MINISTRY OF FOREIGN AFFAIRS OF DENMARK

Bhutan Election Observation Report

from the Liaison Office of Denmark

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1. Introduction

The Head of the Liaison Office of Denmark (LOD), Counsellor Henrik A. Nielsen, was welcomed by the Election Commission of Bhutan (ECB) as an International Observer from Denmark to the National Assembly elections as per National and International Observer Guidelines of the Kingdom of Bhutan, Art. 5 b, by letter of 13th February 2008 from the Ministry of Foreign Affairs of Bhutan. The Guidelines stipulate (Art.10 a) that an observer shall closely monitor the electoral process and report to the Commission. The following are the observations made by the Danish observer, covering the period from the date of issue of the notifications of the elections 17th January 2008 to the declaration of results on 25th March 2008.

The Danish observer would like to thank the Royal Government of Bhutan, and in particular the Election Commission of Bhutan for providing this valuable opportunity to follow the historic democratic development of Bhutan. Moreover, all election officials and voters met are thanked for their support to the observation and their open and friendly attitude towards the observation team without which it would not have been possible to follow the election process.

2. Observations

Prior to the election day 24th March 2008 the preparations of the election, including registration of voters, nomination of candidates, campaigning and guidance by the ECB has primarily been followed from the media of Bhutan and from the official announcements of ECB. On the election day the observations are based on field-visit to five out of 13 polling stations in South Thimphu (South Thim Throm-Chang-Dagala-Geney-Mewang) Constituency, and the South Thimphu Returning Office (at Lungdenzampa HSS). The polling stations were: Babesa School (South Thim Throm gewog, visited twice), Dramesa ORC (Mewang gewog), Khasadrapchu MSS (Mewang gewog), Wangbama Village and Zanleykha BHU (Geney gewog). The observations took place from before the opening of the polling station at Babesa School at 9:00, included the closing of the same polling station at 17:00, the counting and communication of results from the polling stations to the Returning Office, counting of the postal ballots at the Returning Office, and the compilation of the South Thimphu Constituency results. Finally, the communications on the Bhutan Broadcasting Service of the 47 constituency results and the announcement from the ECB Centre of the total country results at 21:15 were observed.

The observations are in the following structured as per the Guidelines, Art. 12, Scope of Observations:

*Impartiality of the Election Officers:* The impartiality of the Election Officers and their performance in general was observed as very satisfactory. Furthermore, the impartiality was ensured by the presence and attention of the two Representatives of Candidates found at all polling stations.
visited. In particular, the opening and counting of the postal ballot papers at the Returning Office showed a very transparent and fair impartiality of all present.

**Registration of voters:** According to the ECB, all Bhutanese citizens above the age of 18 years on the date of elections and registered in a local constituency as of 1st January 2008 were eligible for registration as voters on the Electoral Roll, based on the civil registry database of the new Citizen Identity Cards of the Ministry of Home and Cultural Affairs. Thus, the voter registration was supposed to be automatic which meant everyone eligible was registered, except the members of the Royal Family and religious personalities, who were not issued Voter Photo Identity Cards (VPIC). The final total number of voters registered were 318,465, of which 161,169 (50.6 pct.) were females, and 157,296 (49.4 pct.) were male registered voters. The increase in registration of voters since the National Council elections is informed as being 5,648 – only a slight increase. The total number of citizens in the civil registry as of 20th February 2008 (the date for the close of the Electoral Roll preparation) was 577,782. However, this number includes children and minors below the age of 18 years, and, for comparison, the actual number of citizens above the age of 18 years has not been available from the Ministry of Home and Cultural Affairs, or from the ECB. Consequently, it has not been possible to check whether the automatic registration has actually captured all eligible voters. A preliminary figure of 400,626 eligible voter population was used in the process when the Ministry of Home was still issuing the new Citizen Cards. No information is available on any persons trying to be registered, but having been declined as voter, or of citizens being eligible, but not wanting to be registered as voters. As such, it is difficult to substantiate final conclusions to which degree the number of registered voters tallies 100 pct. with the number of eligible citizens.

**Conduct of election campaign:** In general, it is the observation that the election campaign was conducted in a fair and acceptable manner. The ECB should be commended for its efforts to introduce for the first time a fair system of presentation of all candidates and debates in the BBS. Due to the language challenge (most of the campaign was conducted in Dzongkha, and the Observer did not master this language) no assessment of the communication is given. However, the ECB required all written materials to be in Dzongkha and English in order to ensure level playing field. Obviously, this made it difficult for citizens who do not have Dzongkha as their mother tongue, and it could be regarded as an unnecessary limitation. It is also noted that posters and banners were placed, and obviously allowed to be placed, on other sites than the official boards.

