

Annexure

Election Commission of Bhutan

(DRAFT)

**Guidelines for Administration and Management of Support and Assistance
provided to Registered Political Parties in the Kingdom of Bhutan for their
Institutional Strengthening and Capacity Building, 2014**

Dated:

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Introduction

Bhutan being a young multi-party democracy, it is necessary b that the registered Political Parties are nurtured and strengthened, so that they can fulfill their roles effectively in our Democracy and through institutional development programmes of Institutions, Systems and Culture of Political Parties in the Kingdom of Bhutan fostered through by organizing of trainings, seminars, workshops and creating platforms for interaction and collaboration to learn and share best practices, funded either from State resources, Trusts or assistance from individuals, corporate and entities from both within Bhutan and abroad (other than the registered members of Political Parties), the Election Commission of Bhutan (ECB), with reference to Section 4 (e) of the Constitution and Section 35 of the Election Act of the Kingdom of Bhutan, 2008, hereby adopt these Guidelines:

1. Short Title, Extent, Application and Commencement

1. These Guidelines shall:

1.1 Be referred as the *Guidelines for Administration and Management of Support and Assistance provided to Registered Political Parties in the Kingdom of Bhutan for their Institutional Strengthening and Capacity Building, 2014*;

1.2 Extend to the whole of the Kingdom of Bhutan;

1.3 Apply to registered Political Parties and all stakeholders of multi-party systems in the Kingdom; and

1.4 Come into force with effect from .. th of 2014 corresponding to ..th Day of the .. th Month of the Wood Male Horse Year of the Bhutanese Calendar.

2. Purpose

2.1 These Guidelines shall:

- 2.1.1 Regulate all and any support provided through the Commission to the Political Parties from individuals, corporate and entities within Bhutan and abroad (other than registered members);
- 2.1.2 Manage and facilitate institutional capacity development of the Political Parties through organization of trainings, seminars, workshops: and
- 2.1.3 Create platforms for interaction and collaboration to learn and share best practices by Political Parties through external funding, support and cooperation.

3. Definition

3.1 In these Guidelines, unless the context otherwise requires:

- 3.1.1 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
- 3.1.2 “Electoral Laws” means the Election Act of the Kingdom of Bhutan, 2008, Public Election Fund Act of the Kingdom of Bhutan, 2008 and National Referendum Act of the Kingdom of Bhutan, 2008 and all Rules and Regulations made there-under;
- 3.1.3 “Political Party” means an association or body of individual citizens of Bhutan registered with the Commission as a Political Party under the Section 140 of the Election Act of the Kingdom of Bhutan 2008;

3.1.4 “Support” means any activity, financial or technical assistance, mainly in the nature of capacity building, that may be available from corporate, external funding or technical assistance services or schemes which a Party is not entitled to entertain or receive directly but facilitated under these *Guidelines*; and

3.1.5 The words importing the singular number shall include the plural number and *vice-versa*.

4. **Legal Provisions**

4.1 The relevant provisions of the Electoral Laws that relate to the type and form of support or assistance to Political Parties other than contributions from its registered members are:

4.1.1 Section 4 (e) of Article 15 of the Constitution of the Kingdom of Bhutan provides that:

“A political party shall be registered by the Election Commission on its satisfying the qualifications and requirements set out hereinafter, that it does not receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations or from private parties or individuals.”

4.1.2 Section 136 (f) of Election Act of the Kingdom of Bhutan, 2008 states that:

“The copy of the Charter of the party submitted with the application shall contain provisions that the party does not receive money or any assistance from foreign sources, be it governmental, nongovernmental, private organizations, or from private parties or individuals.”

4.1.3 Section 141 of the Public Election Fund Act of the Kingdom of Bhutan 2008 provides that:

“A party or a candidate shall not receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations, or individuals.”

4.1.4 Section 16 of Article 15 of the Constitution provides that:

“Parliament shall, by law, regulate the formation, functions, ethical standards, and intra-party organizations of political parties and shall ensure the transparency of party funds through regular auditing of their accounts.”

4.1.5 Section 35 (b) of the Election Act of the Kingdom of Bhutan:

“Promote public awareness on electoral matters by conducting education and information dissemination programmes or by any other means.”

5. Obligations

5.1 Any form of support to any Political Parties other than from its registered members shall be regulated by the Commission.

5.2 Any Agency, Individual or Private Firm interested to support or provide assistance to the Political Parties in Bhutan for capacity building shall do so in keeping with these Guidelines and Electoral Laws.

5.3 A Party or a Candidate shall not receive money or any assistance from foreign sources, be it governmental, non-governmental, private organizations or individuals.

5.4 No agency, individual, firm shall provide directly or indirectly any assistance or benefits to any Political Party.

5.5 No Political Party or a Candidate or a Member shall be permitted to solicit or resort to any form of fund raising other than the collection as Registration Fees, Membership Fees and Voluntary Contributions from its members.

5.6 The Commission shall, in due consultation with Steering Committee, carry out programmes to enhance capacity of the registered Political Parties through trainings, seminars, workshops, conferences, meetings and study tours.

5.7 The Commission shall administer such activities on its own or in collaboration with an agency capable of providing the relevant services and programmes.

6. Activities of the Political Party

6.1 An activity planned for the Political Parties covered in the respective annual work-plans and strategies must conform to the framework of the respective Party Charters, the Political Party Rules of the Kingdom of Bhutan, 2012 and the Election Act of the Kingdom of Bhutan 2008.

7. Monitoring of the Party Activities

7.1 The Registrar of Political Parties and relevant Departments/ Divisions of the ECB shall be responsible to review and monitor the activities or programmes and accounts including the *Bhutan Democracy Dialogue (BDD)* to ensure compliance with the law directly related to Political Parties s.

8. Penalties

8.1 Any individual, entity, firm or organization found guilty of violation of these Guidelines or the Election Act shall be dealt with in accordance to the Election Act of the Kingdom of Bhutan, 2008.

9. Power of the Commission to Issue Instructions and Directions

9.1 The Commission may issue instructions and directions:

9.1.1 For the clarification of any of the provisions of these Guidelines;

9.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

9.1.3 In relation to any matter for which these Guidelines make insufficient provision, and clarification is necessary in the opinion of the Commission.

10. Authority of Interpretation and Amendment

10.1 The Commission shall be the authority competent to interpret the clauses of these Guidelines.

10.2 The Commission shall have the power to amend by way of addition, variation or repeal the provisions of these *Guidelines*.

Done under the seal of the Election Commission of the Kingdom of Bhutan on this .. th Day of the .. th Month of the Year 2014 corresponding to the 28th Day of the ..th Month of the Wood Male Horse Year in the Bhutanese Calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner