



**EUROPEAN UNION
ELECTION OBSERVATION MISSION
BHUTAN, NATIONAL ASSEMBLY ELECTION, 24 MARCH 2008**

PRELIMINARY STATEMENT

National Assembly elections demonstrate a clear commitment of voters and state institutions to support democratic change in Bhutan

25 March 2008, Thimphu

The European Union Election Observation Mission (EU EOM) has been present in Bhutan since 22 February following an invitation from the Royal Government of Bhutan. The EU EOM is led by Mr. Javier Pomes, Member of the European Parliament, as Chief Observer. The EU EOM deployed fifteen observers from thirteen EU Member States. The observers were deployed throughout Bhutan to observe and assess the electoral process in accordance with international standards for elections. In its job, the EU EOM takes into account the country's historical, cultural and political context. On election day, observers visited 60 of 865 polling stations in 12 out of 20 districts to observe voting, counting and tabulation. The EU EOM is currently observing the post-election developments, including the resolution of the election disputes and petitions. This statement is preliminary; a final report with more comprehensive assessment of the whole electoral process will be published within two months after the end of the electoral process. The EU EOM adheres to the Declaration of Principles for International Election Observation, commemorated at the United Nations in New York in October 2005. The EU EOM is independent in its findings and conclusions.

Preliminary Conclusions

- **The National Assembly elections are a clear step towards democratic change in Bhutan. The enthusiastic voter participation and commitment of state institutions to support the democratic process provides a solid foundation for a credible democracy. 24 March marks a successful and orderly change of political system in Bhutan from an absolute monarchy to a constitutional monarchy.**
- **The election process generally met international standards for democratic elections, but fell short in certain areas. The legal framework provided a solid basis and the election administration carried out its tasks efficiently. At the same time, voters were presented with a choice between two ideologically similar alternatives and regulation of the campaign hindered free political expression.**
- **Turnout of 79.4% of the total registered number of voters indicates a genuine commitment to participate in the country's first democratic multi-party elections. Voting and counting were well conducted in the polling stations observed. Druk Phuensum Tshogpa (Party of Blissful Harmony, DPT) won an overwhelming victory with 44 seats, while the People's Democratic Party (PDP) obtained 3 seats.**

- **The legal framework for elections generally meets international standards. While the Election Bill provided a level playing field for contestants, certain provisions limited candidacy rights and did not permit legal redress to a court prior to the announcement of results.**
- **The newly formed Election Commission of Bhutan (ECB) did an impressive job of carrying out preparations in a country complicated by geography. Both parties expressed confidence in the election administration at all levels, but commented that at times the ECB was overly strict in its application of the regulations.**
- **Electoral rolls were generally seen to be accurate and included voter photos, an additional safeguard. At the same time, a large number of voters were not registered where they live, but in their hometowns, requiring voters to travel long distances.**
- **The election allowed for genuine competition between the two registered political parties, PDP and the DPT. However, the party platforms were similar, leaving voters to make a choice based on the leading personalities of the parties rather than policy differences.**
- **Strict rules were imposed by the ECB on the campaign. All candidates had to limit their speeches to the party's manifesto, and only candidates were allowed to campaign. Candidates were also prevented by the ECB from discussing citizenship and security clearance issues.**
- **Both BBS TV and Radio gave equal access to all candidates in a very strict and regulated manner in their election programs, and a similar trend has been observed in their news bulletins. Print media has also treated candidates equally, with some critical notes in the tone of coverage of both parties in the two private newspapers.**
- **The parties nominated 10 women candidates (of 94 total), of whom four were elected. Women actively participated as election officials and voters on election day.**
- **Restrictions on minority language use during the campaign limited information available for voters in certain areas of the country. The practice of allowing voter education, campaign and election materials to be printed only in Dzongkha (the official language) and English is contrary to international best practice.**
- **The exclusion of civil society organizations from engaging in activities related to the election process deprived the Bhutanese voters of a key source of independent information. In particular, domestic nonpartisan observers have an important role to play in safeguarding election integrity.**
- **The de-registration of PDP candidate Garab Dorji for distributing a document considered to be "carrying out activities aimed at creation of ill-will and incitement of regionalism for political gain" was an unduly severe penalty.**

Preliminary Findings

BACKGROUND

The National Assembly elections were the first multi-party general elections in Bhutan, which has been an absolute monarchy since 1907 and has until recently allowed only limited individual rights and freedoms. The elections are part of a gradual top-down peaceful move to democracy led by the monarchy. While most of the population remains sceptical about these changes, they view elections as a “gift from the King,” and therefore are prepared to participate. The stated goal is to produce a stable, harmonious and long-lasting democracy, rather than simply to hold multi-party elections. This carefully thought-out process has culminated in the drafting of a Constitution, which allows political parties for the first time, recognizes individual rights, and provides checks and balances among the different branches of government. Elections for the National Council (upper house) were held on 31 December 2007 and 29 January 2008, but were the focus of less interest among the population.¹

Two political parties, the People’s Democratic Party (PDP) and the Druk Phuensum Tshogpa (Party of Blissful Harmony, DPT) were registered by the ECB in September and October 2007, respectively. A third political party, the Bhutan People United Party, was denied registration on the grounds that it lacked credible leadership and cross-national membership. Political party rules are somewhat restrictive in that they do not allow regional parties, or parties that represent a certain segment of the population, and some criteria for party registration are subjective. At the same time, the two parties that were registered presented platforms that were so similar (both based on the tenth Five-Year plan) that they did not offer the voters a real choice between two clear ideological alternatives.

Events of the early 1990’s, commonly referred to as the “Southern Problem,” continue to cast a shadow over political dialogue in the country. At that time, members of the Lhotshampa minority (ethnic Nepali Bhutanese dominant in southern Bhutan), carried out a series of mass demonstrations to protest citizenship policies, and approximately 100,000 ethnic Nepalis left the country.

Since the announcement of the date of the elections on 17 January, Bhutan has suffered from 10 bomb blasts, some resulting in injuries. An armed group, the United Revolutionary Front of Bhutan, announced its intention to disrupt the election process and has claimed responsibility for most of the blasts. As election day approached, the government took reinforced security measures. These incidents did not appear to have an impact on turnout or election day activities.

INTERNATIONAL STANDARDS

In accordance with EU election observation methodology, the EU EOM to Bhutan assessed the conduct of the National Assembly elections with regard to international standards for elections. The primary source was the Universal Declaration of Human Rights (UDHR),²

¹ Turnout was reported as 55% in the 15 constituencies that held elections on 31 December and 42% in the five constituencies that held elections on 29 January.

² Bhutan joined the United Nations in 1971 and is party to the UDHR, which is broadly accepted to form part of customary international law. The EU EOM also considered the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Bhutan is a State Party. Bhutan signed but has not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

which provides for the fundamental rights essential to a genuine democratic process. These elections generally met international standards, but fell short in certain areas, including the right to stand as a candidate, freedom of expression during the campaign and limitations on freedom of association.

LEGAL FRAMEWORK

The main documents regulating the National Assembly Elections of Bhutan are the draft Constitution and the draft Election Bill. Other important legislation includes the draft Public Election Fund Bill, the Media Act (2006) and the Penal Code (2004). In addition, there are a series of supporting rules, regulations and guidelines issued by the Election Commission of Bhutan (ECB). The Constitution and the Election Bill remain drafts because it was decided that the newly elected National Assembly should pass this legislation. These documents have been put into force for the elections through a Royal Decree.

The legal framework provides a solid basis to conduct elections and generally meets international standards. Fundamental freedoms are recognized by the new Constitution and the Election Bill provides for a level playing field among candidates in terms of the campaign. At the same time, certain candidate qualifications and the exclusion of religious communities from voting limit the right to stand for office and to vote, and no legal redress to the courts is provided before the election results are announced.

The 47-member National Assembly (lower house) is elected on a first-past-the-post basis, from single-member constituencies. According to the Constitution, elections to the National Assembly are held in two rounds. All registered parties have the right to compete in the primary round, and the two parties that receive the highest number of votes go on to register candidates to run in the second round. The system was designed to produce a stable two-party parliament, while still allowing the opportunity for new political parties to develop. Because there are only two parties currently registered, no primary round was needed for these elections.

