

Interim Governments in the Kingdom of Bhutan

Govinda Rizal

ORCID: 0000-0002-6245-1996

ABSTRACT

This article delves into the role of interim governments in the Kingdom of Bhutan which hold the regime during transitions between consecutive governments and bridge back the system to monarchical foundations. Between 1998 and 2008, Bhutan's king decreed a planned shift from an autocratic to a constitutional monarchy. After adopting the Constitution of the Kingdom of Bhutan in 2008 and the inauguration of democratic principles, including regular elections and governance by elected political parties, the country embraced democratic rule while the king retained substantial power akin to the autocratic era. This paradox prompted an inquiry into the constitutional provisions enabling such a fusion. This study aimed to uncover the mechanisms embedded in the constitution that resolved this conundrum. Methodologies encompassed a review of legal texts, media sources, consultations with Bhutanese experts, and social media discourse analysis. Several constitutional provisions were scrutinized, with the core element identified as the provision allowing for the formation of an interim government - a temporary body overseeing elections between consecutive elected governments. Globally, interim governments function as transitional entities managing governance during crises or regime transitions, facilitating the shift towards a stable governance structure. Their roles include supervising elections, maintaining law and order, addressing immediate socio-political challenges,

fostering reconciliation, and upholding democratic values. In Bhutan, these bodies rectify political deviations, reconnect to autocratic governance norms, and transition selective authority to the succeeding government. During this transition phase, the interim governments orchestrate conditions conducive to a particular party's success in the later election, thus influencing the forthcoming government's composition.

Keywords: Autocracy, democracy, hereditary succession, opposition-lessness, periodic election, regime politics

Introduction

In 2008, the king of the Kingdom of Bhutan facilitated a planned transition from an absolute to a constitutional monarchy. The Constitution of the Kingdom of Bhutan, 2008 was promulgated, a ban on the use of word “democracy” was lifted, political parties were allowed to form, periodic elections were started, and constitutional bodies were established. The former king, the fourth from the Wangchuck Dynasty stepped down from the golden throne, removed his raven crown, and placed it on his son’s head declaring him the first king of democratic Bhutan. Local to international media personnel returned to their dictionaries to find the superlative adjectives to describe the transition in Bhutan.

Throughout history and as per the psychology of power, Kings want incontestable power and privileges for them and want to pass them on to their vertical and lateral families (Abraham & Abraham, 2018). But the global media focused on the voluntary step down of the Bhutanese King as an exception [(Al Jazeera, 2006), (ABC, 2006), (Herman, 2009), (Bose, 2006), (Kyodo, 2019)].

Bhutan, with an area of 38,500 square kilometers and a population below one million, was under absolute monarchy for a century until 2007. Between 1998 and 2008, a planned transition from

absolute to constitutional monarchy was started by the fourth king of Bhutan after he realized his way of rule was getting outdated and ousted from the world. Yet, he wanted to remain on the throne and pass on the throne to his descendants, unchallenged for centuries to come. He came up with unique ideas of transition that would retain the dynasty's rule and at the same time get accepted in the world.

The same king who exerted strenuous effort to remove twenty-eight percent of his citizens for asking for democracy and was successful in sending to exile at least sixteen percent of the population years back declared democracy and abdication from his throne. The paradox was undigestible to anyone who knew of the state-led terrorism and eviction in 1990-1993 and 1997. Only time would tell if it was his political altruism or an eyewash to gain sympathy and glory. Since then, there have been four elections, changes in the government, and rule by a new king. Fifteen years after the announcement of the start of democracy, the system remained unchanged- neither the administration nor the judiciary nor the living quality of the people have improved much. The constitution of Bhutan drafted under the decree of the outgoing king and discussed and rectified by the first elected parliament in 2008 had the answer to this paradoxical puzzle in its articles. It had the provision of Interim Government.

Since the shift in the system of governance in Bhutan in 2008, four periodic elections have been held under the ascendancy of the interim governments.

