

The Local Government Elections: An Examination of the Legality of the Electoral Practices

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Introduction

The first parliamentary elections in 2008, although a momentous step towards the noble goal of decentralisation of power, is wrongly regarded by many as the nation's first democratic expedition. Democracy — or perhaps a nascent form of it — existed decades ago in the collective memories of grandparents, as they regale listeners with accounts of their experiences voting for their *chimi* (old term for Member of Parliament) or *mangmi* (community representative), using stones for ballots, in a manner of voting that could be called, at best, unregulated.

The Royal Edict to adopt universal suffrage in election for local government institutions in 2002 can be considered the genesis of democracy and decentralisation, as the *Dzongkhag Yargay Tshogdu Chathrim* (District Development Committee Act) transferred the chairmanship from the *dzongda*, an appointed official, to the *gup*, an elected representative.¹ Despite the enactment of the Local Government Act of Bhutan in 2007, and its subsequent repeal by the Local Government Act 2009, in the realm of the local government elections, many voters and disgruntled candidates cite many loopholes and ill-practices that draw parallels with the outmoded electoral process of the stone ballots of yesteryears.

Issues With Micro-Democratic Processes

Bhutan is one of the smallest democracies, with the country's first national assembly election boasting an electorate size of 318,465, which comprises only 0.035 percent of India's electorate size of 897 million registered voters in 2019.² With recent qualitative and case-oriented studies showing a statistical correlation between population size and democracy, the "smallness" of our electorate might have effects that undermine democracy.³

¹ Royal Government of Bhutan. 2002. "Dzongkhag Yargay Tshogdu Chathrim."

² Ahmed. "Bhutan's experiments with Democracy." (2018).

³ Veenendaal. "Democracy in microstates: why smallness does not produce a democratic political system." *Democratisation* 22, no. 1 (2015): 92-112.

Political Clientelism

The formal democratic institution which is established *de jure* is vastly different from the *de facto* political reality characterised by informal dynamics and interpersonal relations. The local government elections further divide the minuscule electorate into 205 constituencies, thereby exacerbating the anti-democratic effects of smallness, most notably political clientelism. Political clientelism refers to the *quid pro quo* practice of providing personal favours, such as welfare, money and support, in exchange for electoral support in the elections, by way of pledging votes or campaigning on behalf of the candidate.

Political clientelism in the local government context differs significantly from that of the archetypal clientelism driven by the political machine. The primary reason is the unique relationship dynamic between electorates and the elected officials, which is characterised by overlapping personal and professional relationships.

For instance, the relationship between a voter and an elected official could be as neighbours, alumni from the same local school, and any friendly or familial tie. The nature of this dynamic strongly increases the social pressure on elected officials to provide their supporters with material benefits.

Further, even if there are no such pre-existing relationships between the voters and the elected officials, the nature of the close-knit communities within a local government constituency forces the electorate and the elected officials to engage in personal and face-to-face contact daily. Such interactions inevitably promote the development of patron-client linkages, resulting in the demand for personal favours, either implicitly or explicitly.⁴ Such political exchanges are a tacit reality of the local government elections, despite the pre-emptive provisions in place in the Election Act of the Kingdom of Bhutan, 2008, wherein Section 518 under Chapter 21 stipulates:

“A person shall be guilty of offences of corrupt practices, if he/she:
(a) Offers any gift or promises any gratification, with the object of inducing a person to stand or not to stand, or to withdraw or not to withdraw from being a candidate, or to vote or refrain from voting at

⁴ Ward Berenschot. “The political economy of clientelism: A comparative study of Indonesia’s patronage democracy.” *Comparative political studies* 51, no. 12 (2018): 1563-1593.

⁵ Dana Ott. *Small is democratic: An examination of state size and democratic development*. Routledge, 2018.

an election; or (b) Receives or agrees to receive, any gratification for himself/herself, or on behalf of any other person, for having voted or refrained from voting, or for standing or not standing, or for withdrawing or not withdrawing from being a candidate. Provided a declaration⁵ of public policy or a promise of public action shall not be deemed to be bribery within the meaning of this section.”

For a layman, political clientelism — conceptually — does not exist. From their perspective, it is no different from the bartering of grains for yak hide of old, with votes being traded for as little as phone vouchers and doma (areca nut and betel leaf) to the promise of contract work or aid in skirting policies. In the end, it is seen as a villager in power helping a villager in need; hence, political clientelism goes unreported, bar the occasional whispers around the wood-burning stove.

Familial Electoral Coercion

One of the principal cornerstones of democracy is the individual’s right to an unhindered expression of electoral choice. However, in the context of the local government elections, electoral coercion undermines the sanctity of the electoral process.⁶ Familial electoral coercion is commonly perpetrated by senior household members, particularly the head of household. There are also situations where *de facto* village leaders exercise such control over the community, but this is not nearly as prevalent.

With familial electoral coercion, the dictating household member hedges the votes of the household into an appealing package for a single candidate for greater influence over the electoral candidate.⁶ Split voting is another occurrence in which the household votes are equally allocated to two or more candidates so as to assure some influence regardless of the outcome of the elections.⁷

There is a lack of defined rules or laws governing coercion in the electoral literature. With regards to political canvassing and unregulated campaigns — within which familial coercion can loosely be placed — there are two relevant articles.

