RESEARCH NOTE

A BRIEF HISTORY OF RIGSUM GOENPO LHAKHANG AND CHOETEN KORA AT TRASHI YANGTSE[*]

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Lama Tshering Gyamtsho from Punakha Dratshang[1] who lived during the 18th century was a close disciple of the 9th *Je Khenpo*[2] Shacha Rinchhen. He was destined to explore the sacred places of Guru Rinpochhe[3]. In his quest, he reached a place called Pemaling located towards the north of Trashi Yangtse in eastern Bhutan. There he found a cave with clear body prints of Rigsum Goenpo (Jampalyang, Chhana Dorji and Chenrezig)[4]. A powerful local deity called Genyen Phanbu was the guardian of this sacred cave. The Lama befriended the local deity through his spiritual powers and built a small *lhakhang* for his meditation.

After the death of Lama Tshering Gyamtsho**,** his nephew and spiritual heir Lama Jangchhub Gyeltshen took over the entire responsibility of the cave and the *lhakhang*. He renovated and extended the present-day lower *lhakhang* with unique mural paintings of the life history of Lord Buddha (*Paksam Thrishing*) which can still be seen. The *lhakhang* was named as Rigsum Goenpa Lhakhang. Lama Jangchhub Gyeltshen was instrumental in spreading Buddhism in the region until his soul transcended into the Nirvana. He had already found his spiritual heir in the person of Lama Ngawang Loday, his beloved nephew.

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[*] This article is based on discussions held with Lopen Namgyal in 1994 and Lam Dorji in 1999-2002. Lopen Namgyal was a *kangjo* of the old Trashi Yangtse Dzong for 37 years. Lam Dorji is serving his 27th year as the Lam of Rigsum Goenpo Lhakhang. I would like to acknowledge with gratitude their valuable contribution.

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While Lama Ngawang Loday was reinforcing religious activities introduced by his uncle, His Holiness Yonten Thaye, the 13th *Je Khenpo* (1771-1775), who was on his way to Tsari Rongkor (Mountain Pilgrimage) in Arunachal Pradesh, India visited the region and ordained him as the 3rd abbot of Rigsum Goenpa Lhakhang. He was a famous lama who left behind a great spiritual legacy. He constructed the bigger *lhakhang* and installed valuable *ku sung thukten* (sacred artifacts representing the body, mind and speech of the Buddha) including the statue of Jowo Shakya Muni, hundred volumes of *Kanjur[5]* and the eight enlightening stupas of Lord Buddha (*Desheg Choeten Gyed*) for the well being of the people of Bhutan. The statue of Jowo was brought all the way from Punakha Dzong. It was made by the famous craftsmen and iconographer Pentsa Dev from Nepal during the reign of 4th *Desi[6]* Gyalsay Tenzin Rabgay. So sacred is the statue that the fifth abbot of the *lhakhang*, Lama Shacha Gyalpo is believed to have witnessed it speak. Hence, the name Jowo Soong Joem - the Jowo that spoke.

Major reconstruction works at Rigsum Goenpa Lhakhang are under progress. The works which were initiated by the *dzongkhag* administration and the people and sponsored by the Royal Government of Bhutan are expected to be over by the end of 2002.

Lama Ngawang Loday wished to construct a replica of the Bodhnath stupa of Nepal in Kholong chhu[7] valley in memory of his late Uncle Lama Jangchhub Gyeltshen and to subdue a demon dwelling at the site where the *choeten* was to be constructed. Guru Rinpochhe and his brothers[8] had constructed the Bodnath stupa popularly known as Jarung Khashor in their previous lives.

Lama Ngawang Loday and his friend Lama Zangpo from Tawang, Arunachal Pradesh set on a journey to Bodnath. Both returned home with a model of the *choeten* which was quickly made out of radish. They were determined to construct similar *choeten* in Trashi Yangtse and Tawang.

Consequently, Lama Zangpo constructed one at Pangchanang valley in Tawang, which is known as Gorzam Choeten today. Lama Ngawang Loday constructed another in Trashi Yangtse valley and was called Duerong Choeten. It later came to be known more popularly as Choeten Kora. By the time they arrived home, the radish model had shrunk distorting the shape. As a result, the *choeten* particularly the one at Trashi Yangtse underwent some changes in design especially in the level of galleries.

The construction of Choeten Kora took 12 long years. It was supported by disciples of Lama Ngawang Loday and devotees from Trashi Yangtse, Trashigang and Kurtoe valley, and also by people from the neighboring tribal communities of Tawang. His Holiness Je Yonten Thaye made his second visit to the valley, consecrated the *choeten* by making offering of the mandala of Dechhog Paochigpa, and blessed the people in the valley. After the construction, the demon that harmed the people was subdued and banished. Thereafter, it is said that the people in the valley continued to live in peace and harmony.

The pinnacle of Choeten Kora was originally carved out of a huge stone. Later, Lama Shacha Gyalpo, who was originally from Seola Goenpa, Phunakha, known as the most learned and wealthy of Rigsum Lama replaced it with a gilded cupola. It is said that the people who were involved in the work could not think of a way to bring down the stone pinnacle. So, Lama Shacha Gyalpo performed prayers during the day and it is believed that the stone miraculously descended itself at night. It is still found beside the *choeten*. Pilgrims and devotees who circumumbulate the *choeten* also go round the pinnacle.

Another legend says that while the construction of the *choeten* reached its dome, a girl of eight years old believed to be an angel, who came from Tawang and volunteered to enter the dome and be buried there. On account of this incident, the 15th day of the first month of the lunar calendar is called

Dakpe Kora or circumumbulation by the *Dakpa* from Tawang and the 30th day is called the *Drukpe Kora*, circumumbulation by the Bhutanese**.** The festivals are held every year and hundreds of devotees from far and near congregate at the *choeten.* They believe that making prostrations and praying with pure mind at the festivals would enable them to realize their aspirations in life.

The *sertog* or the golden cupola was gilded again through the initiation of the *Dzongkhag Tshechu Tshogpa*[9] in 1999. The initiative was strongly supported by the Royal Government. Stone-slab roofing of enclosure of the *choeten* and prayer wheels were restored in 2000-2001 by the *dzongkhag* administration.

NOTES

[1]A monastic college. The Punakha Dratshang, first organized by Zhabdrung Ngawang Namgyal in the 17th century became the core of state monastic body.

[2] Supreme abbot of the monastic community. The present *Je Khenpo* Trulku Jigme Choedra is the 70th in line and elected to office in 1996.

[3] The Indian Buddhist saint from Swat valley in present day Pakistan. He first came to Bhutan in 746 A.D at the invitation of an ailing king Sindhu Raja in Bumthang, central Bhutan.

[4] Manjushri, Vajrapani and Avalokiteswara.

[5] Canonical texts consisting of the teachings and precepts of the Buddha

[6] A civil ruler. Under the theocratic state established in the 17th century, the country was governed by a civil ruler known as *deb* or *desi* while spiritual affairs were administered by the *Je Khenpo.* There were a total of 57 *desi.*

[7] The river that drains the Trashi Yangtse valley.

[8] Guru Rinpochhe, King Thrisong Deutsan (of Tibet) and Vairocana were the three brothers in their previous lives.

[9] Committee for organizing festivals in the district.

FOLKTALE NARRATION: A RETREATING TRADITION
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Tandin Dorj[*]

Introduction

To talk of folktales in the Bhutanese context is to discuss on a literary genre popularly known as *khaju*[1] or 'oral transmission'. It serves as an important tool of communication between one generation and another. Among others, the folktales comprise an indispensable portion of oral literature. In it is seen the manifestation of the popular imagination and creativity representing the Bhutanese patrimony which has been passed down from mouth to ear since time immemorial. The role that it plays in the transmission of moral values, philosophy, beliefs, humour, etiquette, and many other traits specific to the Bhutanese society holds an inescapably eminent place. Despite this importance, the documentation of folktales in Bhutan is still in its infancy. Till the mid-twentieth century, education was imparted through the monasteries and all the people did not have access to it. Furthermore, the scarcity of writing and printing facilities compounded the difficulty and consequently the larger section of the population remained illiterate. Even after schools were opened and facilities provided free of cost, the documentation of folktales took quite sometime to jump from the springboard. It was only in 1984 that Dasho Sherab Thaye published his first volume of the collection of folktales followed suite by another two in 1986. This was the debut and now we have authors like Kunzang Choden, Kinley

Wangmo, Françoise Pommaret and a few others who had followed the footsteps of Dasho Sherab Thaye. However, the collections made until today is just a drop considering the vast reservoir of folktales that lies recorded in the memories of the Bhutanese. It requires the efforts of many Bhutanese even to document a part of this inexhaustible patrimony. This, however, is not to indicate that the Bhutanese folktales are different form the rest. In fact, '…folktales are the same all over, for they tell of people. Not ordinary people like those we meet on our journey through life, but the whole secret and exciting society of one eyed sorcerers, evil giants, handsome princes and dancing fairies….' [2] All the same, what is special about the Bhutanese folktales is that, it still is a living tradition in many pockets of rural Bhutan. In the villages which are far flung from motor roads, the narration of folktales in the pastures, and in the evenings are even today very much alive. However, the question is, how long will it continue to survive? Will the development process engulf this beautiful tradition? And, what could be done to keep this heritage alive?

It is also immensely important to record other aspects related to folktales besides its documentation. For this very reason, this paper is a simple attempt made to record a small portion of the art of folktale narration as well as the role that it plays, directly or indirectly, in the everyday life of the Bhutanese. It is based on interviews of local old-timers as well as some scholars. Here, a mention should be made that the field of study is Bjena Gewog in Wangdue Phodrang district but scholars from other parts of Bhutan had also been interviewed. Folktales are narrated in as many as twenty-four dialects, but an assumption has been made that the narration technique will be almost similar throughout Bhutan. This, however, is not intended to make any abusive generalization. Some storytelling sessions had also been conducted with a selected group of villagers[3] during the fieldwork. The situation created was for research purpose and lacked the sensation of a real storytelling session but enough information could be extracted. A literature survey had also

been conducted to find out if such attempt had been made in the Bhutanese context, to avoid duplication of work and above all for information supply. The presentation does not pretend to be exhaustive but would definitely serve as a starting point for further research in this area.

