

## **Bhutan a step ahead of Nepal**

By Dhruba Adhikary

KATHMANDU - The two remaining kingdoms in the Himalaya, both of which share borders with mighty China and emerging India, have monarchs whose instinct for survival in the 21st century should obviously encourage them not to remain oblivious to issues that can spark off unrest within their own territories.

They know how Sikkim, the third kingdom in the region, lost its very existence in 1975 when its ruler chose to ignore popular demands for equality and civil rights. China had initially refused to recognize Sikkim's annexation by India, but Beijing's subsequent policy on the matter underwent a change and China found it expedient to accept what it considered had become a *fait accompli*. Last week, during Chinese Premier Wen Jiabao's visit to India, Beijing handed over a copy of a new official map that depicted Sikkim as a state of India. To New Delhi, it is an important achievement, and a clear indication that the Sikkim dispute (not the overall border dispute) has been resolved once and for all.

King Jigme Singye Wangchuk's decision last month to give Bhutan [1] its first constitution can be seen in a related and rapidly changing regional scenario.

The announcement made in the capital Thimphu appears to be the king's first noticeable move toward addressing demands for democratic change. Whether this latest royal initiative is a sincere one and can be put into effect quickly is something which cannot be said at this stage. Provisions made in the draft constitution, however, make it more progressive than Nepal's, promulgated in the aftermath of a successful pro-democracy movement in 1990.

The article on monarchy, for instance, makes it obligatory for the king to step down at the age of 65. Besides, the king also loses his right to remain on the throne if he marries a non-Bhutanese; he abdicates if parliament adopts an impeachment motion with the support of three-fourths of the total membership.

"Yes, the chances of the king being removed from the throne through such methods are remote," said Professor Lokraj Baral, a former ambassador to Bhutan, "but the king will find it difficult to ignore these conditions once included in a written constitution." To this extent, the document is progressive. King Jigme's idea, as inserted in Article 1, is to transform Bhutan into a two-party state under a "democratic constitutional monarchy". The draft, which has 34 articles and four appendices, prohibits any other form of government in Bhutan. If Chief Justice Sonam Tobgye's words are to be taken at face value, the constitution will come into force once it is ratified through a referendum to be conducted at the end of 2005. The monarch wants each of his 2 million-plus subjects, identified as citizens, to read and offer their views on the draft constitution. The draft copies are to be circulated in Dzongkha and English. (Bhutan's literacy rate is just 30%.)

Constitutional changes aimed at modernizing the feudal institution of monarchy are important indeed, but it is the timing of the royal announcement which has attracted considerable attention in and around Bhutan's neighborhood. This, said the first British Broadcasting Corp (BBC) report of the Bhutanese initiative, was in contrast to developments in Nepal, where King Gyanendra seized power in February by dismantling the democratic setup.

To outsiders, the monarch of the smaller of the two kingdoms suddenly appears as a forward-looking ruler, while the step taken by the king of the larger monarchy looks starkly regressive.

The mainstream Indian media hailed King Jigme's steps toward democracy, and even favorably compared his liberal approach with King Gyanendra's proclamation of February 1. In an editorial comment, The Hindu newspaper billed Jigme as a "popular figure" and described Gyanendra a "reactionary king". Analysts did not find anything unusual in this comment, because Bhutan drafted its constitution using Indian expertise. Indian analyst of South Asian affairs Dr S Chandrasekharan conceded in a recent writeup that Thimphu had received "inputs from some eminent legal luminaries from India".

There is also a perception in the Nepali intelligentsia that King Jigme, 49, unveiled his reform plans at the promptings of New Delhi, which has faced stinging criticism because of its perceived dual standards on democracy: it chose to raise hell for democracy in Nepal, while turning a blind eye to Bhutan, a country ruled by a king through peremptory orders.

A 1949 treaty between India and Bhutan requires Thimphu to accept New Delhi's advice on sensitive issues, including ones related to defense and external affairs. It is interesting that Bhutan's decision to reform its system of governance came out in a sudden manner, reminding its neighbors of an event that took place several years ago. King Jigme's marriage, simultaneously with four women, was made in 1988 by his ambassador in New Delhi at a time when the monarch had already eight children.