ELECTION ADMINISTRATION

The Election Commission of Bhutan (ECB) is an independent body composed of a Chief Election Commissioner and two Election Commissioners, who are civil servants appointed to a five-year term. The ECB was established in January 2006 and since that time has been drafting the legal framework for elections. According to the Chief Election Commissioner, the ECB conducted this process independently without international advisors and relied largely on the internet for accessing information on various aspects of the election process.

The election administration at all levels carried out its tasks efficiently and impartially. The level of professionalism in the election administration was observed to be high. The fact that all returning officers are senior civil servants undoubtedly contributed to this. All political parties and candidates with whom the EU EOM met expressed confidence in the election administration. Overall, the election administration conducted its activities in a transparent manner, publishing its notifications in the newspapers and allowing party representatives to observe various aspects of the election. However, at times the ECB was overly strict in its application of the regulations, particularly regarding the campaign, and it lacked a degree of flexibility in its decision-making.

Although this was the first National Assembly election ever conducted in Bhutan, the election administration was well-prepared for the task. The ECB held two-round mock elections in

April and May 2007 and administered National Council elections on 31 December 2007 and 29 January 2008. In addition, the ECB has carried out a vast voter education and training program, educating 313,869 citizens (according to the ECB) through a direct classroom method, including election officials, civil servants, voters, students, security forces, prisoners, journalists, candidates and party representatives.

A unique feature of the election was the appointment of 52 senior civil servants as “national observers”, who reported on an ongoing basis to the ECB on the conduct of election officials and political parties at the local level. Overall, EU observers assessed that the national observers were making a positive contribution to the process by acting as an internal monitoring body.

VOTER REGISTRATION

The total number of registered voters was 318,465, an increase of 5,648 over the National Council elections.³ Electoral rolls prepared for the National Council elections were used as the draft for the National Assembly elections and were subject to a claims period that ended on 20 February. Voters were also able to check their voter registration on the ECB website. A complete set of voter lists (divided by polling station) was distributed free of charge to each political party.

Voter registration was an extensive process that included issuing all registered voters with a voter photo identity card (VPIC), necessary to vote. VPICs were automatically created from an ECB database extracted from the new civil registration database of the Ministry of Home and Cultural Affairs (MOHCA). The EU EOM did not hear any complaints about accuracy or inclusiveness of the electoral rolls.

Bhutanese citizens over 18 years of age have the right to vote in the constituency of their civil registration⁴, with several exceptions. Exceptions include: those declared of unsound mind by the Court, members of the Royal Family and those disqualified under the Election Bill or other law. In addition, the Election Bill excludes members of monastic communities from voting, based on the constitutional principle that religious figures should remain above politics. The EU EOM considers this provision to be an unreasonable restriction on the right to vote.

A significant number of voters reside in a different location from their civil registration, are not eligible for postal ballot, and therefore had to travel long distances to vote, as much as three days by car. Press reports warned in early March that many bus routes were already fully booked, and the transport authorities had to add buses and trucks for passenger transport to help alleviate the situation. Strikes in India prior to the elections further complicated travel for voters as many transport routes run through India. Changing civil registration is a bureaucratic and cumbersome process, which did not facilitate the ability of voters to register where they reside.

The eligible postal voters list included 36,313 voters from certain permitted groups (civil servants, diplomats, election officials and students). The ECB extended the deadline for postal ballot registration from 7 February to 25 February due to increased voter interest, particularly

³ The figure of citizens in the civil registry is 577,782 persons, as of 20 February 2008.

⁴ By law citizens have to be civilly registered in their constituency for at least one year to be registered to vote. For these elections the ECB relaxed this provision and required that citizens be civilly registered before 1 August 2007.

among students and teachers. In response to requests by tour and hotel operators, the ECB decided just before the deadline to extend postal voting to tourism employees.

A large number of postal voting applications were rejected by returning officers, over one-third in some constituencies. While the primary reason for invalid applications was non-eligibility, a significant number of applications (up to half of those rejected) were declared invalid because of voter errors.

