

Leading by Example: Constitutional Bodies and Their Role in Governance

Dasho Neten Zangmo, the former Chairperson of the Anti-Corruption Commission (ACC) of the Kingdom of Bhutan and now the Executive Director of Samdrup Jongkhar Initiative and Lho Mon Education, spoke with her colleague Dr. Tashi Colman on the role of constitutional bodies in Bhutanese governance.

In sharing her views, Dasho reiterated that ‘These are my personal views based on my own direct but limited experience. They do not reflect scholarly research or represent any official position. As always, I have dared to express my views, regardless of whether readers/listeners agree with or are offended by my views, because I care for the collective wellbeing as in it lies my own wellbeing and that of my family — being selfishly selfless.’

Q. Dasho, what, in your view, should be the role of constitutional bodies in governance?

Any governance system must, above all, be responsive to the collective needs and aspirations of the citizens and to the larger public good. It must recognise and address national challenges and give precedence at all times to national interest over any personal, group, or partisan interest.

Governance is a dynamic process in which institutions and entities interact to formulate, implement, and disseminate policies; to design and implement strategies and programmes; to mobilise and utilise resources effectively for this purpose; and to monitor and evaluate the impact of these policies and programmes.

Therefore, effective performance, transparency, effective communication, engagement, and accountability are the hallmarks of strong and effective governance. At its best, strong and effective governance results in harmonious, just and equitable development underpinned by trust between institutions and between institutions and society at large. Institutions and institution building are, therefore, key to strong and effective governance and sustained development.

This trust and sense of responsibility flow in both directions—bottom up as well as top down. Thus, citizens’ consciousness of their responsibilities and duties, combined with a deep sense of belongingness to their society and nation, and conscious trusteeship of their precious natural resources

including water, land, and air are critical to effective governance and particularly to democratic governance.

Within this broad context, constitutional bodies such as the Anti-Corruption Commission, the Election Commission of Bhutan, and the Royal Audit Authority are key institutional pillars of governance. However, before they can effectively discharge their respective constitutional responsibilities without fear, favour or prejudice—including providing essential checks and balances against any undue concentration of power—the constitutional bodies must hold themselves to the highest internal standards. Unless they first build themselves into strong, effective, trustworthy, and fully accountable institutions, they cannot expect other institutions or sources of power to do so. They must first have the requisite moral authority before they bring others to account.

Q. And what, in your view, should their relationship be with other public institutions like the bureaucracy, parliament, executive, etc.?

To function effectively, the constitutional bodies must have the political will and wisdom not only to fulfil their mandate in ensuring the accountability of other institutions and entities, but must also have the will to collaborate with them. They should do this without ever being beholden to any power centre or by compromising their own independence.

In the end, I believe everything has to do with motivation and intention. Constitutional bodies and all other institutions and entities have the shared responsibility to work consciously and conscientiously together for the greater public good. They must never serve narrow selfish interests. Ultimately, we are all bound by the common goal of building a stronger, more secure, sovereign nation; we are all public *servants*, meant to *serve* the public.

To that end, all institutions must be committed to work together in an environment of trust and confidence. They must do so to enhance the ethos of the governance system comprising Parliament, Judiciary, Cabinet, Bureaucracy, and all other public entities including constitutional bodies and local government as well as media, civil society entities, political parties, and the private sector.

None of these entities can afford to work in silos, or to protect their own narrow and partial interests. They have to work in harmony with each other, pooling their resources—tangible and intangible—and with the government of the day and political parties. The aim should be to build greater awareness, and to educate themselves and the public on the imminent challenges and opportunities of democratic governance.

Strong governance and true learning can take place only if the governing institutions are honest enough to identify

and acknowledge weaknesses, anticipate challenges, address those weaknesses openly, and identify measures to mitigate them. In sum, a system of strong and effective governance demands the highest standards of integrity, commitment, and service. Especially in our new political dispensation, collective effort must be made to build a genuine culture of democracy. This means not clinging to our own turf and territory, but rather empowering and enabling citizens— young and old, rich and poor—to exercise and fulfil their constitutional rights and duties responsibly. Constitutional bodies, and indeed all branches of government, share this important responsibility to build citizens' trust and ensure their active participation in democratic governance.