Overview of Folktales
The art in which the folktales are narrated could be same all over the world but what is interesting in the Bhutanese context is that the stories, strictly speaking, are not narrated. In Bhutan, the folktales are '...not told but released (*tangshi* in dzongkha)'.[4] Here, it is very significant to note that the verb *tang*[5] can mean to 'release', 'untie', or 'set free'. In effect, if the folktales in Bhutan are not told or narrated but 'released, set free or untied' it is tempting to assert that it is tied or attached in the collective memory of the Bhutanese. This could then imply that the Bhutanese and the folktales are inextricably interwoven that it wouldn't be wrong to comment that they are found one inside the other. The folktales contain the traits and aspects of the Bhutanese. In the memory of the people dwell the folktales ready to be 'untied' at an appropriate time.

It is necessary to mention that there are no professional storytellers and no particular way or place of narrating stories. However, there seems to be two ways of telling stories[6] though the nuance actually is invisible until observed critically. The first way of narration appears very solemn and is done when someone is sick at home. Here, normally an elderly man narrates the story sitting near the sick person. A small table[7] is placed in front of him. A bowl containing a burning incense stick is kept on it. The sitting position is also special. He holds his head and torso straight; his left leg is kept on top of the right. His left hand presses the left knee and his right hand the left foot. While narrating the story his voice is loud and powerful. The purpose is to project an image of a proud, bold and a daring person. The theme of the stories, as far as possible, focuses on the victory of good over evil, the torture of evil spirits by human beings and others of

the kind. The main goal of this setting is to frighten away the evil spirits supposedly inflicting sickness on the ill person.[8] The objective of the narration in this particular case is then far from entertainment. However, this is one special way of narrating stories, which is differentiated from the other type by its ceremonious setting and ritual aspects. The other type is a free style narration as the narrator can be from any age group, and men or women. It also demands no preparation and is solely for entertainment. The latter, which we will treat hereafter, is the popular and the most common type of narration.

Starting Formulas of Folktales

A glimpse of how the folktales are released or set free from the memories of the Bhutanese clearly unfolds the thrill and fun it can provide. In the variety of the 'starting formula' can also be witnessed the entertaining and educating power latent in the folktales. Out of the several ways of debuting a story the most common and the popular way is by saying *dangbo dingbo* .[9] 'These two terms are used ...as an indicator of time, as...*dangbo dingbo* ... would equate to long, long ago'.[10] These would mean that the precession of time is given according to the intonation of these two words. For instance, on the one hand, if the narrator pronounces *dangbo dingbo* quite rapidly, it is implied that the story to be narrated is of the recent past. On the other hand, if the narrator stretches these two words and says *dangbio.o.o...dingbo .o.o...*, the audience understands that the story which would be narrated had taken place a long time ago. Other than the indication of time, it is plausible to say that '...by beginning the folktales in such a formal ritualistic way, the narrator establishes a kind of break-off from the mundane world. We enter into the world of imagination.....'[11] This then implies that the audience detaches themselves from the world and enters into the fascinating land of folktales where they identify themselves with the heroes and the good. People rejoice when the hero very cleverly steals the cubs of a tigress and laugh when he is able to make fools of the villains. They are worried when the monsters kidnap the beautiful maiden. And, they are sad

when the marriage of the charming Prince and the beautiful Princess fails. Thus by beginning a story in a ritualistic way the audience is navigated into the marvellous unspecified past. The audience is temporarily disconnected from the mundane world. This formula also '...opens the door of the magic world where the mood is completely engrossed in the imaginary and the supernatural'.[12]

The other ritualistic formula is beginning a narration with *henma henma*.[13] It can be interpreted as 'once upon a time' or 'in the past'. However, some old timers are of the view that it is used for beginning a story which took place in the recent past. In the situations that happened very long ago, the previous formula is preferred. [14]

The preceding formulas are, as mentioned earlier, very common and used by all the storytellers. However, some very talented narrators make it a point to add a few more ingredients after saying *dangbo dingbo* . It would begin in the following manner:
'*Dangbo dingbo*
When few stones and pebbles could be seen
When the saplings and grasses began to sprout out in greenness
When few drops of water began to drip
In the upper, upper direction
In the lower, lower direction
In that, that direction
In this, this direction'.[15]
Following this formula the narrator will start releasing the folktales recorded in his memory.

The above description indicates that the story to be narrated relates to the time when the world itself was in the process of formation. The mention of four directions and its repetition is to express the vastness of the land to which the characters in the story belongs. This formula, as mentioned earlier, takes the people to the world of fantasy, leaving behind the banality of everyday life.

Gestures, Expressions and Figures of Speech
The commencement of folktale narration places the audience outside the mundane world. Little by little and bit by bit, the narrator releases the folktale, punctuating his narration with *dele*[16] which would equate to 'and then'. It is important to remark that the narration of folktales does not posses any rigid vocabulary and expressions but depends more on the knowledge and talent of the narrator. An inexperienced storyteller will narrate nothing more than the raw facts. For instance, the narrator in question might say: 'When the hunter met the bear, he was frightened that he started to shiver'. But on the other hand, a gifted and a talented storyteller will share the same information in a very hyperbolic and exciting manner to make the audience share the fears of the hunter: 'When the hunter met the bear he was frightened. He was so terrified that he started to tremble hysterically that sweat ran down his body like brook. His teeth clattered so much so that the sound could be heard from the other side of the valley. His hairs stood on their ends that one might mistake him for an angry porcupine'. Unknowingly, the figures of speech are lavishly used by the gifted storytellers to add life and charm to the narration. Thus, to describe a beautiful damsel, a talented narrator will say: 'She was beautiful, so beautiful that people thought that goddess herself has descended on earth. She was so beautiful that people admired her beauty for days without blinking their eyes'. From these few examples we understand that the narration of folktales are beautified and ornamented with striking expressions and attractive figures of speech. But, there is no similar vocabulary and expressions for the same story; it basically depends on the narrator. Thus, in the Bhutanese society, there are no trained or professional storytellers but all 'release' stories from their memories in their own unique ways adding personal flavours. And yes, even children storytellers narrate their stories in their own little ways to their playmates and to their proud parents.

The art of narration is not limited to the use of beautiful expressions, figures of speech and ritualistic formulas but it

is also equally animated and made lively through gestures and varying intonation of the voice of the narrator. The rise and fall in the tone of the voice of the narrator indicates multiple sentiments. The anger, sadness, happiness and many other sentiments are evoked through the tone of narration. Further more, 'the eloquent expression on the face, the sudden brightness on the eyes, the knowing blink on the eyelids, the changing movements on the lips, the intense bitter grin, the inescapable contagious laughter...'[17]of the narrator adds charm to narration. This is how a talented narrator takes his audience to the peak of interest making them forget the flow of time of their real world and seducing them to enter into the land of fascination which he has created.[18]

Curiosity and Anxiousness: Response of the Audience
The narrators tell stories in their own entertaining ways but what is the attitude of the audience? How do they react? First of all it is important to know that the storytelling sessions are not a one-way communication where the storyteller simply talks and the others passively listen'.[19] In fact, it constitutes a continuous interaction where the audience also reacts according to the sentiments evoked by the storyteller. The audience expresses their sympathy by saying *aye*[20] the surprise and shock by *yaah lama*,[21] humour by laughing and other sentiments through a myriad of facial expressions and gestures. Furthermore the audience keeps on saying *dele* or *wum*[22] each time the narrator makes a small pause. Here, it is necessary to briefly explain the difference between *dele* and *wum*. The response *dele* which means 'and then' is used for expressing the desire of the audience to know more. This is done mainly to indicate the curiosity of the audience and their eagerness to know, for instance, 'what would happen to the trapped Prince who is on the way to his weeding? As far as *wum* which would mean 'okay' is concerned, it is used as a signal that the story is listened to by the audience. More importantly, the audience responds saying *dele* or *wum* from time to time because 'this custom is to prevent the spirits from listening to the stories

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and stealing them. As long as a human being responds and indicates that the story is listened to, the spirits cannot steal them."[23] Alternatively and practically analyzing, could the function of this response be to make the storyteller aware that the audience is also actively involved and enjoying the narration? This response of the audience could also be a kind of encouragement or 'cheer' as a silent audience might de-motivate the spirit of the narrator. At times the narrator can become nasty enough to stop the narration if the audience is silent.

However, one thing that is certain is storytellers will never explain why the ugly frog transformed itself into a charming Prince? And, the audience also, on their part, is never curious to know why such unbelievably fascinating event took place. This is because everything is possible in the fabulous world of imagination. The lack of curiosity to explore and question the land of magic is another factor, which adds to the charm of the stories. If otherwise the beauty of the world of folklore would loose its power to captivate and arrest the interest of the Bhutanese. One might then say that it is undesirable to carry out scientific study on the nature and content of the folktales; the fascinating mysteries and magical dimensions of the folktales should never be questioned. The lame monkey[24] should continue to train the poor boy on the art of *dza cha dro sum*[25] and the *thuen pa pun zhi*[26] should forever live in harmony. Incase, scientific study unnecessarily attempts to decipher the mysterious events and the magical characters, the folktales would exist no more and with its disappearance many values proper to the Bhutanese will also die.

Close up Formulas
The folktales, as we have seen, have some ritualistic ways of beginning and in the similar manner there are also formulas to close it appropriately. Traditionally, as far as our knowledge is concerned, there are a few formulas to close the narration of the stories. A mention, nevertheless, should be made that these formulas are used especially by the experienced storytellers and not everyone else. The narration

in most cases concludes with the end of the story without making use of the formulas.

One of the popular manners to close a story is the narration of the episode of *dangbo , dingbo* that forms a story by itself. *Dingbo* should never catch up with *Dangbo* because if it happens there will be no more stories to be released. As long as *Dangbo* is said before *Dingbo* the folktales will continue to exist. But why should *Dangbo* precede *Dingbo* ? Here is the reason. 'Once *Dangbo* escaped from *Dingbo* but a thorn got in the sole of his foot. He could run no longer and on seeing a Brokpa[27] *Dangbo* asked for a needle to remove the thorn. On being refused he requested a mouse to eat the bag of the Brokpa. The mouse refused and *Dangbo* asked a cat to eat the mouse but it did not listen. *Dangbo* then sought the help of a dog and asked it to chase the cat. The dog too refused to help and *Dangbo* asked a stick to hit the dog. On receiving a negative response, *Dangbo* asked a fire to burn the stick but it refused. *Dangbo*, at this moment saw *Dingbo* approaching from a distance. Getting nervous, *Dangbo* pleads the water to kill the fire but on being refused, he requested a ram to drink the water. The ram somehow obeyed and as soon as he started to drink, the water was frightened and splashed on the fire to put it off. The fire then sissed and rose to burn the stick. The stick reacted and hit the dog. The dog whimpered and ran. This frightened the cat, which hissed, and finally the mouse began to gnaw at the bag. This made the Brokpa offer the needle to *Dangbo* who used it to take out the thorn and run away as soon as *Dingbo* reached on the spot. *Dingbo* missed *Dangbo* by a hair's breath and the great chase began all over again.[28] So, as long as folktales are narrated, *Dingbo* will continue to chase *Dangbo* , and so long as *Dingbo* chases *Dangbo*, folktales will continue to be narrated.

Another way of concluding a folktale is as follows: Once upon a time there lived a hunter without soul. He went to hunt and climbed on a peak without mountain. On seeing a deer without soul he pulled the trigger of his bullet less gun. The deer without soul was hit and ultimately killed.[29] What we

observe here is the absence of reality: the man without soul, peak without mountain, deer without soul and a gun without bullet that can kill. This concluding story is an indication provided by the narrator that whatever had been narrated belongs to the fabulous world of magic where anything that is beyond the explanation of rationality and logic can happen.

These close-up formulas are then the tools used by the storytellers to bring back the audience to the real world from that of the land of exciting society of one-eyed sorcerers, evil giants, handsome princes, talking animals and a galaxy of many other fascinating characters. It seems like a hypnotising session where the hypnotiser brings his client to reality by using some formula in order to avoid the problem of displacement of time and space. However, these days, storytelling sessions have become comparatively few and in most cases deprived of all the concluding formulas. Now, the audience is left on their own to return to reality, as most narrators do not recount the close up formulas.

In the close up formula can also be seen the liberty for the narrator to put an end in creative and at times humorous ways. A very good example is the conclusion of the story in the following manner:
'From the wilderness of the east
Came a bull without tail
And put an end to my story.[30]

The real beauty of this formula is fully eroded when it is translated, but with a little explanation a part of the charm can be retrieved. In this particular situation the narrator is making use of pun and playing with the word *judu* which can mean tail less as well as 'put an end'. So, the mention of the word *judu* announces the close of the narration. Another way to conclude a narration is fully free style and completely depends on the narrator. For instance, the story itself ends with the marriage of the charming prince and the princess. To this the narrator would add information like, 'I also attended the party. It really was a show of extravaganza…'. When the

narrator says that he was also there during the marriage ceremony the audience would instinctively unde rstand that the story has come to an end. Thus, information related to the stories are fabricated and added as a close up formula by some narrators.

The narrator has another interesting way of putting an end to the narration of stories. Normally, the storyteller says:
'The God has won and the devil has lost.
Hurray!
Hit the devil a hundred times with a stick'.[31]

The audience on their part repeats the whole concluding words.[32] This close up formula is a very simple one but one is tempted to say that the story telling sessions seems to be considered as a kind of ritual that is geared towards warding off evil spirits and the bad. Otherwise, why to mention the victory of good and the defeat of the evil? Then, can we say that the stories are also meant to be antidotes for evil and the bad? If so, we have all the more reason to keep the narration of folktales actively alive and hold this tradition from fading away steadily.

There is also a very professional close-up formula. A full free translation of this formula is provided so as to appreciate the imaginative way of concluding a story. Besides its creative quality this formula is also very significant as it puts an end to the narration in an appropriate manner.
'One, two, three passes
Beyond and after traversing the third pass.
One, two, three plains
In the centre of the meeting point of these three plains.
(Lies) a lake no bigger than a mirror
And no smaller than a mirror.
In the middle of the mirror-sized lake
(Lies) a tree no bigger than half the arm's length
No smaller than half the arm's length.
On the tip of this tree
(Sits) a bird no bigger than a thumb

No smaller than a thumb.
On the head of the thumb-sized bird
There is space enough to build a hundred fortresses.
Come and build if you wish
Or just leave it alone.
Underneath the right wing of this bird
There is archery range large enough for a hundred men to play.
Come and play if you wish
Or just leave it alone.
Underneath the left wing of this bird
There is weaving place large enough for a hundred women to weave.
Come and weave
Or just leave it alone.
Below the beak and on the throat of this bird
There are eighteen silken knots.
On the neck there are twenty similar knots.
These knots can only be untied with intelligence and imagination.
Definitely not with teeth and nail'.[33]

This concluding formula like the folktale itself is very unrealistic. For, how can there be space enough on a thumb-sized bird to build a hundred fortresses, archery range for a hundred men and weaving place for a hundred women? However, the last two lines convey the message. The narrator concludes the close up formula by saying that the knot on the neck and throat of the bird cannot be untied with teeth or nail but needs to be so done with intelligence and imagination. This is then to be considered as an indication given by the narrator to his audience that what ever has been recounted comes from the fabulous and mysterious land of imagination. This is also to inform the audience, in simple terms, that the story that had been narrated is not real but created. The other reasons are not different from the ones mentioned earlier.

Thus, if the stories belong to the popular imagination that is still alive, it is equally released from the memories of the talented narrators in a very seductive way. The audience, on their part, they also journey into the world of fantasy identifying themselves with the heroes and sharing sincerely all the sentiments and the adventures, but obviously, always in favour of the good.

Role of Folktales in Bhutanese Society

The stories are not simply narrated for the pleasure of exhibiting the knowledge of the storyteller. Putting it the other way, the stories are not deprived and barren of functions. On the contrary, the folktales and its narration hold a very important place and play an indispensable role in the life of the Bhutanese society in general. For, 'Oral literature is a better projection of the innermost recesses of the socio-cultural life of a society and its traditions, customs, social values, rites and rituals.[34]

On closer observation, we realize that the folktales are pregnant with a variety of roles that influences the very core of activity of the Bhutanese. According to H. Villa Susie: '…in the everyday life of the Armenians, the stories originated with its real function as entertainment…'[35] The Bhutanese situation will not be different, as the absence of any kind of entertainment in the rural pockets of Bhutan obliged the residents to resort to this intellectual feast of story telling sessions. It is important to know that approximately 79% of the Bhutanese population dwell in the villages and some of which are as far as three days walk from the motor road point. The modern amenities like electricity and entertainment gadgets such as video, television, cinema and many others are not available. Tucked away thus, one may think that they lack even the basic entertainment amenities but a closer understanding of the rural community would reveal that they dwell in the state of secret enchantment. One of the sources of enchantment is the storytelling sessions that replace the modern entertainment gadgets of the urban population. Like in the times of their grandparents, in some

villages, the story telling sessions at the close of a hard day's toil, still comprise an entertainment. And yes, if the urban population entertains themselves by reading and watching television, video, cinema and others, the rural residents do the same entering into the fabulous world of magic where animals talk and even marry human and where the arrow of the hero can pierce as many as seven targets at a time. If not more, the narration of folktales can provide as much pleasure, fun and stimulation as the modern entertainment gadgets. Indeed and certainly, storytelling sessions are wonderful alternative sources of entertainment and relaxation that merits to be preserved and promoted.

This genre of oral literature also represents the collective memory of a whole society. The animals who cheats and plays tricks and the animals who transforms into Charming Prince are nothing other than examples through which the beliefs as well as traits linked to a particular culture and tradition are evoked. This is so done by realising the folktales, which are hidden extensions of our mind that lies dormant in the depths of our sub-conscious. Despite the nuances in the art of narration and the use of varying vocabulary, the central theme and the principal facts remain unaltered no matter who narrates the stories. This eventually permits us to say that the folktales do not concern an individual but a particular society in its totality. If the folktales talk of the society, it is in the minds of the people that the stories lie ready to be released at an appropriate moment. The folktales could thus represent the collective memory of a society that is transmitted orally from grandfather to grandson since time immemorial. It is through this collective memory that one society differentiates itself from the other, sometimes through the theme of the folktales and at other times through the interpretation of the theme and the chain of events of the stories. Thus, the folktales, without much hesitation, can be said to be an element that represents the identity of a society. Yes, many beliefs, sentiments as well as values concerning a society is evoked in the day to day life of the Bhutanese directly or indirectly through the vehicle of folktales.

The folktales are normally not very long and the plot is quite simple. This could be one of the reasons why it is easy to store many folktales in the memory, never loosing the real essence and the principle theme. Besides, the liberty of using the vocabulary and the skill one possesses encourages all the Bhutanese to narrate folktales. The old and the young alike listen and narrate the same story repeatedly in their own way and always with the same enthusiasm and zeal. The simplicity of the theme and plot of the folktales offers itself as a literary genre that is comprehensible to all; folktales never were esoteric. Thus, the mythical characters which marches across the memories of the narrator allows the audience to explore the land of dreams and return to the mundane world equipped with the philosophy of life, beliefs, code of traditional etiquette, values and many other traits proper to the Bhutanese society. The folktales, if viewed from this angle, assume didactic function. Take for instance, in the story titled, 'The Lame Monkey' [36] the poor boy is taught the manners of eating, self-presentation and walking by the monkey. Through this story, the Bhutanese are reminded of one of their indispensable beautiful etiquettes popularly known as *dza cha dro sum* which can be freely translated as 'the three manners of eating, self presentation and walking'. In the like manner, there are stories which stresses on the values of the Buddhist principles of *tha damtshig lejude*[37] which means the boundary (*tha*) of honour (*damtshig*) and causes and effects of actions (*lay jude*)...'[38] These two principles are very important and act as a cementing force of a society and its absence would result in the encountering of unprecedented calamities and sufferings, as it means contradicting what 'accords with morality'.[39] Many other values which are the basis of peaceful and harmonious co-existence between man and environment and among human beings themselves are exhibited through the folktales. In addition, obviously, values, which teach how one can become a real member of his or her society, are also revealed through the folktales.

Besides what had been discussed till this point, the folktales play another important role in providing the rudimentary vision of the world. For example, without ever having seen the sea, [40] a Bhutanese would describe it as *thamed jamtsho*[41] which means 'a large body of water which stretches without limit'. Further, never ever having gone beyond the mountains that surround their village, an illiterate Bhutanese knows that on the north his neighbour is Tibet and in the south lies India. All these and more such facts are made known to people through the narration of folktales.

The folktales then occupy an extremely important place in the life of the Bhutanese. It is a tool of entertainment, didactic source, medium of communication and a transmitter of values and code of conduct from one generation to another.