**Freedom of expression:** The ECB, although trying to restrict the candidates to conduct the campaign in an orderly and dignified manner as per the issued rules went beyond such commendable guidance and did not allow candidates in addressing substantive political issues like citizenship and gender equality. Surprisingly, women’s issues and interests were required to be mainstreamed, and not relegated to a “wing”, while during campaign period the women and
youth groups were required to participate as an integral part of the candidate’s campaign in the interest of the general public.

Freedom of peaceful political activity: The election campaign and process was conducted in a peaceful manner, and although minor incidents of clashes between over zealous party workers were reported, the general impression is of a well-guided election campaign and process. In particular, the polling process on the election day and the dignified conduct of the voters was impressive. Even though a number of bomb blasts prior to the election was of concern it did not disrupt the peaceful conduct of the historic election.

Conduct in accordance with the law: The ECB was very strict in its appliance of the election rules, and did not permit any deviations. The disqualification of one candidate due to an earlier produced article is an example. The non-acceptance of a third party on grounds i.a. of lack of governance capacity is another one. It may be necessary for the first national election to set high standards, but to an external observer in future it may be better to leave such political assessment to the voters (through the stipulated primary elections) rather than to an administrative interpretation of the Constitutional provisions (Art. 15, Sect. 4. C) by the ECB.

Without fear or undue influence: It was a clear observation from all visited polling stations that voters were able to cast their votes freely and without fear or undue influence. Obviously, there has been a lot of discussion in the local community, within the families and between individuals on which party and candidates to prefer. This is a very legitimate part of the democratic process. The Bhutanese process offered an interesting communication development mix of the traditional community debate and the modern communication, e.g. between urban and rural residents, carried by the mobile phones. Bhutan Telecom informed that the number of mobile calls increased by 30 pct. during the last two days prior to the election, while calls by fixed lines nearly dropped to zero (most lines are office-phones, and offices were closed). The claim raised by PDP of undue influence by some party DPT supporters during the run-up to the election was thus immediately and convincingly rejected by the High Court as unsubstantiated.

Conduct of poll and count: The arrangements for the conduct of poll and count followed satisfactory standards to avoid fraud and illegality. Checking of identify, checking of voter registration, assistance to voters for polling and general administration at the polling stations was managed at most observed polling stations in a friendly and efficient manner. Most voters turned up early, causing long lines (most places gender-wise) but the conduct was so efficiently managed that the polling in most cases were nearly completed by noon. At one station the Presiding Officer told of seven under-age young people who had tried by using fake voter cards (from the mock election) to get access to the election, but they had been rejected. At another polling station the Observer noted a woman who had forgotten her voter card. Her identity was correct, and she was registered on the voters’ list. Anyway, she was asked to go home and collect her voter card.
Voting procedures followed: The voting procedures were followed correctly by the Election Officers as far as the Observer could understand and observe. The Election Officers took great care both in assisting e.g. elderly people and handicapped, and in ensuring that the electronic voting machines were properly utilised.

Secrecy of ballot ensured: Great care was taken to ensure both the individual secrecy of each voter, and the confidentiality of the results until formally declared by the respective polling station and constituency. The seal of the voting machines was very correctly broken after the closing of the polling supervised by the representatives of both candidates, and the machine was carefully resealed after the results had been read.

Counting of votes: The automatic counting by the Electronic Voting Machines (EVM) seems to function effectively. However, no information of the subsequent checking of the results (e.g. of the voter slips from each polling station) have been published. Further, it was not clear whether the number of voters actually allowed to cast their ballot (presumably counted manually by the election staff) was checked as corresponding exactly to the total number of votes counted by the electronic voting machine, but the counting of the machine was not disputed by anyone. The counting of the postal ballot papers were conducted in a very transparent manner supervised by the representatives of the candidates at the Returning Office of the constituency. Out of 211 postal ballots three were rejected due to uncertainty of which candidate the ballot was cast for. Re-counting and re-check of the (paper) postal ballots is feasible. However, whether or when this was done was not observed by the Observer. Finally, it is noted, that the results from each polling station have not yet been published (e.g. at ECB's website). For transparency reasons, this is a basic requirement.