Constitutional bodies could provide the leadership in creating the space for public discourse on reinforcing principles, on the culture of democratic governance, and other pressing issues that are of significance for our collective wellbeing.

Q. Do you think the constitutional bodies in Bhutan understand this role? Are they fulfilling this role?

There is no question of not understanding this role: Bhutanese leaders are well qualified, (over) exposed and highly competent. Yes, in some measure they do also fulfil this role. However, the arrogance of trying to safeguard so-called independent sources of power and privilege has

to make way for a more productive and meaningful engagement and collaboration if they are to genuinely deepen the wisdom, values, and culture of democracy, and to strengthen the governance infrastructure to serve public good.

Likewise, institutions and entities cannot undermine and suffocate the constitutional bodies whose job it is to check their power and hold them accountable, however uncomfortable it may sometimes be. In the short term, those in power may well succeed in suffocating those in the constitutional bodies in order to protect their own power and interests, as has happened in many countries. In the long run, however, it is democracy itself that could get stifled.

Q. What is your analysis of Bhutanese democracy at this stage?

In principle, democracy, inspired by the lofty ideals of liberty, justice, equality, and fraternity, is great. However, in practice, democratic institutions and their leadership, structures, and social norms determine how democracy actually works. In many countries, maladies like corruption beset the institutions and structures of democracy, and partisanship leads to political and policy impasses that impede the exercise of the very principles of democracy.

Though Bhutan is in its eighth year of democracy, a truly democratic culture is not being consciously nurtured by

institutions and leaders in various spheres of governance. As a result, Bhutanese democracy is characterised by factions, arrogance, fear and distrust: the very antithesis of GNH which is all about harmony.

In general, democracy in Bhutan is very narrowly understood as being about parties, candidates, elections, and the “price they pay for my votes”. The sovereign power—the citizens—continue to remain the passive recipients of developmental dividends, expecting the government to do everything for them as in the past, more so now as they vote it into power. People have generally fallen into the convenient rut of complaining about everything and everybody, but failing to do anything themselves—intrinsically because of a lack of concern and a deeper sense of citizenship that manifest in fear of reprisals (while it may be a risk, it is also a convenient refuge that we invariably seek) and apathy.

We, however, need to examine whether we are really creating the space for people to participate actively in the decision-making process or even voicing their views without any inhibitions. A truly democratic culture will depend not only on what formal institutions and structures do, but also on education, social norms, and open and fearless dialogue for the larger public good. The strength or weakness of our democracy lies in strength or weakness of our civic culture.

Perhaps the notion that democracy is still ‘evolving’ comforts many of us. But is it evolving in a healthy direction? Are we nurturing it consciously and conscientiously? A lot is at stake: Democracy cannot and must not fail in Bhutan for our own sake and for the sake of our future generations. Before Bhutan becomes a source of hope and inspiration for the world, she has to be so for her own people. The people and their leaders have the sacred responsibility to build a strong foundation for a healthy democracy to take root. If they succeed, democracy can make Bhutan stronger and more secure.

Leaders of the citizenry, polity, public service, and business must lead by example, manifest the values that they profess so zealously and build public trust in them. Only in being selfless, wisely, will they fulfil their selfish desire of happiness and prosperity for themselves and their families.

Q. What is the role of the ACC in overall governance, and has it had an impact?

Corruption is the antithesis of good governance, as it undermines the very principles of public service, justice, equity, transparency, communication, access to information, and accountability. It leads to greater concentration of wealth, wider gap between the rich and the poor, the unbridled exploitation of natural resources, and more. Most importantly, corruption erodes citizens’

trust in the institutions of governance, perpetuates their dependence, and puts the cherished goal of self-reliance out of reach.

In overcoming such ills, the ACC has had some success but also faced challenges. I think the anti-corruption fraternity managed to build the ACC into a strong and credible institution with a reliable network of partners, to bring issues of leadership, corruption, and integrity into the mainstream development agenda; to promote values-based education and create widespread public awareness on corruption and its costs; to identify some systemic weaknesses that bred corruption; and to draw public attention to issues of conflicts of interest, policy and political corruption—the imminent risks of democratic governance that afflict the world.