⁶ Emre Toros and Sarah Birch. “Who are the targets of familial electoral coercion? Evidence from Turkey.” *Democratisation* 26, no. 8 (2019): 1342-1361.

⁷ Frederic C Schaffer. “Not-so-individual voting: Patriarchal control and familial hedging in political elections around the world.” *Journal of Women, Politics & Policy* 35, no. 4 (2014): 349-378.

Under Chapter 16, Section 291 of the Election Act stipulates:

“No candidate or political party shall permit any other person to carry out an election campaign on his/her or its behalf, except by persons authorised under this Act.”

Under Chapter 21, Section 534 of the Election Act states:

“A Third Party shall be prohibited from funding any election campaign or conducting a campaign in favour of or against a candidate or a political party. A person or organisation contravening section 534 shall be guilty of misdemeanour.”

There is no defined line between what is a conversation about politics or what is an “election campaign”; hence, loose interpretations seldom do little to prevent issues that the common voter in rural Bhutan does not understand as unconstitutional or illegal.

It is, in many ways, a consequence of culture. A collectivist society like Bhutan is more susceptible to the manifestation of familial electoral coercion within its communities than an individualistic country like the United States, because of the importance of familial bonds, hierarchy, and obedience, in the typical collectivist society.⁸

However, there is some cause for optimism, as younger voters were shown to be less influenced by their collectivist cultural pattern, and exercised more independent voting patterns and preferences compared to the adults.⁹

Personalism

With the National Assembly elections, the mandates and ideology of the party are shared uniformly by all representing members. However, in the local government elections, it is an individual affair, where the personal characteristics of the electoral candidate play a more significant role than their policies or political ideologies. This trend is termed “personalism” and has become an inextricable part of contemporary politics, with campaign

⁸ Daphna Oyserman and Spike WS Lee. “Does culture influence what and how we think? Effects of priming individualism and collectivism.” *Psychological bulletin* 134, no. 2 (2008): 311.

⁹ Fatima Imam. “Individualism-collectivism as related to voting behaviour of youth and adults in Pakistan.” *New Horizons* 7, no. 2 (2013): 1.

strategies and media coverage placing an added emphasis on the personal characteristics of the politician.¹⁰

Many aspects of personalism overlap with the aspects present in a local government context, such as a strong connection between individual leaders and the constituents, a private sphere, a limited role for ideology, the ubiquity of patronage and the capacity of the individual leader to dominate many aspects of public life.¹¹

Hence, personalism is far more common in the realm of local government elections, where voters build their perception of the candidates from personal characteristics or relationships, rather than from ideologies or substantive mandates.

The introduction of minimum literacy requirements, and the upper age limit of 65 years, signalled an end of the reign of many gups of the old-fashioned strain.¹² However, such powerful figures still hold substantial influence with their hand in nominating and campaigning for younger relatives or acquaintances.

Political Clans

With 463,033 registered voters in the 2021 local government elections, the average size of an electorate in a local government constituency stands at 2,258 voters.¹² The small scale, coupled with the relatively obscure realm within which the local government operates, make it easier for political clans to form, by establishing a network of kinship, the use of coercion or clientelism, and the utilisation of wealth and reputation. The largest households are typically the wealthiest, with a lineage of ancestors who have served in previous governments, such as former gups, who no longer qualify for public office.

Therefore, certain families possess an advantage in these tightly contested elections, which results in an unequal distribution of political power — a situation diametrically opposed to the noble goal of decentralisation that gave birth to local government.

¹⁰ Corbett et al. “The personalisation of democratic leadership? Evidence from small states.”

¹¹ The Parliament of Bhutan. 2009. “The Local Government Act of Bhutan 2009.”

¹² Bauzon, B. M. “Searching for Peace in the Southern Philippines: A Conversation with Nur Misuari.”

Further, existing literature points to a direct correlation between the duration of a politician's incumbency and the likelihood of having relatives elected in the future.¹³ Although no such studies have been carried out in the Bhutanese context, it is widely observed that relatives of former gups are more likely to hold elected office.

The formation of political clans runs counter to the foundational principle of decentralisation, upon which the local government was formed. This predicament lies in the moral and legal grey areas, as most political clans do not make direct appointments themselves, opting instead to exert their influence in the locality to get a relative elected.

Conclusion

In the public domain, there is semantic obscurity between morality and legality. What is moral is understood as legal and what is illegal is seen as immoral. Moral and ethical questions around electoral conduct are reduced to legal questions. Hence, only explicit transgressions such as a candidate or their representatives coercing or bribing voters may be punishable. Offences that lurk in the moral and legal grey areas are difficult to uncover, let alone penalise. Therefore, many offences deemed anti-democratic or made against the rights of the voters are often not punished. For example, a patriarch forcing members of his family to vote for a candidate of his choosing certainly goes against the ethos of democracy; however, such cases are difficult to pursue because it lies in obscurity of ethical and moral dilemmas. Is it familial electoral coercion or is it merely an elder member of the family sharing his opinion on who members of the family should vote for?

Despite the precarious state of affairs, there is cause for optimism as the younger voters are better informed about their constitutional rights and are not tied to collective communal voting patterns. With a robust integration of constitutional and legislative material in the curriculum to better educate the next generation of voters, the issues discussed herein — it is to be hoped — would not fester beyond a few odd cases in the current context.

¹³ Dal et al. (2009). Political dynasties. *The Review of Economic Studies*, 76(1), 115-142.

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