upon the subject.

### III. Conclusion: Bhutan a Unique Case?

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The analysis at hand is a comprehensive overview on the development of the Bhutanese political system under the rule of the Wangchuk monarchy. Its uniqueness is not only of a cultural nature, but also derives from the link between tradition and politics. Under the guidance of its monarchs, the country underwent significant developments in a span of 100 years, for which European democracies took several centuries. Despite the rapid pace of reforms and modernization however, the concept of Gross National Happiness allowed for what Thierry Mathou called “change in continuity” and it has found its way into the new Bhutanese polity. The direction and intent of the change and its implementation, is clearly a novelty in the study of ‘system change’. Although authors like Merkel or Linz and Stepan are open to the idea of democratization from above, neither imagined a case in which such a process could be carried out peacefully without disruptions within the system or for its elite.

Also, the possibility of a guided system change that is planned and executed over decades and pursued with an honest commitment to the wellbeing of the people and nation, is one which has so far not found any mentioning in theory. Additionally, the intention of a guided regime change clearly differs from usual explanations. While the initiation of a top-down model of system change is usually attributed to mounting pressures on the ruling elite, whether internal or external (for instance, the peoples’ demands for more participation, better governance, or the pressure of major external supporters to enact political reforms), the Bhutanese transition has not witnessed any such processes. Internally as well as externally, the King has never been confronted with any serious pressures and he was free to choose the time and path towards transition.

Linked to this lack of conceptualization is the problem of classifying the Bhutanese political system before its transition to democracy. As many authors have stated, the type of regime influences the path a country takes towards democratization. In the case of Bhutan however, classifying its regime poses certain difficulties. While Bhutan was certainly no democracy, its regime was not totalitarian either. What remains is the immense gray area between these categories, namely authoritarian regimes. If one makes do with this category, there is no real conceptual problem. But as soon as one tries to further categorize authoritarian regimes and create sub-types, it becomes apparent that Bhutan does not fit any of these classifications. Bhutan lacks important elements of each of the proposed sub-types, for instance, a military junta or one-party rule.

Another difficulty is that in current political theory there is simply no place for or recognition of a ‘good’ non-democratic regime with an honest commitment to the country and its people. Authoritarian regimes may vary in the degree of their plurality, repression, freedoms, and openness, but they are all regarded as essentially ‘bad’. The rulers often rule these countries to enrich themselves and cling to power which they are reluctant to give up.

Therefore, Bhutan, before its transition to democracy, can be best described in terms of what Linz and Stepan propose – a sultanistic regime.<sup>35</sup> They do not position sultanistic regimes within the category of totalitarian or authoritarian regimes, but regard them as truly distinct. Though Bhutan does not meet the criteria mentioned by Linz and Stepan in 1996, not

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<sup>35</sup> Cp. Juan Linz and Alfred Stepan. 1996. *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe*. Baltimore and London: Hopkins University Press.

to speak of the definition provided by Chehabi and Linz<sup>36</sup> two years later; the features of dynastic and personal rule in which administration and bureaucracy are completely focused on the monarch, give enough opportunities to modify, extend and refine the concept. This can enable scholars find a suitable category for a benevolent monarchy in which an enlightened monarch guides the fate of his country with the aim to modernize and democratize the nation for the benefit of the people.

Similar problems arise when one tries to conceptualize the causes for democratic transition. Neither the paths nor the causes that led to the transition explain the Bhutanese case. With regard to democratization from above, scholars recognize the possibility that the elites of the old system may initiate a process of democratization, but none of them sees the possibility that these developments can be controlled. The result therefore, is that democratization may occur, but the old elites will be unable to hold on to their power, as they are no longer in control of the process. Yet Bhutan seems to prove such theorizing wrong. Further, there is no reason for the country's transition, either from a systemic or a structuralist or culturalist perspective.

Bhutan's transition was initiated, planned and controlled solely by the King. He guided his country through political changes and developments because he regarded that the time was right and that these would be to the advantage of his people. There has nearly been no external pressure from the outside world on Bhutan to democratize, nor have there been any internal demands for greater political participation for the people. The Bhutanese public is, to a large extent, apolitical. With regard to the refugees, who are certainly more organized

and politicized, it is a factor which is almost irrelevant since most of them are now going to be settled in the United States. Even without this solution the fact remains that they are not Bhutanese citizens, so that political reforms in Bhutan were never aimed at integrating them into to the political process. Thus, it was not external or internal pressure, but the decision of one person to introduce democracy in his country that set the process into motion, even though it meant that he would have to give up much of his absolute power and control. This is truly unique and it seems unlikely that scholars will be confronted with a similar case anytime soon.

Bhutan's transition process is not explainable by current political theory. Structural approaches, like the ones Seymour Martin Lipset set ground for in 1959, which link the beginning of transition to certain socio-economic development criteria, regardless of the ambiguity of such linkages, are of no use in understanding Bhutan which is one of the world's least developed countries. Neither do socio-historical approaches, as developed by Barrington Moore (1966) or Rueschemeyer and Stephens and Stephens (1992), which identify a certain class structure as responsible for transition, provide any reasonable explanations. While the actor-centered approaches provided by O'Donnell and Schmitter or Burton and Highly, are likely to provide the most reasonably satisfactory explanations for Bhutan's transition, so far, there is no theory or concept that has provided a comprehensive explanation. Bhutan has not witnessed any elite bargaining or the like and it is pertinent to again underline the enormous importance of the fact that the King was the sole initiator and facilitator of the transition, something so rare that no approach or theory has been able to explain it.

Finally, the new Bhutanese polity seems to mirror the people's attitudes towards politics. The consensual component can be found in many of the constitutional

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<sup>36</sup> Cp. HE Chehabi and Juan Linz. 1998. "A Theory of Sultanism 1: A Type of Nondemocratic Rule." In HE Chehabi and Juan Linz (eds.) *Sultanistic Regimes*. Baltimore and London: Hopkins University Press. pp.3–26.

provisions and there is a clear tendency to avoid highly polarized and fragmented political competition. While the prevalence of consensual elements might to some extent be problematic within democratic theory (as political competition and contestation are seen as necessary in a democracy), the incorporation of distinct traditional and cultural values or norms into the political system, appears promising, for of what use would a democratic polity be, if it did not fit the habits and traditions of a primarily conservative, traditional, and apolitical population?

Therefore, an interesting synthesis of majoritarian and consensual aspects has gone into the shaping of the country's new institutions. While these institutions are common to all democracies, what is unique about Bhutan is the mix and exact configuration of features of what Lijphart describes as majoritarian and consensual democracy in *Patterns of Democracy*. Also, the role of the King in Bhutan is distinct from that in European constitutional monarchies. The King's position and powers are more similar to that of a president than of a constitutional monarch. Therefore, one could even argue that Bhutan shares significant similarities with a semi-presidential democracy, as Duverger famously labeled such regime types.

The analysis of the development process, the transition, and the current political system, makes clear that in many respects, Bhutan could be labeled a truly unique case in political science. Even though the tiny kingdom located amidst the Himalayas is of little significance to world politics, the paper shows that its development raises serious challenges to current political theory. It would therefore, be useful to further conceptualize the Bhutanese case, refine existing theories of democratization, and perhaps, add some categories to the concept of democracy to provide for the possibility of characterizing a case like Bhutan as also for an analysis of future case studies of democratizing countries. Bhutan also raises

several questions with regard to development and even though this was not the main focus of the present paper, a further analysis of the Bhutanese notion of development might prove immensely beneficial in finding solutions and alternative approaches in other developing nations.

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