Determination and transmission of results: The reading of the results from the voting machines was a very rapid process. It was checked by all present, but as the results are only given as one figure for ‘candidate 1’ and one figure for ‘candidate two’ a confusion might accidentally happen. The communication of the results to the Returning Officer in most cases were initially verbally communicated by mobile phone. This could, as indeed happened in one constituency, become a miscommunication. The transmission could be improved if the results are sent by SMS of the mobile phone, or faxed to the Returning Officer. Moreover, as the results of each polling station are currently not available, it is not feasible for the public to check or re-calculate the individual constituency results.

Maintenance of order: Order and general security was well maintained at the polling stations. However, as pressure of voters was high in the morning hours in some cases long lines of voters were created, and up to one to two hours of waiting was not unusual. In larger polling stations it may be considered to have more than one voting department (booth) and corresponding checking desks.
Party workers’ conduct: In all cases the observed conduct of the party workers did not present any challenge. The system of one representative of each of the respective candidates functioned very satisfactory at all polling stations observed.

Restriction of citizens: It has not been feasible for the Observer to check if any restriction, contrary to the law of Bhutan, was imposed on any citizen who wished to take part in the election process either as a candidate or a voter. One candidate was disqualified due to the interpretation of the law by the ECB. A ruling by the court could only be made after the election. According to the ECB, there was no case of a candidate whose nomination was rejected due to lack of security clearance. No information is available of citizens wanting to be registered, but being rejected for registration as a voter. A very few cases of registered voters trying to vote without presenting the VPIC or proper CIC, or where the registration was incomplete, were reported by the ECB.

On the other hand, participation of the Bhutanese citizens in the national elections was promoted substantially by the ECB in its voting awareness campaign and regarded not only as a duty for all citizens, but as a social and democratic responsibility which all should respond to. As a souvenir, the election staff distributed a badge to each participating voter after the ballot had been cast. Wearing this, the citizen voter could show his or her civil responsibility. Although not intended, however, there's a risk that those not showing this badge could be perceived socially stigmatised. A similar restriction of the behaviour of the voter is the non-option of the election system to participate, but voting blank (i.e. not choosing any of the two candidates). Once the voter enters the ballot booth there’s no return: one has to cast the vote for one or the other candidate. There is no third button for a non-vote.

3. Rights of Observers

As stated in the introduction, the assignment undertaken by the Danish Observer was in most cases very much supported and facilitated by the responsible Election Officers and polling staff. Only at one polling station, the Presiding Officer seems to have misunderstood the role of the Observers, and limited the observation to maximum five minutes inside the polling station, in clear contradiction to Art. 13 a (ii) of the Guidelines. At another polling station, the inspection of the polling booth before the beginning of the casting of votes was allowed, however, it was not permitted to take a photograph of the voting machine to document its status. Finally, it did not seem easily acceptable at the Returning Office to have free access to the communicated results from each polling station to check the reception of the results and the calculations of the amalgamated constituency result.
4. Conclusion – and congratulations!

Overall, the first National Assembly elections in Bhutan were prepared meticulously and comprehensively with training not only of the election staff, but also of the voters to a degree rarely seen in any other country. The election process was very properly conducted with great dignity and respect for the institutionalisation of a democratic citizen culture for the first time. Moreover, the impressive turnout of nearly 80 pct. of the registered voters, the majority being women, provides the elections to the National Assembly with a very high degree of legitimacy.

Minor mishaps seems only to be part of a learning process, and the immediate way the ECB publicly corrected the miscommunication of the results of one constituency (with the important consequent re-distribution of one National Assembly seat from PDP to DPT) showed not only a very responsible attitude towards a transparent process, but also a willingness to accept the preparation and implementation of the elections as a learning process which augurs well for Bhutan’s future democratic development. This Observer offers his heartfelt congratulations to the Election Commission as well as all the voters of Bhutan.

A final remark: The actual party-wise results of Bhutan’s historic first National Assembly elections surprised most voters and observers. However, apart from explanations of the performance of the parties and candidates, of which this Observer will abstain from commenting, no doubt the election system itself of ‘first past the post’ in each constituency is a major reason why a distribution of votes by 66-33 pct. turned into a distribution of seats by 96-4 pct. Maybe an adjustment of the election system into a system of ‘majority election in single constituencies’ combined with some proportional representation could be considered, when the Electoral Bill is to be reviewed before the next national election of Bhutan.

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