Concluding Remarks

The knots on the neck of the 'thumb-sized bird' have to be untied with intelligence, imagination and in human mind; the bullet less gun has killed the deer without soul. If these are some of the formulas of closing a story, we have to agree that the immense reservoir of stories are all created by man for the benefit of the upcoming generations, not only as entertainment but also as a vehicle of transmission of religious, social, and moral values, philosophies and many unique traits of a society. Then, it is not only important to document and create a treasury of folktales but also keep them alive. For this end, folk tale narration competitions could be held at school, institute, *dzongkhag* as well as national levels through the initiative of the Dzongkha Development Commission (DDC). The Bhutan broadcasting service (BBS) could also introduce folktale narration sessions in their broadcasting programmes and produce recorded cassettes. The old timers from the villages could be invited for this purpose. This would make the younger generation who are lured by video, television and other entertainment gadgets to appreciate the charm that is inherent in the folktale narration. Eventually, folktales would regain its momentum and become a source of entertainment as it did in the recent

past. Imagine the renaissance of this beautiful tradition among the Bhutanese youths.

A sincere attempt has been made to document the art of narration of folktales and the role that its plays in the life of the Bhutanese. As mentioned earlier, the area of fieldwork has been kept small for practical reasons. In the near future, similar studies could be conducted in different regions of Bhutan to find out the nuances and similarities in the art of narration, the reaction of the audience and of course its role.

Notes

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[1] *//bkha' brgyud//*

[2] Thurlow, C.,1981:Preface ix.

[3] I would like to extend my sincere thanks to the following individuals of Trashi Tokha village, Bjena Gewog who kindly agreed to participate in the storytelling sessions as narrator as well as audience.

Around 20 stories were narrated within five sittings in the evenings in January, 2001:

Chimmi Zam, 84 years old. (narrator and audience).

Dendup, 75 years old (narrator and audience).

Dorji, 25 years old (narrator and audience).

Kinley Bidha, 64 years old (narrator and audience).

Pema Tenzin, 62 years old (narrator and audience).

Tshering, 35 years-old (audience)

Dema, 27, years old (audience).

[4] Kunzang Choden, 1993: Preface xi.

[5] *//btang//*

[6] It is important to note that the reference is made just to folktales and not to the narration of epics and biographies of saints.

[7] In dzongkha it is called *chodrom* (*lchog sgrom*).

[8] This information was provided by Lopen Jamphel Chhogyal who is the senior most lecturer teaching Dzongkha in Sherubtse College. I had interviewed him in his office on several occasions in August, 2001. Chimmi Zam, 84 years old resident of Trashi Tokha village, also gave the same information.

[9] *//dang phu dung phu//*

[10] Kunzang Choden,1993 : Preface xiv.

[11] Jean Louis M.P., 1986/87:48.

[12] Ibid: 49.

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[13] *//hen ma hen ma//*

[14] Personal communication of Lopen Jamphel Choggyal.

[15] Source: Ibid. The transliteration is provided here-below for the freely translated verse to maintain the beauty of the original formula:
//dang phu ding phu rdo rda ra rdo rog chags pa'i bsgang shing chang chang hung skye b'i bsgang

chug knar rim kayo rim babs pa'i bsgang

yar yar blta sti

mar mar blta sti

phar phar blta sti

tshr tsur blta sti//

[16] *// de las//*

[17] W.Dessaint and Avòunda N., 1994:120.

[18] Ibid:121.

[19] Kunzang Choden, 1993:Preface xiii.

[20] *//a'e.//*

[21] *//ya bla ma.//*

[22] *//'um.//*

[23] Kunzang Choden, 1993 : Preface xiv

[24] Ibid: See the story on page 125.

[25] *//bza' bca*' *'gro gsum//*

[26] *//mthun pa spun bzhi//* Kunzang Choden, 1993 : See the story on page 54.

[27] The nomenclature "Brokpa' is generally applied to the highland people whose main source of livlihood is livestock.

[28] This story was told by Chimmi Zam and Pema Tenzin. For more information see Kunzang Choden, 1993:189-191.

[29] This concluding story was used by Kinley Bidha and Dendup during the story narration which I organised for the purpose of research.

[30] Transliteration of the freely translated verse: //Shar phar gi ri las blang 'jug du gcig 'ong ti

nga'i gsungs yang 'jug du da'i//

This information was provided by Karma Tshering, Project Manager, Ministry of Trade and Industry in December 16, 2001.

[31] //Lha rgyal dre pham rgyel lo dre gu te tha khal lnga sdung//

[32] Lopen Wangchuck Rinzin, Lecturer, Department of Dzongkha, Sherubtse College provided this information. He is also from Wangdue Phodrang and remembers as a young boy intensively participating in storytelling sessions both as narrator and audience.
[33]This concluding formula was provided by Lopen Jamphel Choggyal from his personal collection of unpublished " Lozey" (*blo ze*). The

transliteration is provided below to save the originality and the beauty of this formula.

//gangs gchig gangs gnyis gangs dang gsum
gangs ni gsum brgal b'i phar rgyab nang
spang gchig spang gnyis spang dang gsum
spang ni gsum 'dzoms pa'i sbug lu
mtsho sbom yang mi sbom me long tsam
chung yang mi chung me long tsam
mtsho me long tsam gyi nang shed na
shing sbom yang mi sbom khyu gang tsam
chung yang mi chung khyu gang tsam
shing khyu gang tsam gyi rtse mo lu
bya sbom yang mi sbom 'theb cung tsam
chung yang mi chung 'theb cung tsam
sbya nga r'i mgu to 'gu lu
rdzong rdzong khal lnga yang bzhengs sa yod
bzhengs mi yodn bzhengs shog rmed
bzhengs mi medn tsang rang bzhag
bya nga r'i gshog sgro gyas p'i 'og
skyesp khal lnga dga' b'i mda' cha yod
rkyab mi yodn rkyab shog rmed
rkyab mi medn tsang rang bzhag
bya nga r'i gshog sgro gyon p'i 'og
zam khal nga dga' b'i bal 'thag yod
thag mi yodn 'thag shog rmed
'thag mi medn tsang rang bzhag
bya nga r'i skod m'i gi b'i 'og
dar gyi mdun phud bco brgyad yod
rgyab mdun gtogs par khal gchig yod
de sems dang rig pas 'kholn 'khol
so dang sem mus 'khol mi 'tsugs//

[34] Punia, Deep, 1993:11-12.
[35] 1966:29.
[36] Kunzang Choden, 1993 : 160.
[37] *//tha dam tshig las rgyu 'bras//*
[38] Ura, Karma, 1997: 247-248.
[39] ibid.
[40] Bhutan is a land locked country.
[41] *//mtha' med rgya mtsho//*

INTEGRAL DEVELOPMENT: TAKING 'THE MIDDLE PATH' TOWARDS GROSS NATIONAL HAPPINESS[*]

Sean Boyd Frye Hargens[**]

Within Bhutanese culture, inner spiritual development is as prominent a focus as external material development. This follows from an original meaning of development in [a] Bhutanese context in which development meant enlightenment of the individual. I hasten to add that enlightenment is not solely an object of religious activity. Enlightenment is [the] blossoming of happiness. It is made more probable by consciously creating a harmonious psychological, social, and economic environment.

Lyonpo Jigmi Y. Thinley[1]

Introduction
Nearly four decades of development in non-western nations have rendered the term 'development' problematic to say the least.[2] It has become painfully obvious that development has been neocolonialism incognito. Many well-intended programs have been started in South America, Africa, and Asia in an effort to bring the luxuries of industrialization to

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underdeveloped nations. These programs have been exposed not only to be infused with euro-centric notions of concepts like development, progress, value, and economics, but also to have actually impeded the health of their respective communities in a number of ways.[3] There is room to say that, by and large, efforts of development have failed miserably. Certainly there have been small victories, and in some cases, important improvements. Nevertheless, upon a close examination of development, one becomes aware of how well-intended efforts have only further entrenched the problems created by colonization.

What is needed is a new way of approaching development along with a close exploration of why efforts, thus far, have been drenched in complications. One response understandably, is to avoid development efforts altogether, and leave other nations alone to solve their problems on their own terms. This is a very inviting approach, an approach that Bhutan has been more successful with, than many other countries. However, given the globalization that is now occurring at a rapid rate, it is clear that, to use Edgar Morin's terminology, we have entered the Planetary Era.[4] Thus, it would be naive to think that Western nations can avoid exerting a huge pressure towards industrial development in the rest of the world or that a small country such as Bhutan can or should avoid the benefits of such development. Consequently, we need to look even closer at the idea of development and discern how this concept and its applications can be salvaged. How can we divorce the concept of development from the eurocentric currents that have permeated it for 40 years? How can we reformulate development to honor all cultures at their level of existence, be it agricultural, industrial, or informational? In other words, how do we achieve unity-in-diversity, how can we sing a *unitas multiplex*? What would it look like to support the entire spectrum of development both in individuals and their countries, without privileging one place (e.g., informational) over another (e.g., agricultural), while acknowledging the impact that each has on the other. What would such an integral approach to development look like?

This article explores this new approach as it is manifesting in Bhutan in two parts. In Part I, I begin by discussing some of the alternative indicators of development that have been employed over the years. After highlighting the limits of even these expanded measuring sticks, I will introduce Bhutan's notion of Gross National Happiness (GNH). In order to give the impulse behind GNH a firmer theoretical foundation, I will connect it to Ken Wilber's integral model, which provides the most substantive footing for honoring and integrating objective, intersubjective, and subjective realities. In fact, Wilber's model was designed for the explicit purpose of integrating these three spheres of truth. Thus by placing GNH into Wilber's framework, it takes on a momentum hitherto unseen as a result of capitalizing on the progress that Wilber has made in this endeavor. Wilber's model allows GNH to step out of the conceptual realm and contribute to pragmatic action in the world. An analysis of development using Wilber's model is provided to further demonstrate its relevance to Bhutan's GNH.

In Part II, I will introduce the field of Integral Ecology, inspired by Wilber's model. Integral Ecology is an approach to the environment that incorporates science, culture, and spirituality in formulating appropriate responses to the environment. As such, Integral Ecology is very much in alignment with Bhutan's chosen 'Middle Path' to development. In fact, The Middle Path can be seen as one version of Integral Ecology. As a way of illustrating the value of Integral Ecology, in providing a clearer understanding of The Middle Path to development, I will provide three brief case studies from Bhutan. Indeed, it is only through such a middle path that Gross National Happiness can be achieved.

Part I - **A Framework for Gross National Happiness**

Alternatives to GNP and Their Limits

In most cases development and its measurement has been reduced to economic (quantifiable) dimensions, as defined by the Western world. Thus, what is called for is an approach to development that also honors interior (qualitative) dimensions in the service of ecological sustainability, cultural preservation, and spiritual development. This is an integral approach that does not force multiculturalism, liberal pluralism, conservative approaches, or even holistic notions on any culture but rather allows each culture to cultivate its own unique interior dimensions such as values, mutual understanding, phenomenological experiences, intentionality, integrity, trustworthiness, and justness. By honoring both the interior and exterior domains each individual and culture is allowed to develop through the stages of being-in-the-world in their own way, at their own speed based on their unique psycho-socio-historical situation. Despite the long-time need for an integral approach to development it is only now that such an approach is gaining currency.