REGISTRATION OF CANDIDATES

Candidate nominations were filed from 31 January to 7 February and no applications were rejected. Both political parties nominated 47 candidates, equal to the number of seats in the National Assembly. Scrutiny of candidates was carried out at the constituency level by the returning officers. There is no possibility to run as an independent candidate.

Candidates must be citizens of Bhutan between the ages of 25 and 65, members of the political party for which they are running and registered to vote in that constituency. Candidates are required to have an undergraduate degree, although this excludes the vast majority of the voting population as it is estimated that only 15,000 Bhutanese (less than 5% percent) have university degrees. Candidates also cannot be married to non-citizens. Both provisions are considered by the EU EOM to be unreasonable restrictions on the right to be elected. Political parties admitted that the academic qualification made it difficult to identify candidates in some constituencies.

Civil servants are required to resign to run for office, and they are not permitted to rejoin the civil service as they are perceived as “partisan” following an election bid. This provision acts as a clear disincentive for running for office and is contrary to international standards.

The People’s Democratic Party (PDP) successfully registered Tshering Dolkar as a replacement candidate for the Gelephu Constituency (Sarpang District) on 11 March, following the ECB’s de-registration of its original candidate, Garab Dorji (see below, “Complaints and Appeals”). No provisions regulate the process of nominating a replacement candidate.

CAMPAIGN ENVIRONMENT

The campaign activity of both parties People’s Democratic Party (PDP) and the Druk Phuensum Tshogpa (Party of Blissful Harmony, DPT) has been active, but low-key. Candidates ran small-scale campaigns, primarily consisting of small strategic village gatherings of 20-30 individuals, and house-to-house canvassing. All meetings took place in a peaceful environment.

In general all interlocutors, including party officials themselves, agreed that the manifestoes of both political parties were very much alike and so the expression of preference depended primarily on the leading personalities of the parties and candidates rather than the party ideology or programme.

Strict rules have been imposed by the ECB on the campaign. Campaign materials could only be printed in Dzongkha and English, although campaign meetings could be held in other local languages, and the parties complained that the process to get campaign materials approved was particularly difficult. All candidates had to limit their speeches to the party’s manifesto. Only candidates were allowed to campaign, while party workers were not allowed to campaign on behalf of their candidates. An ECB notification to candidates asked them to

refrain during the campaign period from any reference, in printed and audio-visual materials, to their past achievements as senior civil servants. With regard to the organization of meetings with potential voters, parties were strictly obliged to follow schedules previously submitted to the returning officers, and the schedules could be changed only after the approval of the election authorities.

Candidates were also prevented by the ECB from discussing citizenship and security clearance issues, while many voters, particularly in the Southern areas, wanted to discuss them. Both parties originally mentioned these issues in their manifestos, but were directed by the ECB to delete them. Such restrictions on the content of the campaign impede active political dialogue and limit freedom of expression.

Campaigning material countrywide was limited to a few posters on official Election Advertisement Boards provided by the election authorities, a small number of party banners, and leaflets usually handed out in meetings. The cost of posters and banners were covered by the Public Election Fund, and in addition, each candidate was allocated 100,000 Nu (€1,700) from the Fund for other campaign expenses. Candidates were not permitted any other source of financing, and both political parties complained that the limits on spending were too low.

MEDIA ENVIRONMENT

The presence of the media in Bhutan continues to be limited, despite some improvements that occurred after the adoption of the *Bhutan Information, Communication and Media Act* (5 July 2006). TV and radio broadcasting are dominated by the state-owned Bhutan Broadcasting Service (BBS). BBS TV is the only TV station and BBS Radio is the main source of information for the Bhutanese, reaching almost 80% of the population. The media market is extremely limited and, as a consequence, the operating budgets for media are poor, thus hindering the private media from fully developing into independent sources of information. Furthermore, many journalists, particularly in the private media, lack professionalism and appropriate training.