The first transition was administered by a caretaker government in 2008. Its primary responsibility was to oversee the transition from an absolute monarchy to a constitutional democratic monarchy following the adoption of a new constitution (National Assembly of Bhutan, 2008). This transition, started by the fourth king of Bhutan Jigme Singye Wangchuck, marked a significant

shift in Bhutanese politics and governance (UNDP and Parliament of Bhutan, 2019). Since then, there have been three transitions, three elections, and three interim governments.

Interim governments are temporary political arrangements during transition periods of significant political change, especially when transitioning from one regime or leadership structure to another. They serve as temporary administrations, bridging the gap between the earlier regime and the formation of a new government (Forster, 2019). The interim governments are established to maintain stability and oversee the transition in various contexts, including the transition from violent revolutions to a new stable political environment (Aolain & Campbell, 2005). The interim governments carry out peace negotiations and guide the transition of conflict countries recovering from civil strife to a stable political environment. An interim government is a formally established administration with the special authority to manage governmental affairs for an exceptional period, extending until the election of a new government for a regular term and with a standard mandate (IFIT Brief, 2020). The interim governments oversee the transition from authoritarian regimes to democratic process (MacEwan, 1986). The interim governments take charge of state affairs temporarily during the aftermath of a coup d'état or overthrow of a government until a new civilian government is set up (Varol, 2012). Such interim governments are intended to be temporary, focusing on stabilising the country, organizing elections, drafting new constitutions, and paving the way for a legitimate civilian government. They often run under specific mandates, supervised by international bodies, and balance the demands for change with the need for stability during these transitional periods, but may lack legitimacy in public eyes (Papagianni, n.d.).

The cases of interim governments in Bhutan do not fall in any of the previously discussed or imagined transitions.

Scholars, critics, and opposition argue that the adoption of the constitution and the transition initiative aimed to appease international scrutiny while retaining the monarchy's power and prerogatives (Iyer, 2019). They point to specific provisions in the constitution that seemingly support democratic principles but, in reality, the constitutional provisions safeguard the monarchy's power, undermine checks and balances, and consolidate power.

One of the several provisions to meet the aim was the establishment of an interim government by the king between two consecutive elected governments. Interim government harks back to its original, in cases where the earlier government deviated from the royal plans and loyalty, through manipulation of the electoral process and situation to favour the king- preferred party.

Exiled political parties were also banned from taking part in any election (The Hindu, 2007-11-30). Those political groups believed unfavourable to the palace were disqualified from the process, casting doubt on the legitimacy of this meticulously orchestrated democratic transition (Nayak, 2021).

Bhutan has had four interim governments since the transition in 2008. This article critically examines their actions and raises questions about the true purpose of these interim governments and their impact on Bhutan's democratic practices. The findings of this article are expected to encourage further research and discussion on this critical issue in Bhutan's political landscape.

Materials and methods

The information and data included in this article were obtained from both primary and secondary sources. People knowledgeable on Bhutan issue were asked to deliberate on the administration system in Bhutan, the evolution of the political system, and the roles and responsibilities of the interim governments. The

constitution of Bhutan, parliamentary proceedings, journal- and newspaper articles were reviewed. Discussions available from social media were also referred to capture any gaps left behind by the mainstream media and government publications.

Findings

The responsibility of the interim government is to ensure a fair election to the national assembly to lead to the formation of the next government.

Successful interim governments in the world

The interim governments in various countries exemplify successful transitions in different contexts. For instance, South Africa, under Nelson Mandela's leadership from 1994 to 1999, adeptly navigated the shift from apartheid to democracy by embracing inclusive negotiations and emphasizing reconciliation through the Truth and Reconciliation Commission (Mandela, 1995), (Lodge, 2007). Meanwhile, the United Nations Transitional Administration in East Timor (UNTAET) oversaw independence between 1999 and 2002, buoyed by international support and a clearly defined timeline for self-rule, establishing robust democratic institutions (UNTAET, 2002), (Kingsbury, 2004). Similarly, Gambia experienced a peaceful power transition from Yahya Jammeh's long-standing rule to President Adama Barrow's interim government (2017-2020), which notably garnered regional support, upheld constitutional respect, and remained committed to democratic principles (Nabaneh, 2019). These examples, include Indonesia (Wilson, 2022), Liberia (Morgan, 2006), Nepal (Pokhrel, 2023), Burkina Faso (Ndiaga, 2022), Serbia, Ghana, and Tunisia, which highlight diverse successful interim government strategies, such as civil society involvement, peace negotiations, inclusive dialogue, and a dedication to democratic values, fostering stability and effective transitions within their respective nations (Guttieri & Piombo, Interim

governments: Institutional bridges to peace and democracy?, 2007).