Historically there have been a few attempts to revision development as 'integral.' As early as 1975, UNESCO (The Economic and Social Council of the United Nations) called for what it termed an 'integrated' approach to development, which was defined as, 'a total, multi-relational process that includes all aspects of the life of a collective, of its relations with the outside world and of its own consciousness' (as quoted by Esteva, 1997; p. 15). Currently, there are movements in 'third world' countries to go 'beyond development' by focusing on community needs and offering a space for interiority. Charlene Spretnak (1991) points out that this space is needed because 'expressing one's interiority, or subjectivity,' is considered dangerous, in the current model of development (p.194). This denial of interiority is what leads Prosperino Gallipolli, an Italian priest who has been working in Mozambique for over thirty-years, to conclude, 'underdevelopment is a spiritual problem' (as quoted in Spretnak, 1991, p. 194). Here, underdevelopment does not refer to a lack of material goods (exteriors) but rather to a lack

of the spiritual spaces (interiors), which need to be honored and cultivated (developed) for people to be genuinely happy. Clearly, many countries and communities are yearning for what Bhutan recognizes as essential: the need to honor interiority.

Despite previous attempts to 'go beyond' development (as it has been narrowly defined) integral approaches to development have been thwarted, time and time again, by a compulsory affinity to economic measures of progress. Economics is for the most part an exterior science that gives little room for the realms of interiority. Besides, as Merchant (1992) points out 'neocolonialism uses economic investments and foreign aid programs to maintain economic hegemony,' (p. 25). Thus, solely relying on economic measures ties countries to terms established by Western countries. In agreement, Esteva (1997) points out that development became even more impoverished as a term when its first promoters reduced it to economic growth (i.e., the income per person in economically underdeveloped areas). In response to this over-emphasis on economics and its accomplice the Gross National Product (GNP)[5] there has been a movement to devise alternative measures of progress.[6] Spretnak (1999) ironically exposes that the way the GNP works is that it actually thrives off crises (non-progress) such as oil spills, crime, and divorce because they create capital in the form of jobs (pp. 97-98). In other words, the more crises we have as a nation, the more progress (GNP) we experience. This irony is why new measures of progress have been developed. In effect, to try and take into account the ecological, cultural, and psychological costs of such crises.[7]

In spite of the efforts of these alternatives (e.g., Eisner's total income system of accounts, the Integrated Economic and Environmental Satellite Accounts, the Green National Product, and the Index of Sustainable Economic Welfare) they have largely remained tethered to quantitative frameworks, and thus have failed to take into account qualitative (interior) dimensions of human experience. Even the esteemed Human Development Index (HDI) created by the United Nations Development Program remains quantitative because it just

adds such variables as life expectancy, literacy rate, and per capita income to the GNP list. Admittedly, when HDI calculates for such things as freedom and gender difference it moves closer towards incorporating interior dimensions but it still views those qualitative variables through their exterior correlates (e.g., How many people have access to voting poles? How many women are in the work force?). Thus these alternatives are successful in expanding the narrowly defined variables of GNP to include other variables, but these new variables still are focused on exteriors: things that can easily be measured statistically. In other words these alternative index systems are just more comprehensive quantitative formulas that are still only concerned with data, numbers, and figures. These are just expanded frameworks of GNP and as such don't cure the problem but offer bigger and more colorful band-aids. The challenge is to move beyond solely quantitative methodologies and include qualitative research methods, which are sophisticated techniques designed to measure feelings, values, attitudes, and perceptions. The measurement of these subjective and intersubjective realities is done through the analysis of in-depth interviews, participant-observer techniques, group interviews etc.

There have been a few countries that have challenged the dominant paradigm of development. Particularly noteworthy is Sri Lanka's Sarvodaya Shramadana Movement, which draws heavily on Buddhism. [8] This movement which has grown from a two-week 'holiday work-camp' for high school students in 1958 to a network of over 4000 villages across the island is quite a success story.[9] Like Bhutan, the movement uses a definition of development that, 'goes beyond those that confine themselves to measuring gross national products, growth rates, per-capita income,... It represents the process [necessary for] total happiness' (as quoted by Macy, 1983, p. 32). While Joanna Macy (1983) doesn't explicitly establish an alternative index system through her discussion of the relationship between Buddhism and development in Sri Lanka, her documentation of this movement is very valuable, especially for a country like Bhutan which is trying to establish Gross National Happiness. The relevance is easily

seen, for example, when the president of the movement, Mr. A.T. Ariyaratna states:

> No program will be effective, furthermore, that tries to separate the economic [objective] aspect of life from the cultural [intersubjective] and spiritual [subjective] aspects, as do the capitalist and socialist models of development, with their sole emphasis on the production of goods and their neglect of the full range of human well-being. For [an individual's] well-being, the needs of the whole person must be met, needs that include satisfying work, harmonious relationships, a safe and beautiful environment, and a life of the mind and spirit, as well as food, clothing, and shelter. (Macy, 1983, pp. 13-14)

Obviously, Bhutan's GNH is not the only attempt to go beyond an adherence to Gross National Product by explicitly embracing subjective and intersubjective dimensions. However, Bhutan's approach to development is distinct in that it does not just add qualitative variables to the list of quantitative ones but explicitly makes interiors (e.g., happiness) the starting point for assessment and it takes The Middle Path to achieve this.[10]

Bhutan's Unique Approach to Development

Bhutan has caught the world's attention with His Majesty Jigme Singye Wangchuck's concept of Gross National Happiness, which is contrasted with Gross National Product. People the world over are very interested in such a notion because many individuals (and countries) are experiencing the limits of the scientific worldview as represented by things such as GNP. The term Gross National Happiness was coined in the late 1980s by His Majesty, but as Stefan Priesner (1999) makes clear, the concept itself has a much longer history, emerging out of the unique cauldron of Bhutanese culture: an alloy forged from such ingredients as Buddhism, feudalism, national security issues, and the absence of colonization. In the vision document, *Bhutan 2020*, the role

of GNH for Bhutan's development is explained (and worth quoting at length):

> The guiding principles for the future development of our nation and for safeguarding our sovereignty and security as a nation-state must be complemented by a single unifying concept of development that enables us to identify future directions that are preferred above all others. This unifying concept for the nation's longer-term development is already in our possession. It is the distinctively Bhutanese concept of Maximizing Gross National Happiness… The concept of Gross National Happiness was articulated by His Majesty to indicate that development has many more dimensions than those associated with Gross Domestic Product, and that development should be understood as a process that seeks to maximize happiness rather than economic growth. The concept places the individual at the center of all development efforts and it recognizes that the individual has material, spiritual and emotional needs. It asserts that spiritual development cannot and should not be defined exclusively in material terms of the increased consumption of goods and services. (p. 45).

The idea of Gross National Happiness has generated a lot of public dialogue. First, in His Excellency Lyonpo Jigmi Y. Thinley's Keynote Speech delivered at the Millennium Meeting for Asia and the Pacific in November of 1998. This speech was later published in the pages of Kuensel, Bhutan's national newspaper, invoking many responses from readers.[11] The surge of interest resulting from all of this public discussion led to the formulation of a one-day workshop on GNH in March of 1999. Five-months later the papers that were presented at this workshop were collected and published by the Centre for Bhutan Studies in a volume entitled *Gross*

National Happiness. In May/June of 2001 Kuensel ran a three-part series, 'The Origin of Happiness' by Khenpo Phuntshok Tashi. Also, more recently (November 2001), Bhutan Broadcasting Services (BBS) hosted a special program on GNH.[12]

There is much agreement that GNH is a good idea, for many it offers the glimmerings of refuge against the steadfast tide of scientific reductionism. For others it provides relief from the stale indicators of development that enjoy so much currency. But everyone is wondering how to measure it. Some suggest it is too subjective and therefore eludes measurement, while others want to isolate correlates (e.g., reports from the health clinics of decreasing levels of stress related conditions) and measure those.[13] But for you to measure something, you have to know what you are measuring. For the purposes of this paper I will define happiness as a subjective state of well-being that fosters feelings characterized by such terms as contentment, joy, delight, pleasure, and satisfaction. This subjective state can be shared (e.g., in a family or community) and is often marked by the physical features of smiling and laughter. Regardless of whether or not this working definition proves viable one of the important tasks ahead for the concept of GNH is the establishment of some kind of definition. To be sure the Buddhist tradition has much to say about 'happiness' and will be a rich source of material for the endeavor of procuring a definition.

It appears that this inspiring concept is reaching an important crossroads. It has floated through conversations for around 15 years falling off the lips of ministers and shopkeepers alike. Not to mention that approving references to it often appear in government documents and various reports. Likewise, the attention of the world is enchanted with this fresh and much needed concept. So before it is too late, before Gross National Happiness joins the heap of slighted neologisms, Bhutan is well-advised to further develop its notion of GNH. After all, Bhutan has the opportunity, not just to substantiate a concept that serves as its own foundation to development, but also to offer a gift to the global village. In an era where happiness has been overwhelmed by
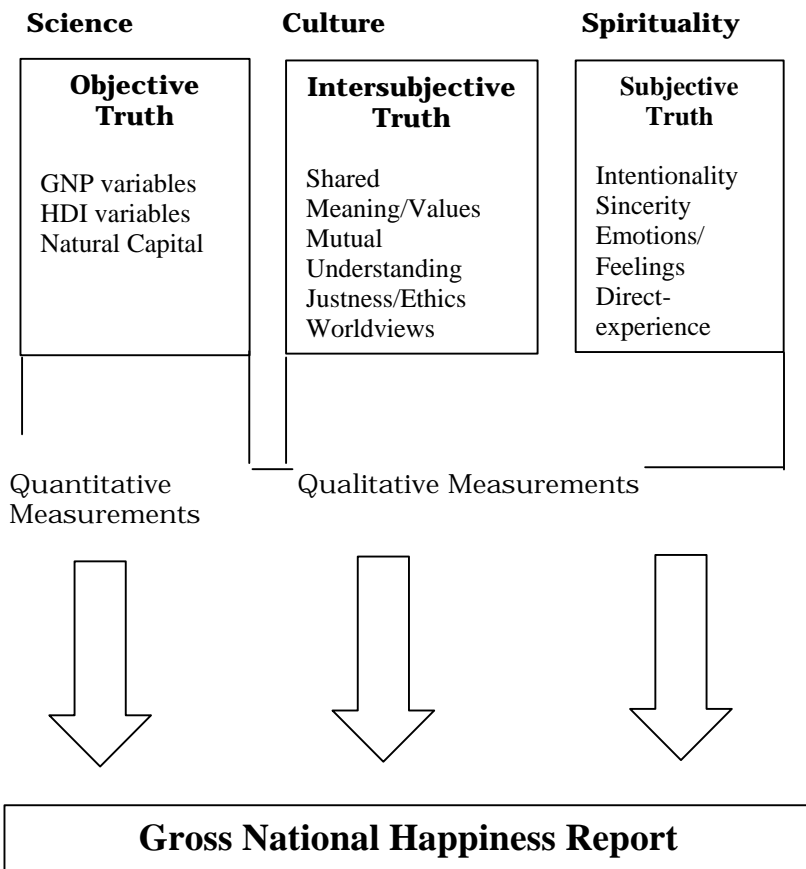
excessive material consumption, Bhutan has the chance to inject the importance of happiness back into the mindstream of the global culture.

