

A Comparative Analysis of Democratic Consolidation in Bhutan and Timor-Leste

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Bhutan and Timor-Leste are young democracies currently in the process of solidifying their democratic framework. While Bhutan has shown significant progress, albeit with a few challenges, Timor-Leste has experienced a challenging journey in its quest to strengthen democracy. This article seeks to compare and assess the factors that have influenced democratic consolidation in these two nations. The primary focus will be the importance of formal institutions, specifically the role of the Constitution, elections, and political parties.

Introduction

The State as an institution plays a crucial role in consolidating democracy. It ensures that resources are allocated equitably and upholds the Constitution's institutional framework. The performance of institutions in providing services and security is an essential component of a consolidated democracy. The institutionalisation of democracy is determined by the quality and equity of institutions.¹

The existence of efficient political institutions promotes economic development by protecting property rights and preventing misappropriation of public funds. It encourages the growth of entrepreneurs by providing them with liberties and security. Public confidence in institutions strengthens democracy.²

Poor institutional performance results in dissatisfaction and low support for institutions, which in turn impacts democratic consolidation. A comparative analysis of institutions across eight Latin American countries showed that democratic consolidation had failed due to low levels of support for its

1 Greene, S. R. (2020). Coups and the consolidation mirage: lessons for stability in new democracies. *Democratisation*, 27(7), 1-21. <https://doi.org/10.1080/13510347.2020.1783529>

2 Pei, M. (2002). Implementing the Institutions of Democracy. *International Journal on World Peace*, 19(4), 3-31.

formal institutions.³ The lack of strong institutions emboldens authoritarian actors to manipulate the system. This is evident in Thailand, where weak institutions have helped further the interests of political elites. Military rulers have consistently replaced democratic constitutions to increase their clout.⁴

Democracy cannot be sustained without the existence of effective institutions. The President of the Philippines, Rodrigo Duterte, capitalised on institutions' failure to restrict the powers of the executive branch. He took advantage of weak institutions to increase his power by imprisoning his political opponents, removing judges from the apex court, and curtailing the media. The country is currently experiencing democratic backsliding, whereby political institutions that support and sustain democracy are being eliminated.⁵

Brief History

Bhutan is one of the youngest democracies globally and has transitioned from a Monarchy to an elected parliamentary system. The Monarch initiated the process of transforming Bhutan's political system through the decision to draft a new democratic Constitution in 2001. The political transition was completed in 2008 with the first democratic parliamentary elections and the formal adoption of a new Constitution. Since then, efforts have been made to maintain and strengthen the democratic process.

Bhutan's current political situation is unique, due to the pace at which it has transitioned from an exceptionally stable monarchical system into a recognisable democracy. Its democracy is driven by western political theory but also contains several elements of Buddhist culture.⁶

Timor-Leste has unfortunately endured a tough political history fraught

3 Turner, F., & Martz, J. (1997). Institutional confidence and democratic consolidation in Latin America. *Studies In Comparative International Development*, 32(3), 65-84. <https://doi.org/10.1007/bf02687331>

4 Kuhonta, E., & Sinpeng, A. (2014). Democratic Regression in Thailand: The Ambivalent Role of Civil Society and Political Institutions. *Contemporary Southeast Asia*, 36(3), 333-355. <https://doi.org/10.1355/cs36-3a>

5 Rüländ, J. (2020). Democratic backsliding, regional governance and foreign policymaking in Southeast Asia: ASEAN, Indonesia and the Philippines. *Democratisation*, 28(1), 237-257. <https://doi.org/10.1080/13510347.2020.1803284>

6 Locke, J. (2020). Buddhist Modernism Underway in Bhutan: Gross National Happiness and Buddhist Political Theory. *Religions*, 11(6), 297-313. <https://doi.org/10.3390/rel11060297>

with colonisation by European nations and Indonesia. Timor regained its independence in 2002 and has since made attempts to adopt a democratic form of government. Whilst the country has achieved progress on its democratic journey, it has also encountered major challenges that have threatened to disrupt democratic consolidation in the country.⁷