Legal basis of interim government in Bhutan

Article 19 of the Constitution of Bhutan 2008 has details on the interim government (National Assembly of Bhutan, 2008). It has six clauses.

“Whenever the National Assembly is dissolved, the king of Bhutan shall appoint an interim government to function for a period, which shall not exceed ninety days, to enable the Election Commission to hold free and fair elections”- Article 19.1 (National Assembly of Bhutan, 2008)

“The interim government shall consist of a Chief Advisor and other Advisors appointed by the King of Bhutan within fifteen days after the dissolution of the National Assembly. The Chief Justice of Bhutan shall be appointed as the Chief Advisor”- Article 19.2 (National Assembly of Bhutan, 2008)

“Upon the appointment of the interim Government, the Prime Minister and the Ministers who were in office immediately before the National Assembly was dissolved shall resign from office”- Article 19. 3 (National Assembly of Bhutan, 2008)

“The interim Government shall carry out the routine functions of the Government but shall not be entitled to take any policy decisions or enter into any agreement with foreign governments or organizations”- Article 19.4 (National Assembly of Bhutan, 2008)

“The Government shall be formed within ninety days from the date of dissolution of the National Assembly”- Article 19.5 (National Assembly of Bhutan, 2008)

“The interim government shall cease to exist from the date on which the new Prime Minister enters office when the new National Assembly is constituted”- Article 19.1 (National Assembly of Bhutan, 2008) .

There have been four interim governments in Bhutan. The first was in 2007-2008 but was named caretaker government. The other three were named interim government.

Caretaker government in Bhutan

Between August 2007 and April 2008, there were elections for the bicameral parliament as an introduction of democracy replacing the century-old absolute monarchy.

Between 1998 and 2008, a council of ministers was set up by the king. During this period, the king had commissioned the drafting of the constitution.

The constitution and practice show the application of unique criteria on who can form and lead a political party. Such a leader must be the one chosen by the king, recipient of a royal medal such as the “*Druk Thugsey Medal*” and must have a proven record of loyalty before the royal dynasty. The chances of getting the king's favour increase if the loyalties have been inherited. During the transition, the ruler declared a power transition without involving its opposition groups that were working from exile.

The highly praised shift from the earlier absolute monarchy to a democracy at once engendered a conflict between the affluent and influential figures who had thrived under the old regime and those advocating for an inclusive democracy, a group that was smaller, less influential, and dormant.

A considerable part of the population, exiled for advocating democratic changes, found themselves excluded from

participation in the post-transition governance. Despite the introduction of new slogans, the same old order persisted, with entrenched interests keeping control of the law.

In the words of Niccolo, the phenomenon of uncertainty in the new system, juxtaposed with familiarity with the old, poses a challenge to the legitimacy of previous regimes, along with their administrative and legal structures, instilling fear in those who stand opposed to those with the law on their side (Machiavelli, 1992)

Guttieri and Piombo have defined an interim government as one that governs a polity during the period between the fall of the ancient regime and the initiation of the next regime. They add, unless the older regime collapses, disintegrates, or is internally dismantled, and is subsequently overthrown with the permanent regime taking its place, actors from the earlier regime persist in obstructing, resisting, and thwarting the new system (Guttieri & Piombo, Issues and debates in transitional rule, 2007).

When it was time to take part in establishment of democracy, and in absence of opposition, the power mongers of the existing council of ministers, each of whom had the experience of leading the government in turn as the chairperson of the council of ministers-at par the prime minister, were divided into three groups. Two groups went ahead to contest elections to become ruling and opposition parties, the third group took charge of the caretaker government. Former PM Sangay Nyedup, a royal family member through connubial bliss, led the People's Democratic Party and another former PM Jigme Yozer Thinley led the *Druk Phuentsum Tshokpa*. The third group was led by former PM Kinzang Dorji as the Caretaker Prime Minister.