A Proposal for Measuring GNH

If the Royal Government of Bhutan really wants to substantiate this concept, I propose that it establishes a team of individuals (a GNH committee perhaps) who compile information from a variety of sources, and in some cases maybe even hire researchers to perform specific tasks. The information gathered will then be the source for a *Gross National Happiness Report* issued every five years (at the conclusion of each five-year planning cycle). In step with the RGoBs stated objective to achieve ecological sustainability, cultural preservation, and honor individual spiritual development, this report would be divided into three sections: Science, Culture, and Spirituality (see Figure 1).[14] These three sections also represent the three spheres of truth acknowledged throughout history.[15] Due to the scope of this presentation I will not be able to go into detail about the various methodologies that are employed in each domain. Instead I will just provide an overview that points to the directions such a report could take. The presentation of this report is based on Wilber's model, which will be presented in the section below.

Figure 1: Measuring Happiness

Science	Culture	Spirituality
Objective Truth	**Intersubjective Truth**	**Subjective Truth**
GNP variables HDI variables Natural Capital	Shared Meaning/Values Mutual Understanding Justness/Ethics Worldviews	Intentionality Sincerity Emotions/Feelings Direct-experience

Quantitative Measurements   Qualitative Measurements

Gross National Happiness Report

The first section would include the standard quantitative indicators as associated with the Gross National Product as well as those found in the expanded inventories such as the Human Development Index or the Genuine Progress Indicator. Basically, this section would cover the measurable variables such as the number of houses with electricity, number of schools and health clinics, number of students in college, the literacy rate, birth and mortality rate, immunization coverage, life expectancy, telephones and internet connections in the

country, per capita income and so on. This section would also include natural capital, adjusting for changes in quantity (depreciation) and quality (degradation).[16] In short, this section would combine (to the extent possible) all the current indexes into one, while adding additional ones. As a result of this compilation, Bhutan would emerge with the most comprehensive list of exterior indicators available. In addition, it would take into account the 'hidden costs' that many of the more sophisticated indexes incorporate (e.g., erosion, transportation costs of goods). Most of the variables in this section will be assessed by objective means utilizing the system sciences of ecology and economics. Also, this section will perform an analysis of infrastructure within the country, as represented by such things as the educational, health, technological services available. This section will largely represent the standard approach to assessing development.

The second section will establish Bhutan's break with current approaches to development and highlight its unique commitment to 'happiness.'[17] This section will focus on intersubjective truth. The field of philosophical hermeneutics has long fought against the scientific monopoly on truth.[18] Hermeneutics is often referred to as the 'art of interpretation.' The proponents of hermeneutics have successfully demonstrated that *in addition* to the objective truth, characterized by the scientific method, there are other forms of truth that cannot be reduced to the observable (i.e., a subject looking at an object).[19] Instead this intersubjective truth exists between two subjects in relationship (e.g., in dialogue or through a shared cultural context) and therefore must be interpreted. Consequently, this is the domain of shared meaning, mutual understanding, justness, ethics, and worldviews. To assess this kind of truth, you have to enter into dialogue with individuals, find out what is meaningful to them, discover how they view justness, or see the world. To incorporate these variables into the *GNH Report*, researchers trained in qualitative research methods would have to be sent into field, to visit a representative sampling of communities across Bhutan. For example, these researchers could conduct triad interviews and group interviews using a

predetermined questionnaire that explores the religious and cultural realities of that community. This kind of procedure can reveal if individuals (and communities at large) are satisfied with their local legal system, the attendance at cultural festivals, the availability of religious counseling, the visits of tourists, their access to farm equipment or the internet, etc. Then, based on the recurring themes that emerge across the country, developmental strategies can be formulated. Also, policies can be implemented to respond to the findings of the *GNH Report*, either by supporting the things that foster happiness (e.g., providing better access to education or technology) or by responding to the things that are impacting it (e.g., creating specific kinds of tourist regulations).

The third section will continue to break new ground and further establish Bhutan's commitment to GNH. This section will focus on subjective truth. Now for some this seems like an oxymoron. But keep in mind that this form of truth isn't in lieu of objective truth but rather in addition to it (and intersubjective truth).   Each form of truth needs to be honored on its own terms for all three of them highlight qualities that neither of the others captures.   This is why anything less than an integral approach leaves something to be desired. Just as philosophical hermeneutics has gone to great lengths to establish its unique claim to truth along-side science, the field of phenomenology has made a forceful case for its own distinctive form of truth against the monopoly of scientific truth. Phenomenology can be characterized as the domain of direct-experience.[20] As such it is often considered the home of spirituality and the transpersonal domains. Consequently, Mahayana and Vajrayana Buddhism have much in common with the theoretical underpinnings of phenomenology.[21]   Both Buddhism and phenomenology provide methodological means (e.g., meditation or forms of inquiry) for coming into contact with direct-experience, which Buddhism uses to reveal the emptiness of self and world and phenomenology uses to contact 'things in themselves.' The subjective domain also includes the emotions and feelings as they arise in our body-mind, as well as intentionality and sincerity. This kind of truth is assessed through self-report.

Upon hearing or reading someone's description of a subjective state (be it anger or a spiritual reality) you have to decide for yourself if what they are telling you is true for them. It doesn't matter if it isn't true for you, because you might have a different experience, but maybe you can relate to their experience and in that sense there is empathy: a resonance between their experience and yours. For the purposes of the *GNH Report*, the same researchers used to document (and later analyze) the intersubjective truths of Bhutan would be used for obtaining a large representative sample of self-reports from across the country. Again, a simple questionnaire or audio-recorded interviews could be used to solicit responses to a number of issues in order to gauge whether Bhutanese report to be happy on the whole. For example, you could collect 1000 self-reports from all over Bhutan, distill the themes, and present those themes with a representative example in the *GNH Report*. As additional reports are done (every five-years) you would start to see 'happiness' trends.

Of course, what I have presented above is a very condensed version of a complex procedure. However, my point is that the tools to measure 'happiness' as it occurs in both the intersubjective and subjective domains do exist. There are sophisticated techniques and rich traditions that have spent a lot of time developing the validity of these modes of truth. It is only the constraining dominance of the scientific worldview with its sole claim to truth that has obscured our relationship with these other legitimate enterprises. Thus, the measuring of GNH is only a matter of drawing on the resources available.

Basically to assess happiness, you have to go out into the communities and talk to people. Understandably this could seem like a daunting task, but in fact, it is quite easy, though it will require investment (i.e., time and money). But if the RGoB is as committed to GNH as it claims to be then it would seem that establishing something like the *GNH Report* outlined above would be the logical next step. Only by beginning to use the concept of Gross National Happiness, can refinements be made in its formulation as an index.

Thus, the *GNH Report* will combine the best of both worlds, avoiding the extremes of rampant materialism and subjective whims. It will do this, by bringing together the established quantitative means of assessing development and placing them side by side with the sophisticated techniques of qualitative analysis. In doing this, the three realms of truth (i.e., objectivity, intersubjectivity, and subjectivity) are honored. As additional reports are issued trends will become visible and brought into further analysis. This kind of approach will establish a recursive relationship between the concept of Gross National Happiness and its measurement.

Wilber's Integral Model

In order to further substantiate the concept of GNH, I would like to point out its compatibility with Ken Wilber's integral model. Wilber is an American theorist who has been characterized as a philosopher of consciousness. In addition to being a highly accomplished Dzogchen practicitioner (and a student of Kalu Rinpoche among others) he is the author of twenty books many of which are translated into thirty-four languages (making him the most widely translated academic author in America).[22] Throughout his many books and articles, Wilber has advanced the most comprehensive model of knowledge the world has ever seen: integrating all domains of understanding into a single conceptual framework.[23] The scope of Wilber's enterprise is far reaching and unfortunately beyond the scope of this article. However, the interested reader can consult any of his numerous books: particularly noteworthy are, *Sex, Ecology, Spirituality* (1995), *The Eye of Spirit* (1997), *Integral Psychology* (2000), and *A Theory of Everything* (2001).

What I would like to do here is to show how Wilber's model (which is being used for everything from prison reform and the analysis of micro-bacterial soap, to business workshops and psychology courses, to name just a few of its applications) can service the concept of Gross National Happiness. By placing GNH into the framework that Wilber has articulated, which I've already begun in the proposal for measuring GNH, it benefits in a number of ways. First, it derives more explanatory power, by being connected to the domains that

historically have explored interiors (e.g., happiness). Second, its relationship to exteriors is clarified. Third, it profits from all the scholarship that Wilber has amassed (and points too) in service of explicating the relationships between interiors and exteriors. Fourth, it gains a wider audience by being connected to a model that is obtaining more and more currency as people look for a way out of the narrow alley of scientific and economic reductionism. Wilber has single handedly done more to legitimize the simultaneous value of science, culture, and spirituality than any other theorist. Consequently, Wilber is helping to pave the way for the wider acceptance of such concepts as GNH.

In addition to the benefits GNH gains from an affiliation with Wilber's model, they are at base symbiotic. The goal of both, GNH and Wilber's model, is to honor interiority in the face of a world obsessed with exteriors. In order to accomplish this goal they each take Nagarjuna's middle path: GNH acknowledges the importance of GNP (and its expanded versions) but insists there is more to measuring development, while Wilber acknowledges the importance of the natural and human sciences but is adamant that the domains of culture and spirituality are just as important. Wilber's model is often referred to as being 'all-quadrant, all-level.' This is because he divides the three value spheres (objective, subjective, and intersubjective) into four quadrants (by splitting the objective sphere into its individual and collective manifestations) and then explains at length that each of these quadrants have levels of complexity, with correlates in the other quadrants (see Figure 2). It is worth noting that the opening quote of this article, provided by Lynonpo Jigmi Y. Thinley, also proclaims the need for a balance between the three value spheres: economic (objective), social (intersubjective), and psychological (subjective).