Timor's democratic journey started in a promising manner, since the country received support from the United Nations and several international organisations at the time of its independence in 2002. These organisations offered financial and technical assistance in establishing democratic institutions. However, this success was short-lived, as issues between local political parties and elites jeopardised the democratic plans to a large extent.⁸

Significance of Institutions

The success of democracies hinges on the functioning of their formal institutions. This section of the paper makes a comparative analysis of three institutions between Bhutan and Timor-Leste - the Constitution, elections, and political parties.

i. Constitution

The Constitution is an extremely sacred document as it serves as the primary mechanism for regulating the functioning of a nation. It sheds light on the political and moral outlook of a nation which shapes its future. Political theorist John Elster suggested that Constitutions should ideally be adopted in stable and undisturbed circumstances. Unfortunately, the need for a new Constitution often arises during politically chaotic times during which people are more driven by passion than reason, which is detrimental to the Constitution.⁹

Timor-Leste's Constitution-making process aligns with Elster's realistic outlook that Constitutions are often drafted at times of political instability.

7 Shoesmith, D. (2012). Is Small Beautiful? Multiparty Politics and Democratic Consolidation in Timor-Leste. *Asian Politics & Policy*, 4(1), 33-51. <https://doi.org/10.1111/j.1943-0787.2011.01318.x>

8 Wallis, J.E. (2019). 'Cut and Paste' Constitution-Making in Timor-Leste. *The Chinese Journal of Comparative Law*, 7 (2), 333-358. <https://doi.org/10.1093/cjcl/cxz012>

9 Iyer, V. (2019). Constitution-Making in Bhutan: A Complex and Sui Generis Experience. *The Chinese Journal Of Comparative Law*, 7(2), 359-385. <https://doi.org/10.1093/cjcl/cxz013>

The decision to create a Constitution in Timor-Leste arose in 2002 amidst a tense atmosphere following the failure of the 1999 independence referendum, in which 78 percent of the population of Timor wanted independence, but failed to achieve it due to repression from Indonesian forces. This led to wide-scale violence until 2001 when Indonesia agreed to grant independence. The Constituent Assembly was hastily formed and given the task of creating a Constitution.¹⁰

On the other hand, Bhutan's Constitution-making process occurred in a politically stable environment, due to which it was possible to create the document democratically by consulting with a wide range of people across the country.¹¹

Bhutan's Constitution-making process was a unique exercise, since the country did not have a written Constitution throughout its history. The fourth King decided to begin the gradual process of political transformation in 2001 by creating an elected assembly to draft a new Constitution. He believed in the intrinsic value of democracy as the best form of government for Bhutan's future.¹² The Constitution of Bhutan is a hybrid of Buddhist and modern political theory. The document's language and structure are boilerplate western political science, but the content is infused with Buddhist and Bhutanese heritage.¹³

While the King set the Constitution's agenda, the drafting of the Constitution was pursued democratically and exhaustively. The Constitution Drafting Committee was composed of members from each administrative province (dzongkhag/district), clergy, members from the Royal Advisory Council, judiciary, and local State agencies. A senior foreign expert from India served as a legal advisor.

The Constitution draft underwent a public consultation process, whereby representatives from the general public in each dzongkhag offered their suggestions and concerns, which were taken into consideration by the Constitution Drafting Committee. Finally, this revised document was

10 Wallis, 'Cut and Paste' Constitution-Making. 333-358

11 Iyer, Constitution-Making in Bhutan. 359-385.

12 De Visser, M., & Son Bui, N. (2019). Globalised constitution-making in the twenty-first century: Evidence from Asia. *Global Constitutionalism*, 8(2), 297-331. <https://doi.org/10.1017/s2045381719000066>

13 Locke, Buddhist Modernism Underway in Bhutan. 297-313.

debated by both houses of the first democratically elected Parliament before being formally adopted.¹⁴

Third World nations often borrow ideas from Western Constitutions since those nations have stood the test of time and continue to remain beacons for democracy. However, it is extremely important to infuse local values into Constitutions to accommodate the needs and values of the population. Unfortunately, the Constitution-making process and the contents of the Constitution of Timor-Leste have failed to showcase local values. The Constitution adopted a cut-and-paste approach from European Constitutions and bears significant resemblance to the 1989 version of the Portuguese Constitution.