To a limited extent, the ACC managed to give some life to the long-prescribed public service code of conduct and ethics, and perhaps even institutionalised it (though limited) somewhat by creating a compliance regime, and formal anti-corruption procedures in public service. And it has certainly built a body of work and knowledge on corruption and anti-corruption measures. Further, Bhutan is in good stead in the regional and international standing in the fight against corruption.

Even though we must acknowledge that our public service culture as a whole

remains a fertile ground for breeding corruption, we must also give credit to those public entities, including the Royal Civil Service Commission, which are making an effort to change that culture, and to foster an atmosphere of meritocracy, openness, honesty, transparency, and accountability. Government's performance management system, if managed professionally with both hard and soft targets and sustained, has the potential to bring a cultural shift in the ever bloating bureaucracy.

The modest successes to date, however, will not be sustained on their own. That will require constant conviction, commitment, and strategic efforts to ensure that a genuine culture of openness, transparency, honesty, and accountability with zero tolerance for corruption is built.

Q. Could you say something about the challenges?

The ACC has faced institutional challenges in its work, including limited in-house capacity and lack of independence in human resource management and in its overall development. There have been obstacles put in the way of its work, seemingly legitimate bureaucratic processes but which undermine anti-corruption measures. To overcome these, the ACC has to become even more assertive within its legal bounds. People working in the ACC must have the highest professional standard, un-

shakeable sense of camaraderie, be innately incorruptible, selfless, smart, and responsibly fearless without any consideration for reprisals that they or their families may suffer for doing what they are paid to do. For this, the Commission and Government have to protect them. Admittedly, the biggest enemy of any anti-corruption agency in the world is its own success and Bhutan is no exception.

The ACC has had its internal strategic choices that were not always easy, especially in an environment in which big cases are seen as being too sensitive and small ones too petty to pursue. The ACC's view then was that there is no such thing as 'big' and 'small', and that corruption cannot be tolerated at any level.

The biggest challenges were more societal and attitudinal rather than institutional or strategic, particularly the high level of tolerance for corruption that continues to prevail. Sadly, too many people think that so long as they are not directly harmed, corruption doesn't really affect them, failing to see that no one in society is ultimately spared from its consequences. Further, anti-corruption measures are often misperceived even by leaders as demoralising and negatively affecting service delivery, giving precedence to short-term economic gains over the long-term costs of injustice and instability.

In the end, perhaps the biggest challenge is at the human level, where courage is too

often in short supply. People fail to act and to come forward due to fear of reprisals or adverse consequences, even when they witness clear acts of corruption that undermine trust and democracy. That fear turns integrity into a commodity to be traded for gain and profit rather than a virtue in its own right. It allows a culture of impunity and weak accountability to prevail. Some individuals have blatantly told me, "Dishonesty is the best policy". Parents, teachers, and leaders may have to wake up!

Q. In a BBS interview, you said that you were tired of the hypocrisy in the system. What did you mean?

Yes I am, especially when we deceive ourselves with lofty statements that are contradicted by abysmal behaviour, when we preach high values without genuine conviction, and when we conveniently put up different faces for different audiences. At every level of our system, we have become far too accustomed and accepting of conflicting and cowardly behaviour, double standards, sycophancy, and pretensions. None of us are perfect, but we can at least stop pretending and own up to our own faults and failures. That would be a great start!

While it is important to call a spade a spade if we are to move forward, I also do not want to paint a black or dismal picture in all that I have said here, because in the end success and challenge are so often two sides of the same coin. Sometimes disgust and disillusion

with corrupt and self-serving practices arouse people's own inherent goodness and decency, and their commitment to honesty, fairness, and service.

And it is never too late to practice what we preach. We are gifted in this country with a stainless tradition of ancient wisdom that is the bedrock of our GNH view, and which is always available to us as a genuine source of inspiration and action. We also have had peerless historical and modern models of selfless service to the people and the nation at

the highest level and from their example we can draw our own behaviour.

Despite what some may perceive as tough talk, I personally have complete faith that we in Bhutan have everything it takes to exemplify the very best conduct, governance, and behaviour from the most personal level to the most elevated policy arena.

If we don't care for ourselves, who will? As someone said, 'If not us, who? If not now, when?'