Figure 2: Wilber's Four Quadrants
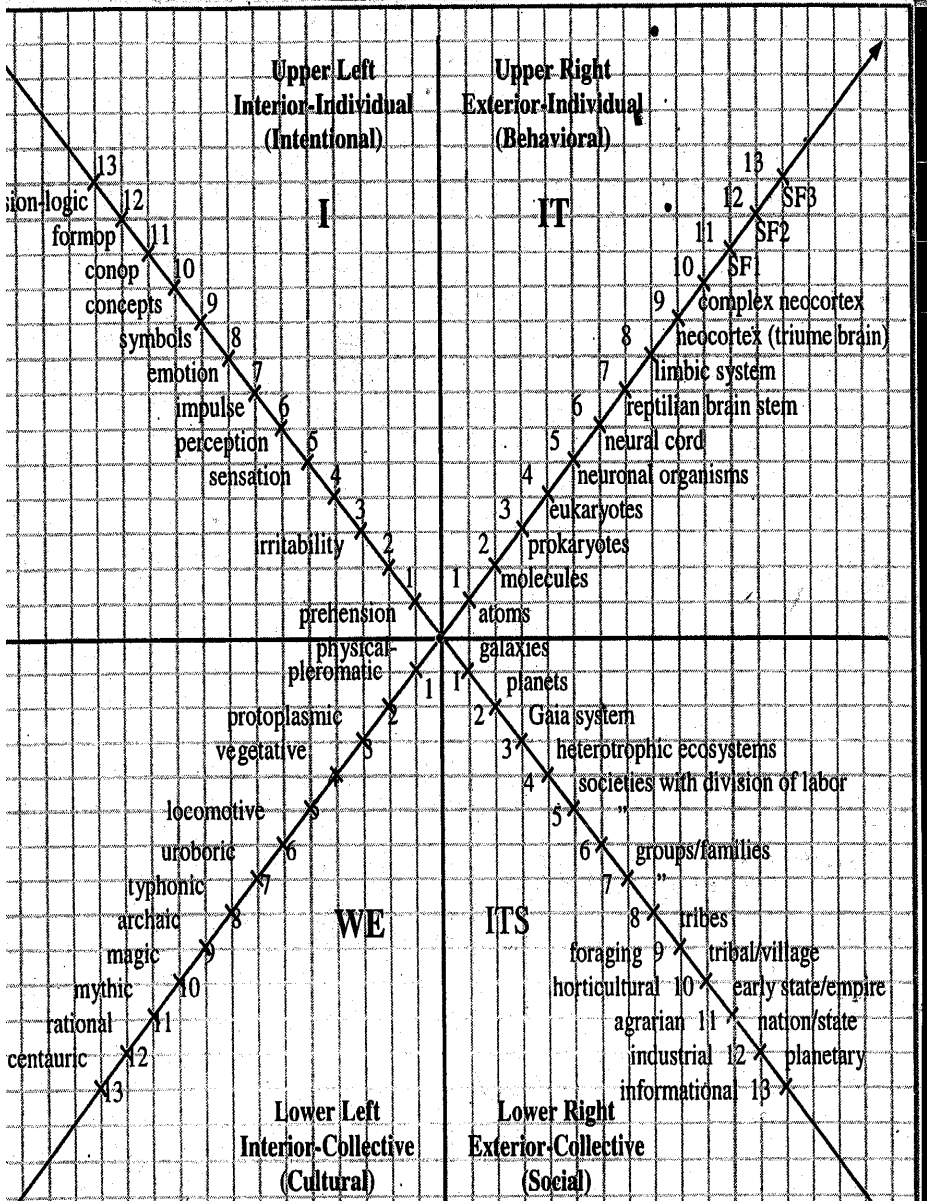
The details of this map need not concern us for now, but I think it is important to begin to see the complexity of his model (this figure being only one simple representation of it). Nevertheless, let me give a quick illustrative example using the diagram above (other examples will be provided below). Lets say I decide I need to prepare for dinner and I have the thought 'I want to go to the grocery store.' Now Wilber's model demonstrates that this thought has at least four dimensions, none of which can be separated because they co-arise. First there is the individual thought and how I experience it. This is represented by the psychological structure of formop (formal operations) in the Upper Left quadrant (UL). At the same time, there is the unique combination of neuronal activity, brain chemistry, and body states that accompany this thought. This is represented by a state of the complex neocortex (SF2) in the Upper Right quadrant (UR). Likewise, there are ecological, economic, political, and social systems that supply the grocery story with items to sell. This is represented by the systems included in the nation state in the Lower Right quadrant. Similarly, there is a cultural context that determines if I associate grocery store with an open-air market, a big shopping mall, or a small stall in an alley. This is represented by the rational worldview in the Lower Left quadrant. One of Wilber's continual points is that while each phenomena has at least these four correlates (as represented by the quadrants) it is violence to reduce any of the dimensions to its correlates in one or more of the other quadrants. In other words, to have a full understanding and appreciation for the occurrence of the thought, 'I'm going to the grocery store' you can't just explain it in terms of either psychology, or neurobiology, or economic forces, or cultural meaning. In fact, you have to take into consideration all of these domains (and their respective levels).

In order to further illustrate the relevance of Wilber's model to Bhutan's distinctive approach to development, I will turn our attention to the analysis of UNICEF provided by iSchaik Development Associates (iSDA), which also points to the importance of interiority when approaching development.[24]

UNICEF's Adoption of an Integral Analysis

Recently, UNICEF has incorporated the analysis of iSDA into their understanding of development.[25] iSDA is a consulting group that specializes in such things as strategic management, organization and planning, change management, sector development programs, and NGO design.[26] Their clients include UNICEF, the World Bank, GTZ (a German NGO), and the Australian Government. They have been involved in a number of projects worldwide that have been informed by their use and understanding of an integral approach to development. For the last several years they have been using Wilber's 'all-quadrant, all-level' model as an analytical tool for redressing development.

In their approach to development they outline Wilber's four quadrants (figure 2), giving examples of each quadrant, as well as describing the major waves of consciousness and the many developmental lines that progress through each wave.[27] They explain that our understanding of the complex, interconnected nature of our world is dependent on a mapping of consciousness as it is related to social and cultural evolution. Thus an integral approach to development is needed in order to understand how the 'state of children, humanity, culture and society, returns to a state of sustainable process' (Schaik; p. 1).   What this integral approach reveals is that we need to go beyond an exterior systems analysis of interconnectedness (e.g., the global economy or the web of life), and past the single solution of a multicultural embrace (e.g., claiming that everyone *needs* to adopt a multicultural perspective).   In their analysis they explain that:

> Clearly the process of development must address all four of these quadrants in an integrative fashion if it is to maintain a sustainable direction. But it is equally clear when we look at the evolution of UNICEF's involvement in this process, together with the broader process of human development and how they affect each other, that progress made so far has largely not produced sustainable

> change. Attempts to understand the process of change, transformation, or development without an understanding of the nature of the evolution or unfolding of (human) consciousness have little prospect for success. (Schaik, p. 2)

With this said, they zero-in on the main reason that UNICEF's projects have been met with little success. They argue that UNICEF's activities have mostly been concerned with the Right-Hand quadrants (i.e., behavior and social systems) and have for the most part ignored the Left-Hand quadrants (i.e., individual interior and cultural worldspace). Thus, it is put forward by iSDA that UNICEF has failed to place their projects into the larger context of human development in which they were inadvertently involved. They suggest that for approaches to development to be successful, they will need to be post-rational, in that they incorporate the positive aspects of rational consciousness, without losing sight of the valuable aspects of other waves of consciousness. What they are calling for is Gebser's (1985) 'aperspectival thinking,' Wilber's (1995) 'vision-logic,' Morin's (1992) 'complex thinking,' Piaget's (1977) 'polyvalent logic,' and Kegan's (1994) 'postformal-interindividual.'[28]

A survey of UNICEF's history, as presented by iSDA is very revealing. They explain how the 1950's Era of Disease Campaigns, was concerned with that which was quantifiable within individuals (e.g., behaviors like washing hands) which is the Upper Right quadrant; The 1960's Decade of Development placed its emphasis on 'functional fit' (e.g., economic dynamics) which is the Lower Right quadrant; The 1970's Era of Alternatives mostly proposed alternatives that were in the Right-Hand quadrants; The 1980's Era of Child Survival sought to increase the health of infants and children but had no mention of how children's interiors or interior development related to their survival; The 1990's Decade of Children's Rights presented rights that were strictly defined in behaviorist terms or social systems, not to mention an exclusive focus on rights neglect jurisprudence (i.e.,

responsibility; LL). Surveying this historical progression of UNICEF's developmental programs, iSDA argues that:

> All ideas during these five decades stemming from consciousness levels described by development psychologist as rational, were monological to a degree that excluded an understanding of the needs for interior/subjective development in individuals and societies in order to make the process of change and especially transformation sustainable. (Schaik, p. 3)

Thus, iSDA concludes that the way forward for an integral approach to development is to understand the process of internal transformation, the difference between transformation from one level to the next, and transformation within levels. With that distinction in place, it is important to then understand each situation from the perspective of the four-quadrants. Only then can solutions that meet the level of complexity and diversity required for that particular situation be obtained. iSDA propose that the 2000's be known as the 'Era of the Integral Approach' where all views are treated as having something to offer the larger picture and the perspectives that incorporate the interior domains of individuals and cultures shall be honored as equally as the exterior dimensions of development.

Wilber and iSDA are cautionary that an 'all-quadrant, all-level' approach to development needs to be uniquely sculpted to each specific situation as a way of making sure that 'programs/ideas/metaphors' that are proposed have the best chance of facilitating a process of sustainable, directional, transformative change. Both Wilber and iSDA warn that an integral approach to development needs to be 'implemented with the utmost care, concern and compassion.'[29] Importantly then, none of the levels, quadrants, or lines are to be seen in a rigid conceptual straight jacket. The four-quadrant approach should not be used to pigeonhole individuals or cultures as inferior or superior. To do that is to lose sight of the very intention of an integral approach.

Rather, an integral approach provides a context for creating guidelines that serve to highlight 'possible potentials that are not being utilized.'[30] This larger context is capable of addressing problems that have not been satisfactorily met with non-integral approaches.