As per the constitutional provisions, an interim government performs regular administrative functions without exercising

legislative and executive authority. Its existence empowers the election commission to conduct free and fair elections and creates a fair playing field for political parties. The transition signals to the public that the nation has progressed one step further in the electoral process (Kuensel, 2018).

In case of gaps between the dissolution of the national assembly and the appointment of the interim government, as the one that occurred for the first time in 2013, cabinet ministers continued their duties but without the customary regalia and insignia, including their orange scarves and ceremonial swords (Kuensel, 2018).

First interim government

In the 2013 interim government- the first by its name, the appointed members were Sonam Tobgye, the Chief Justice of Bhutan as the Chief Advisor; Om Pradhan, the Chairperson of Druk Holdings and Investment; Pema Thinley, the Vice-chancellor of the Royal University of Bhutan; Karma Ura, the Director General of Centre for Bhutan Studies, Neten Zangmo, the Chairperson of the Anti-Corruption Commission; Chhewang Rinzin, the Managing Director of Druk Green Power Corporation limited; and Thinley Dorji, the Managing Director of Bhutan Broadcasting Service as the members.

Second interim government

The interim government of 2018 had Chief Justice Tshering Wangchuk as the Chief Advisor; Karma Ura, the President of Centre for Bhutan Studies; Penjore, the Governor of Royal Monetary Authority; Ugen Chewang, the Chairperson of Druk Holding and Investments Ltd.; Chhewang Rinzin, the Managing Director of Druk Green Power Corporation Ltd.; Karma Tshiteem, the Chairperson of Royal Civil Service Commission; Kinley Yangzom, the Chairperson of the Anti-Corruption Commission; Nidup Dorji, the Vice-chancellor of Royal University of Bhutan;

and Bachu Phub Dorji, the Managing Director of Kuensel Corporation Ltd. as the member advisors of the interim government.

Third interim government

On November 1, 2023, the king, as per the Constitution of Bhutan 2008, appointed the Chief Justice of the Supreme Court Chogyal Dago Rigdzin as the Chief Advisor of the interim government. Other Advisors in the interim government were Penjore, the Governor of the Royal Monetary Authority of Bhutan; Chhewang Rinzin, the Managing Director of Druk Green Power Corporation Limited; Karma Yezer Raydi, Chairperson of the Druk holdings; Dorji Rinchen of the Royal Bhutan Army; Karma Hamu Dorjee, Chairperson of Royal Civil Service Commission; Deki Pema, Chairperson of Anti-Corruption Commission; Tashi, Royal Audit Authority; and Phuntsho Rapten, a member of National Council (Kuensel, 2023).

The interim government is not answerable to the public or the court

While the declaration of democracy was timely in preventing external interference in domestic affairs and averting the risk of state collapse or a potential civil war, the establishment of constitutional bodies remained confined to mere symbolic entities at surface level without substantial impact or purposeful reform.

The periodic interim governments in Bhutan are constitutionally deputed by the king. They do not need the public or voters' mandate to run the government, hence, are not answerable to the people but only to the king. Their actions cannot be taken to the court or the king as both are part of the interim government.

It is mentioned in the “rules of procedures for the business of the interim government, 2013” that *in case of dispute on the interpretation of the provisions of this rule, the interpretation of*

the Chief Advisor of the Interim Government shall be final and binding.

Since the chief justice of the Supreme Court and the head of the state are leaders of the interim government, it is an absolute government. While Interim governments are formed during regime changes in other countries, in Bhutan it is the regime restoration. The advisors of the Interim government put themselves as the lead of ministries in the role of their minister. During the three months, they restore any practice deviations that the ministries have done in the past five years that appeared to deviate from the established monarchical system. Whatever deviations that the earlier government made that were not as per the expectation of the regime, are corrected during the interim period. The newly elected governments must pick from where the interim government leaves them.

Incomplete transition to democracy

The advisors of the interim government are given responsibilities to lead ministries and thus the organizations under them. One of the purposes of the temporary ministers is to divert the outlays from unspent balances of the prior fiscal year's budget to royal organizations such as *Dessuup* (Rizal, 2021), *Gyalsung*, or SAR instead of carrying forward the unspent balances.