During the election campaign period, the media were obliged to comply with the Election Commission instructions and guidelines (*Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan*). These included, inter alia, a requirement to ensure equal access to the media for all political parties and candidates, as well as allocation of free broadcasting time (and space in the print media) paid by the ECB, and equal rate conditions for paid political advertising. The ECB also appointed a Media Arbitrator responsible for the administration of these rules, which are generally in line with international best practices. However, the narrow interpretation of these rules by the ECB could have restricted a more lively and appealing coverage of the campaign by the media.

Apart from the two private newspapers, Bhutan Times and Bhutan Observer, election information is the almost exclusive prerogative of the state-owned media. Both BBS TV and Radio, in their special programs for elections (debates and interviews), gave equal access to all the candidates in a very strict and regulated manner.⁵ A similar trend was observed in the news bulletins and other information programs. BBS Radio, in its news editions, devoted

⁵ The EU EOM Media Monitoring Unit started its activities from 25 February. The media monitoring, which was conducted by two national staff under the supervision of the media analyst, includes both quantitative and qualitative analysis and aims at evaluating whether the media provided impartial and balanced coverage of candidates and political parties, as well as related campaign issues. All programs on the BBS TV channel have been monitored, as well as news and special programs for elections on BBS radio station. Three newspapers were also monitored: Kuensel, Bhutan Times and Bhutan Observer.

almost 49% of its political time to DPT, while 51% was dedicated to the coverage of PDP. In general, the tone of the coverage was largely positive. A comparable pattern has been observed for BBS TV, where DPT was given roughly 47% of the coverage and PDP about 53%; once again the tone of the coverage was mainly positive.

The trend observed for the print media is similar to the one recorded for BBS. Kuensel (whose main owner is the State) dedicated nearly 48% of its political space to DPT and 52% to PDP, and the tone of the coverage was generally positive. Similar figures applied for the Bhutan Observer, where DPT received 46% and PDP 54%, but with more critical coverage of both parties. The Bhutan Times, on the other hand, devoted 58% of the political coverage to DPT, and 42% to PDP, once again with some critical notes in the tone of coverage of both parties.

PARTICIPATION OF WOMEN

The PDP nominated six women candidates (including the replacement candidate in Gelephu) and the DPT nominated four. In practice, the academic qualification for candidacy influences women's participation more directly, as their education rates remain lower than men's. Both political parties have women's support groups, although the ECB decided that they should not convene meetings of women during the campaign unless they were coordinated with the candidate meetings, to avoid inconvenience of the voters. Four women in total have been elected all of them from DPT.

One of the three Election Commissioners is a woman and a woman also heads the Anti-Corruption Commission. At the same time, no women were represented among the Dzongkhag Election Officials and returning officers, although there were a few women registration officers and delimitation clerks. Women actively participated in the election process, attending candidate meetings and debates, although most party workers and representatives were men. Women were found to be presiding officers in 40 % of polling stations visited by EU EOM observers.

PARTICIPATION OF MINORITIES

Both political parties nominated candidates from the ethnic Nepali minority (Lhotshampa), who are predominant in the south of the country. DPT nominated nine Lhotshampa candidates and PDP nominated six. Nine Lhotshampa candidates were elected; all of them for DPT.

The ECB practice of allowing voter education, campaign and election materials to be printed only in Dzongkha (the official language) and English is contrary to international best practice for minority language use. Similarly, the conduct of candidate debates only in Dzongkha, even in areas where it is not widely spoken, inhibited the ability of some voters to receive information about the candidates. Candidate meetings and voter education sessions were permitted in other languages.

CIVIL SOCIETY

Civil society organizations are forbidden by law from engaging in activities directly related to elections.⁶ There are very few civil society organizations in the country, and none that deal with human rights or political issues.

⁶ See Civil Society Organizations Act (s.7b).

Civil society organizations have a legitimate and fundamental role to play in elections as representatives of citizen interests, and their absence in the election process deprived the Bhutanese voters of a key source of independent information. In particular, the restriction on the possibility for civil society groups to observe the election process is contrary to international best practice, which recognizes the role independent domestic observers have played around the world in safeguarding election integrity. While the “national observers” appointed by the ECB have contributed positively to the election process, they are not independent from the election administration and therefore cannot legitimately act as impartial observers of the process.