"There is no written constitution or bill of rights," said an official US human-rights report on Bhutan in early 1995. This statement is valid even today. Besides, there is no timetable when the draft constitution currently being debated will be made effective, replacing an anachronistic royal decree of 1953.

The striking absence of provision for an independent judiciary in the constitution is equally worrisome to people who do not see any room to challenge arbitrary executive decisions on crucial matters like citizenship. Tens of thousands of Nepali-speaking Bhutanese have lurking doubts about the true intention of the king and his courtiers. "Our system is far more democratic than most democratic countries," the king said in an interview the Washington Post published in early 1994. What could have led him to change this comical thought and urged him to issue a constitution that can prove that he is the head of a constitutional monarchy?

Whatever is being offered now, said some analysts, may provide a temporary democratic facade to the royal regime, but it cannot provide any durable solution to the challenges Bhutan confronts, especially after it enacted a new citizenship law in 1985. "Something is definitely better than nothing," said former foreign minister Bhekh Thapa, alluding to the draft constitution. But Thapa, who also had a stint as Nepal's envoy to Bhutan, is skeptical about the viability of the present constitutional plan so long as the ongoing drive to end the existing diversity in population is not reversed.

In other words, Thimphu needs to take measures which can absolve the royal government from the charge of "ethnic cleansing" of Bhutanese of Nepali origin. More than 100,000 such people have lived in UN-run refugee camps in eastern Nepal since early 1990s. Fifteen rounds of bilateral ministerial talks have been held, alternately in Kathmandu and Thimphu, but the process of repatriation remains evasive to date.

In its latest human-rights/democracy report, released on March 28, the US government took note of the "process of a fundamental governance shift ... to a constitutional monarchy" but appeared convinced that Thimphu eventually had to enlist the support of the Nepali-speaking

minority if it wanted long-term stability for Bhutan.

"The US human-rights and democracy strategy for Bhutan is still largely focused on finding durable solutions for the Bhutanese refugees of ethnic Nepali descent who were compelled to leave Bhutan for Nepal in the early 1990s," the report emphasized. But since Bhutan does not have diplomatic relations with the United States, the royal government in Thimphu can adopt a policy of indifference to Washington's suggestion. In fact, Bhutan does not have diplomatic relations with any of the five permanent members of the United Nations Security Council. Does this mean that Bhutan, a member of the UN, can go on defying the voice of the international community forever?

Will not neighboring India's credentials as the world's largest democracy also be undermined if New Delhi keeps quiet on issues associated with Bhutan? These are some of the questions now being discussed in Nepal, a country which is in the midst of its own imbroglio as Maoists and monarchists continue to face each other.

### **Meanwhile, back in Nepal ...**

King Gyanendra, in the meantime, is being watched by the outside world in the context of his repeated pledge to restore democracy before long. That he has not formally suspended the 1990 constitution thus far is an indication that he does realize the present statute is the best possible instrument to safeguard the monarchy's interests.

"My understanding of your country's constitution is that it is a document which works for Nepal's independence as well as for the democratic system it has adopted," said Rakesh Chhetri, a Bhutanese exile who works as a human-rights activist. It is the players who are required to be honest, sincere and patriotic.

Not all Nepalis taking an interest in Bhutanese affairs are critical of King Jigme's modernization campaign. In fact, some analysts have praised him for taking Bhutan on a path of slow but steady progress. Since Bhutan's geopolitics are more precarious than Nepal's, it would be unwise to expect him to take a short-cut route to democracy. The process has to be gradual and evolutionary, that is why it looks to be moving at snail's pace.