Usually at the end of each fiscal year, the unused budget of the ministries, departments, organizations, and agencies is diverted to the royal projects. The government that is reluctant to submit to the budget diversion, or shows such reluctance is quashed in the coming election.

Some notable traits

Clear Mandate and Timeline: The interim government has a clear mandate with fixed timeline and definite aim to hold free and fair elections.

Capacity Building: Its focus continues to upgrade institutional capacity including imparting guidance and training to civil servants from an apolitical perspective of strengthening administrative structures to ensure effective governance.

Electoral Planning and Oversight: The interim government has the mandate to plan and oversee the electoral process meticulously, ensuring fairness, and transparency, and develop strategies to increase participation in elections to facilitate a smooth transfer of power.

Until today, the notable accomplishment of all the interim governments has been their successful conduct of elections and the smooth transfer of governance to elected authorities.

Fear and challenges

Precedential examples of interim governments

During the tenure of the caretaker government, a political party with the name Bhutan United People's Party (BPUP) was unregistered and declared ineligible to contest election (Wangdi, 2007) for its leader Sigay Dorji or any member of the party was not a recipient of the King's medal. A candidate from Gaylephu constituency affiliated with PDP was removed from the race accused of sharing with his friends two copies of an article "A Kingdom Besieged" authored by the president of opponent party the DPT (European Union, 2008). Then, the DPT was the King's chosen party. The author of the article presented it at the University of Oxford as propaganda material endorsing the earlier regime's removal of political opponents through eviction (Thinley, 1993). Subsequently, he assumed the role of the president of the DPT and became Bhutan's first elected prime minister, while the candidate who shared the article was declared ineligible. During the 2008 election, the DPT used bureaucrats going from cities to

rural areas to cast votes and campaign for the party. They were successful.

An advisor of the first interim government conveyed a dire message from Delhi to the Bhutanese public on a cut in the subsidy on cooking gas and kerosene provided by India for cooking gas and kerosene. This subsidy cut declared on 7 July 2013, coincided with Bhutan's election on the 23rd of the same month (Parashar & Datta, 2013). In response, Prime Minister Jigmi Y. Thinley suspended his election campaign, allowing the opposing party to be the chosen one endorsed by the king. The DPT lost the election-2013 and its members spoke against the king vis a vis the interim government, publicly (Yangzom, 2016).

During the second interim government in 2018, the use of social media was instrumental in influencing the result of the election again against the DPT (Pelden S. , 2018) which was yet to prove its loyalty to the king after the 2013 anti-king sloganeering. Consequently, the untested *Druk Nyamrup Tshokpa* won the election (ECB, 2018).

A different scenario was seen during the third interim government. By all criteria, the new party Bhutan Tendril Party- with a leader, from the east for the first time, who is a recipient of the royal medal, a relative of the queen, and a trusted person of the king was the waiting winner. The previously tested Peoples Democratic Party (PDP) and its president and former Prime Minister Tshering Tobgay won the election (ECB, 2024). The former PM used the king's channel to reach the people in different corners and sectors of the country. The king has *De-Suups* in all constituencies, electoral pools, and villages. The king uses the *De-Suup* channel to influence people and implement his ideas (Rizal, 2021). The former PM Tshering Tobgay infiltrated the *De-Suup* system (Rinzin, 2020) and influenced the result of the election in his favour (Pelden T. , 2024).

Back-track from democracy

The establishment of the interim government in Bhutan is a systematic regression from democracy to harking back to the spirit of absolute monarchy. During the interim period, the rulers exercise control during the political vacuum to influence the people and make extra effort to select a party that they find loyal. It manipulates the electoral process to favour king-preferred party, potentially undermining the democratic principles introduced after the transition.

Lacks inclusiveness

The interim government lacks inclusiveness, which makes the environment conducive for manipulating the electoral process to favour a specific party aligned with the king's preferences, potentially excluding other parties or segments of the population from fair representation. All the interim governments have so far lacked religious, regional, ethnic, and minority representation. The failure to address divisions along ethnic, regional, or religious lines has led to widening the gaps between them.