The process of electing the Constituent Assembly in 2001 also created problems, since this was done through general elections between political parties. This caused numerous rifts as the majority party tried to impose its will on the drafting process.¹⁵ The Constituent Assembly was given the monumental task of drafting the Constitution within a 90-day period (later extended) as the date of independence had been fixed. Due to the rushed nature of Constitution-making, it was difficult to involve the public. Whilst the Assembly did provide a limited platform for public consultations, the content of the Constitution did not reflect those ideas.¹⁶

ii. Elections

The stability of a democracy is evident through the manner in which elections are conducted in the country. The first national elections were held in Bhutan in 2008 and were observed by external monitors from various countries and international organisations. They certified the elections to have met international standards in a successful manner. These elections were preceded by a mock election, to familiarise the population with practical knowledge of casting votes in a democratic election.¹⁷

In the case of Timor-Leste, the first general election of 2002 was also conducted in a fair and transparent manner. The United Nations and other external monitors ensured that Timor-Leste's democratic journey started-

14 Iyer, Constitution-Making in Bhutan, 359-385.

15 Wallis, 'Cut and Paste' Constitution-Making, 333-358.

16 Shoesmith, Is Small Beautiful? 33-51.

17 Turner and Tshering, Second Elections and Democratic Consolidation, 315-334.

on a positive note.¹⁸

Muni (2014)¹⁹ states that the first election in a new democracy is often successful, as a state of democratic euphoria precedes it. However, the second election is truly the litmus test for democracies since it determines the nature of democracy, as political elites might attempt to capture power. This was an apt statement, as the second elections in Bhutan and Timor-Leste depicted a contrasting picture.

Turner & Tshering (2014)²⁰ analysed the second general election process in Bhutan to determine the progress of democratic consolidation. The second election was considered successful based on its regularity, openness, and acceptability. The Election Commission showcased organisational acumen by conducting elections despite poor infrastructure.

Regrettably, the second general election, conducted in 2007, in Timor-Leste led to widespread violence, since no political party managed to secure a clear majority, resulting in the formation of a coalition government. The deeply cut political cleavage in the country led to supporters of each party attacking their opponent. It also led to an assassination attempt on the President and the Prime Minister.²¹ Since then, the country has held multiple elections, with mixed results.

The third general election in Bhutan witnessed the rise of newer political parties and actors, which are positive steps towards democratic consolidation. The voter turnout also rose by five percent compared to the elections of 2014.²²

While elections are being conducted democratically in the country, certain limitations and drawbacks need to be addressed. The electoral laws contain several restrictive features, such as the mandatory requirement of a college degree to be eligible to contest the national Parliament's election.

18 Wallis, 'Cut and Paste' Constitution-Making, 333-358.

19 Muni, S. (2014). Bhutan's Deferential Democracy. *Journal Of Democracy*, 25(2), 158-163. <https://doi.org/10.1353/jod.2014.0027>

20 Turner and Tshering, Second Elections and Democratic Consolidation, 315-334.

21 Tweedie, P. (2019, August 28). Twenty Years of Elections and Democracy in Timor-Leste. The Asia Foundation. <https://asiafoundation.org/2019/08/28/twenty-years-of-elections-and-democracy-in-timor-leste/>