Narendra Bikram Shah, a former foreign minister, said he did not understand why most of Nepal's media outlets spent their energy ridiculing Bhutan, a friendly neighbor that is steadily moving forward to be a responsible democratic society. "Their role and responsibilities are increasing," Shah said, referring to the recent appointment of a Bhutanese diplomat as the secretary general of South Asia's regional organization, the South Asian Association for Regional Cooperation (SAARC). After Bangladesh hosts the next summit, Bhutan will probably take over the chairmanship as well. This is the first time in the 20-year history of SAARC that Bhutan has come to the center stage.

Shah's view on the refugee question is also different because he does not think Bhutan alone is to be blamed for the procrastination. On the contrary, it is the Nepali side which failed to give prompt and positive responses to Bhutanese offers - to take back up to 75% of the refugees. Shah, who made several trips to Thimphu while working at the Ministry of Foreign Affairs, said Nepal's leaders as well as officials did not apply the required level of skill and efficiency at the negotiating table. Shah also noticed a lack of enthusiasm among refugee leaders to explain why Bhutanese of Nepali ethnicity never tried to adapt to their new homeland (such as learning Dzongkha, Bhutan's national language) if their ancestors had gone to Bhutan more than a century ago.

Tek Nath Rizal, often described as the Nelson Mandela of Bhutan, considers most of such comments as inadequately informed reactions expressed by people who know little about the ground reality. Dzongkha, he said, is an artificial language promoted by the king only about a decade ago.

This language, now used by the ruling Ngalongs, does not have its own script; hence they use a Tibetan script called Choeke. According to Rizal, of the three main ethnic/religious and linguistic groups residing in Bhutan, Sarchops are the other group settled in the eastern region who speak Tsangla, which is not recognized by the regime. Lhotshmapas, or those living in the south, are the Nepali speakers. They are the largest of the minority groups in Bhutan. Nepali initially was a link language, but subsequently became the country's lingua franca as there was no other language understood by people living in different parts of Bhutan. History records show that the first group of Nepalis went to Bhutan in 1624, 83 years before the Wangchuk dynasty, to which the present king belongs, was established. Most of the migration, however, took place between 1800 and the 1950s in the wake of the Bhutan-British war of 1864.

Rizal, a resident of southern Bhutan, was once a member of the royal advisory council. But when he protested against discrimination being meted out to minority communities, he was evicted from the royal panel. He was later chosen to be the leader of a pro-democracy movement launched in Bhutan. In 1989, he was jailed for 10 years on treason charges. Currently he lives in Nepal in exile.

On the proposed constitutional innovations, Rizal is also skeptical. While the royal promise to gift the country with a written constitution was a positive step, it was doubtful if the process which had begun now would address the grievances of different communities of Bhutan, Rizal explained. The draft constitution had no reference, for instance, to minority communities, and it failed to understand the difficulties of those who could not read English or Dzongkha. "The whole exercise seems to be a ploy to deceive the international community," Rizal, 57, said in an interview with Asia Times Online. "The palace may use this draft as a tool to institutionalize the absolute powers it already enjoys," he said.

To the exiled community, it would have been easier, however, to be in touch with a democratic Thimphu than an autocratic one. But the problem is that the majority of them do not accept the proposed reform as genuine. And supporters of the status quo are already on the regime's side. They did not need to be given a draft constitution to show that changes were in the offing.

A radio report aired by the Bhutan Broadcasting Service on April 8 said that the number of Bhutanese suffering from depression and anxiety was on the rise. And doctors in Thimphu described depression as an emotional disorder resulting in the loss of happiness and enjoyment. This must have been a disturbing piece of news to the monarch, who is ever eager to talk about his pet theory of gross national happiness for his subjects.

### *Note*

[1] In 1865, Britain and Bhutan signed the Treaty of Sinchulu, under which Bhutan would receive an annual subsidy in exchange for ceding some border land. Under British influence, a monarchy was set up in 1907; three years later, a treaty was signed whereby the British agreed not to interfere in Bhutanese internal affairs and Bhutan allowed Britain to direct its foreign affairs. This role was assumed by independent India after 1947. Two years later, a formal

Indo-Bhutanese accord returned the areas of Bhutan annexed by the British, formalized the annual subsidies the country received, and defined India's responsibilities in defense and foreign relations.

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