Anti-democratic focus

The intentions of the interim government, in reality, are to safeguard the monarchy's power and limit checks and balances, deviating from a purely democratic focus. A lawyer from Thimphu writes in Kuensel.

“... there has been a clear erosion of freedom of speech and expression under successive governments. By the third government, the vitality of freedom of speech has diminished, even impacting individual opinion writers and stifling diverse perspectives. It is crucial to acknowledge that freedom of speech and expression are pivotal to the rule of law; they provide proper checks and balances, ensuring accountability and fostering public confidence...” (Tshering, 2024)

Power struggles for favour from the king: The practice that interim government is used to influence election outcomes in favour of the king's preferred party suggests potential power struggles and favouritism, raising concerns about impartiality and fairness in the electoral process. The interim government's manipulation of the electoral process implies abusing authority by using its power to influence election outcomes in favour of a particular party, undermining the democratic process.

Inadequate reconciliation: Failure to address past conflicts or reconcile opposing factions has perpetuated tensions and lack of initiatives to solve the protracted issues of the country is inheriting problems for future generations.

Lack of transparency in funding

Poor Communication: As the entire interim period passes under a lack of transparency about funding allocated or utilized by the interim government for electoral purposes. Ineffective communication with the public leads to distrust and disengagement.

Overburden on bureaucracy

The advisors of interim government lead the ministries as uninformed ministers, who work on directives from higher authorities overloaded or strained the bureaucratic structures, making the already over-stressed bureaucracy inefficient and indecisive. In 2018, the king commanded the bureaucrats to render “unstinted support to all of the government's endeavours” (Kuensel, 2018). The king commanded bureaucrats' principles and actions to exemplify a model of service to both the people and the country. “This Royal advice has been patiently repeated over the years, largely unheeded” (Editorial, 2022).

Recommendation

For strengthening of the democratic system, the following recommendations are proposed:

Amend constitutional provisions to ensure greater checks and balances, upholding democratic principles in interim government formations.

Consider involving international observers in overseeing electoral processes conducted during interim government tenures to ensure fairness and transparency, and incorporate their feedback in subsequent elections.

Establish independent oversight mechanisms to prevent interim governments from favouritism or undue influence in electoral processes.

Implement measures to ensure fair representation across ethnic, religious, and gender lines during interim government formations to promote inclusivity. Include people's representatives in the government.

Implement robust anti-corruption frameworks to prevent mismanagement of resources during interim government transitions.

Improve communication strategies to enhance public understanding and engagement during interim government tenures.

Introduce stringent measures to enhance transparency in funding allocation and utilisation during interim government tenure, ensuring public trust.

Invest in capacity-building initiatives, especially within bureaucratic structures, to mitigate potential transition strain.

Periodically review and reassess the roles and functions of interim governments to align with evolving democratic norms and address identified shortcomings.

Prioritize national reconciliation initiatives within interim government frameworks to address past conflicts and promote unity.

Conclusion

The institutionalization of interim governments in Bhutan, as stipulated in Article 19 of the Constitution of Bhutan 2008, signifies a unique mechanism during electoral transitions. Constituting a temporary authority for up to ninety days between National Assembly dissolutions, these bodies oversee elections while refraining from policy decisions or international agreements. Though not accountable to the public or courts, interim governments rectify governance deviations and nurture a smooth handover to elected governments. However, concerns arise regarding their potential anti-democratic leanings, lack of inclusivity, and susceptibility to power struggles, necessitating a focus on transparency, inclusiveness, and safeguarding democratic principles in future iterations.

Interim governments now serve as avenues for the king to recognize emerging elites in society and to acknowledge individuals loyal to the dynasty by awarding them positions. During the past four exercises, the interim governments have restrained their influence among the local political parties only using a combination of incentives and penalties while staying within the designated responsibilities. The fear is that the involvement of the leaders of major commissions and constitutional organizations in the interim government during the transition opens a risk of undermining checks and balances. Such big breaks can be exploited to prolong the interim period and cross the line from legitimate governance to unconstitutional authoritarian control, all without giving the characteristics of a visible coup.

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