COMPLAINTS AND APPEALS

The ECB appointed an internal Election Dispute Settlement Body (EDSB) that was responsible for adjudicating complaints during the election period. The EDSB received 111 election-related complaints and resolved 97. The EDSB released little public information about the complaints process, although it published a summary of decisions three days prior to elections. The transparency of the process was however enhanced by the presence of party representatives during the complaints proceedings, although the hearings were discontinued at one point due to a lack of time. The under-staffed EDSB was somewhat overwhelmed by the large number of complaints filed by the political parties, especially as all of its members were full-time ECB staff with other responsibilities.

Most party complaints focused on breaches of the Code of Conduct during the campaign. The vast majority of cases filed were of a minor nature, and many lacked evidence. Throughout the election period, the DPT publicly called for the EDSB to be more active in investigating allegations and to take quicker decisions. At the same time, the PDP publicly accused the EDSB of being partial to the DPT in its decisions and expediting DPT cases over those filed by the PDP. The print media extensively covered the mutual allegations of both parties.

The most serious action taken by the EDSB was the 1 March deregistration of Garab Dorji, PDP candidate from Gelephu Constituency (Sarpang District). The candidate was found in breach of the Election Code of Conduct for distributing two copies of a paper related to the “Southern problem”. Responding to a complaint filed by the DPT, the EDSB ruled that the candidate was “carrying out activities aimed at creation of ill-will and incitement of regionalism for political gain.” The disqualification of a candidate is a serious action, and in the assessment of the EU EOM, this was an unduly severe penalty.

Appeals to courts are only permitted during the 10-day petition period following the announcement of results. Election petitions must be of a serious nature and concern the qualification or disqualification of a candidate, an electoral offence or the election results. However, it is best practice to allow legal redress to the courts prior to election day. The EU EOM will remain in the country to follow this process.

VOTING

Election Day was conducted in a calm and peaceful environment. Voter turnout was high at 79.4%. The EU EOM Bhutan observed voting in 48 out of 865 polling stations. The conduct of voting was positively assessed in 100% of polling stations visited.

Observed polling stations opened on time (09:00 AM) and had all necessary election materials. The atmosphere outside polling stations was calm, with no cases of intimidation or

political agitation observed. 19% of observed polling stations were not found to be accessible for those with disabilities.

The performance of polling officials and their knowledge of voting procedures was assessed positively by observers in 100% of polling stations visited. The use of sophisticated electronic voting machines (EVMs) appeared to facilitate the voting process, and there were no reports of overcrowding, tense atmosphere, or long queues in polling stations visited. EU EOM observers did not report any irregularities during the voting. No unauthorized persons were reported in the polling stations. Political party representatives were present in 96% of polling stations visited and contributed to the transparency of the process.

COUNTING AND TABULATION

Similarly the counting process was assessed positively in all polling stations observed. The use of EVMs simplified the overall counting process, and eliminated the potential for human error. All observed polling stations closed on time. Results were announced to those present in all observed cases, but regulations did not require results sheets to be posted outside the polling stations. Counting officers carried out the closing and counting in accordance with the procedures and in a transparent manner.

In the majority of observed cases, counting supervisors transmitted results to returning officers by telephone, mobile phone or VHF radio, with paper results sheets to follow later. Bhutanese regulations do not require that official results be based on the actual receipt of the results sheets.

The manual counting of postal ballots by returning officers at the constituency level was assessed positively in most cases observed. ECB instructions directed officials to invalidate ballots that were not marked with a cross, even when the intent of the voter was clear. The presence of party representatives in all observed cases contributed to the transparency of the process.

The tabulation of results at constituency level was well managed by the returning officers. Results from all constituencies were officially announced to the public by the ECB the next morning at 8am. The official results were announced as 44 seats for DPT and 3 seats for PDP.

The EU EOM wishes to express its appreciation to the Royal Government of Bhutan and the Electoral Commission of Bhutan for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission in Delhi and to the United Nations Development Programme Office in Thimphu for their support throughout.

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This report was produced by the EU EOM and presents its findings on the 24 March 2008 National Assembly Elections. These views have not been adopted or in any way approved by the Commission and other EU institutions and should not be relied upon as a statement of them.