22 Turner, M., & McCarthy-Jones, A. (2019). Bhutan's Reluctant Democrats and the Challenge of Legitimation. *Asian Studies Review*, 44(3), 515-532. <https://doi.org/10.1080/10357823.2019.169574>

This severely curbs widespread political participation, as the country has a narrow educational base.²³ Declines in party membership, both through restrictive rules by the Election Commission of Bhutan, and the grim future of candidates, have severely impacted the sustainability of political parties and political participation.²⁴

Furthermore, the Rules on Election Conduct in the Kingdom of Bhutan, 2022, authorises the Election Commission to change the framework, limiting the candidature for political parties. The other alarming aspect has been the low level of participation of women in elections. The Constitution guarantees gender equity, but that has not been depicted in electoral competition.²⁵

Timor-Leste has experienced a positive outcome since the troubled elections of 2007. The general election of 2012 was conducted in a peaceful manner, and served as a turning point in the country's democratic growth, since this election was conducted without the assistance of any external organisation.

The electoral process in the country has been transparent since then but the 2017 election created problems, due to the lack of a majority party. A weak coalition government was formed but was unable to sustain support from the Parliament, which led to re-election in 2018. This continues to be a major flaw in their system.²⁶

iii. Political parties

The democratic system cannot be sustained without political parties. Political parties provide the voters with a choice in terms of ideology and the type of governance that people prefer. The lack of political parties would lead to a lack of choices. However, it is also important to understand that a wide range of choices could also contribute to spreading confusion amongst the public.

23 Muni, Bhutan's Deferential Democracy, 158-163

24 Dorji, K., & Lhendup, U. (2022). Challenges Faced by Political Parties in Bhutan's Election: Perspectives from the Political Party Representatives. *Bhutan Journal of Management*, 2(2), 36. Retrieved from http://www.rim.edu.bt/journal/index.php/Bhutan_journal_of_management/article/view/91

25 Turner and Tshering, Second Elections and Democratic Consolidation, 315-334.

26 Tweedie, Twenty Years of Elections and Democracy in Timor-Leste

In Bhutan, political parties have functioned in an extremely peaceful manner but have faced certain challenges. They are subjected to high scrutiny in terms of their aims, objectives, and leadership. The credibility of a political party and its leadership is assessed and judged by the election authority. Such restrictions hamper the growth of concrete ideologies within a party, and most political parties end up with similar goals and objectives. It becomes difficult to differentiate between parties with identical ideologies.²⁷ The constitutional mandate of a political party whose representation cannot be based on region, religion, and community, forces political parties to end up with identical ideologies.

Chuki & Turner (2017)²⁸ attribute the low level of female representation in Parliament to party politics in the country. The absence of proper left-right political ideologies has created an atmosphere in which the leading political parties have relied on personality-based leadership. Another contributing factor is the absence of parliamentary quotas, which have helped boost women's role (albeit to a limited extent) in other South Asian countries such as Bangladesh and Nepal.

In Timor-Leste, the existence of a multiparty system has proven to be detrimental to democratic consolidation. Multiparty politics has raised the possibility of confrontational politics and patronage by the ruling party to sustain power. The existence of a weak multiparty system in Timor-Leste, sustained by patrimonial and clientelistic politics, has hindered its democracy.²⁹ However, the country deserves credit for providing a large platform for women's participation in politics through the quota system. This system has ensured 38 percent female representation in Parliament, the highest number amongst all countries in Asia-Pacific.³⁰

27 Muni, Bhutan's Deferential Democracy, 158-163

28 Chuki, S., & Turner, M. (2017). Women and politics in democratic transitions: the case of Bhutan. *Contemporary South Asia*, 25(2), 136-152. <https://doi.org/10.1080/09584935.2017.1321615>

29 Shoesmith, Is Small Beautiful? 33-51

30 Niner, S. (2017, July 21). Women and power in Timor's elections. *New Mandala*. <https://www.new-mandala.org/women-power-timors-elections/>

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