Wilber proposes a modern version of the Mahayana bodhisattva vow in the form of what he calls the Basic Moral Intuition (BMI) and its derivative the Prime Directive (PD). The BMI is defined as, 'Protect and promote the greatest depth [levels of being] for the greatest span [variety of organization]' while the PD is defined as, 'Protect and promote the entire health of the spiral [the spectrum of being], without privileging one level over another.' Both of the BMI and PD are absolutely necessary to an integral vision. The BMI claims that we all intuit Spirit (Buddha nature) and thus extend rights to those whom we identify with as 'self' based on the wave of consciousness we are operating out of (e.g., ethnocentric, socialcentric, worldcentric, Kosmoscentric).[31] Thus, as you develop into higher waves of consciousness you will afford rights and responsibilities to a larger sphere of people.[32] The PD emerges out of post-rational thought (Wilber's 'vision-logic') and is the ability to see the value of each wave of consciousness as an essential ingredient to the diversity of the entire culture.[33] Thus, under the PD you honor all the modes of existence without demanding that one mode transform into another one, you just want to ensure a healthy expression of each wave of consciousness.[34] The BMI and PD are key elements in integral development for it is only in the ability to honor the entire range of people's situations (both their exteriors and interiors) that appropriate, pragmatic decisions can be made about the complex issues involved in development. Both the BMI and PD are in alignment with Bhutan's Buddhist philosophy.

Clearly, Wilber's integral model has much to offer any approach to development, in particular one such as Bhutan's that places a premium on individual spiritual development and community happiness. Now that Wilber's model has been outlined and Gross National Happiness has been shown to not only be compatible with, but actually to benefit from the

framework of this model, we can turn our attention the second part of this article, which focuses on examples of taking The Middle Path to arrive at Gross National Happiness.

Part II: Bhutan's Integral Ecology: Cranes, Nature Spirits, and *Terma*

Taking The (Environmental) Middle Path

While the central concept to Bhutan's approach to development is the maximization of Gross National Happiness, the route that Bhutan has chosen to get to this lofty destination is appropriately entitled 'The Middle Path.' Bhutan's road to development was christened as such in 1990 by a group of senior government officials gathered together to begin the process of formulating the broad criteria of Bhutan's developmental agenda.[35] The Royal Government of Bhutan has explicitly stated that it wants to find a balance between the spiritual and material aspects of life, between *gakid* (happiness and peace) and *peljor gongphel* (economic development).[36] Thus as Françoise Pommaret (1998) summarizes Bhutan's path towards sustainable development: 'Development will not be material development alone but will incorporate cultural and spiritual enhancement' (p. 69). Once again, as in the opening quote by Lyonpo Jigmi Y. Thinley, there is an equal emphasis on the three value spheres recognized by Wilber's model: the material (objective), the cultural (the intersubjective), and the spiritual (the subjective).

Due to the rich biodiversity found in Bhutan, the large amounts of protected areas within the nation, the rich forest cover sprawling over most of the country, the strong connection between Bhutanese culture and nature, and the religious (Bon and Buddhist) values of Bhutan, which promote the value of ecological niches and compassion towards all sentient beings, it is no surprise that the environment takes a prominent role in the course of The Middle Path.[37] Even the Biodiversity Action Plan, a living document that guides all biodiversity related activities in the country, recognizes the inseperatability of culture and nature: 'in Bhutan, the ethical [intersubjective] and aesthetic

[subjective] roles of biodiversity [objectivity] are integral components of the culture' (p. 9). In fact, studies have shown that there is a strong correlation between areas of high biodiversity and areas of high cultural diversity.[38] Phuntsho (2001), the Head of Policy & Planning Division (National Commission for Cultural Affairs) also notes this in his *Environment Action Plan: Sites and their Surroundings.* After exploring the connection between diversity in culture and nature he summarizes, 'In short, the loss of cultural diversity, and of biodiversity, are two aspects of the same event, or if you will, two sides of the same coin' (p. 5). Thus, Bhutan's rich culture spurred forth by the isolated valleys of Bhutan's mountainous terrain can be seen to be directly related to its rich biodiversity, also a result of secluded pockets.[39] After all, where else in the world can you find over 500 varieties of rice: a symbol of the diversity of culture and nature being synonymous.[40] In effect, by protecting its natural environment, Bhutan is simultaneously preserving its cultural heritage and its spiritual roots. Given this intimate relationship between Bhutan's biodiversity, its culture, and its spirituality, it only makes sense that The Middle Path would recognize the importance of honoring all three value spheres.

Bhutan's unique philosophical approach to the environment is unparalleled by the myriad eco-approaches popular today. While each approach highlights an essential component (often associated with only one of the value spheres) for an environmental philosophy, they remain partial due to their silence concerning the other important dimensions of reality. To overcome the fragmentation within current environmental philosophies (which results in ideological camp wars) Wilber's model has been used to articulate an all-inclusive environmental philosophy: Integral Ecology.[41] Integral Ecology not only provides an understanding of how the myriad eco-philosophies can be brought together into a unified front (informing and complementing each other) but it also highlights the pitfalls that have assailed contemporary, partial approaches. One of the guiding principles of Integral Ecology is the recognition that all three value spheres need to be incorporated into any comprehensive approach to the

environment. Consequently, Integral Ecology and The Middle Path are practically synonymous. In fact, The Middle Path can be seen as an expression of Integral Ecology, since the former is a specific example of the later (an example that is tailor-made to fit Bhutan). Given the kinship between these two approaches to the environment, let me further introduce Integral Ecology drawing in part on a clarifying example.

A New Approach to Environmental Issues[42]

Integral Ecology (IE) offers a comprehensive approach to environmental issues which takes into account, not just a few, but all of the known dimensions of human beings in their complex interactions with wild nature and the environment in general. That is, IE attempts to integrate the levels of body, mind, and spirit as they appear in the spheres of self (subjective), culture (intersubjective), and nature (objective). As we have seen, these spheres can be represented by Wilber's four-quadrants.

Because this integral approach is based on a more accurate and comprehensive map of reality (by honoring all three spheres and their respective levels) it allows for a more effective response than current approaches to environmental problems. This is achieved by avoiding the reductionistic or privileging tendencies that characterize many proposed environmental solutions, which often only focus on the exterior dimensions and/or over-value rationality. Or when they value interiors they often do it at the expense of exteriors and/or rationality.

As an example of an integral approach, IE would incorporate *at least* the following dimensions in exploring the problem of toxic emissions:

Upper Right quadrant (individual behavior)

Toxic chemicals can cause (or trigger) various deleterious effects in individual cells, organs, and organisms (plants, animals, and humans). These causes, triggers, and effects need to be studied, measured, and described so that grounded recommendations can be made about limiting their

release into the environment. In other words, it is important to both 1.) understand how individual functioning is effected by toxins at all levels of ecological organization (e.g., cells, plants, insects, reptiles, mammals), and 2.) look closely at how human behavior patterns in our daily activities contributes to and sustains environmental toxicity.

Lower Right quadrant (collective systems)

Here, IE directs attention to two different, but related domains: ecosystemic and socio-political. First, IE examines how toxic chemicals affect ecosystemic processes (e.g., watersheds, food chains, nutrient cycles), in addition to individual (cellular/organic/organismic) processes. Second, IE studies the various social, economic, and political factors involved both in the production and release of toxic chemicals into the environment. Insight into such factors can be drawn from a number of different levels and/or perspectives, including liberal, socialist, green and so on. It is important to develop an understanding of how socio-political institutions are contributing to and maintaining widespread toxic emissions into the ecosystem. By uncovering these dynamics, an appreciation of the role that such institutions can play in ecological recovery will be achieved. IE's specific contribution here, is being open to and integrating insights about toxic emissions from all the levels of collective institutions (e.g., local water boards, county commissions, state agencies, and federal committees) and applying those insights towards a deeper understanding of how those collective systems effect (negatively and positively) ecosystemic processes.

Lower Left quadrant (collective worldspace)

IE also examines how ideologies, worldviews, religious systems, value systems, and other such interpretative domains disclose humankind, nature, and the humankind-nature relation in ways that encourage, discourage, or are neutral with regard to release of toxic chemicals that may harm organisms and ecosystems. Insights and recommendations for corrective action drawn from each level must be taken seriously. Efforts must be made to find 'common ground' for such recommendations. IE encourages

the process of occupying multiple perspectives, in order to experience how the problem/solutions 'show up' within the outlooks provided by such perspectives. In addition to honoring numerous ideologies (worldviews), IE recognizes that some will service an integral approach towards dealing with toxic emissions more successfully than others will. IE recognizes that the process of working towards mutual understanding between individuals and different worldviews is a critical component of mobilizing action that will minimize the level of toxicity within the environment and its members. As a result, IE is committed to exploring the role of intersubjectivity, in its many dimensions (e.g., proximity, emotional, linguistic, contextual) within and between both the human sphere and the collective worldspaces of other organisms, in addressing the issue of toxic emissions.

Upper Left quadrant (individual interiority)

In addition, IE affirms that psychological levels, states, beliefs, conditioning, and pathologies shape individual attitudes with regard both to the fact of toxic chemical releases, and to the production of such chemicals. The same person who fears that toxic chemicals may harm his/her well-being and that of others may also be guided by beliefs/attitudes (greed, hate, delusion) that arise from, and sustain, a consumerist society for which producing huge amounts of complex goods 'justifies' the production/release of toxic chemicals into the environment. IE also holds that transformative practices (e.g., meditation, therapy, community service, wilderness solo's) help individuals to discover the deep roots of the attitudes, beliefs, and emotions, that give rise to personal, cultural, socio-political, and scientific-technological practices that are environmentally harmful.

As outlined above, a unique environmental framework emerges when all four-quadrants (and their levels) are incorporated into a single fabric. This approach honors the holonic (i.e., whole/part complexification) nature of the cosmos and provides a systematic way to ensure the myriad contexts that give rise to environmental issues are explored with adequate depth and breadth. In addition, IE assumes

that its adherents take seriously the importance of individual (UR) and collective (LR) transformative practices (at various levels) for generating individual transformation and development (UL), which in turn can affect collective attitudes and practices (LL), leading to new institutions (LR) which in turn support interior development (UL). All the quadrants are mutually dependent and co-arising. However, IE recognizes that most of the environmental movement-whether green, postmodern, liberal, socialist, etc., has ignored interior development (UL) which is the crucial ingredient in moving humankind toward different kinds of (and more eco-friendly) attitudes, practices, beliefs, institutions, politics, and economics. IE recognizes that until we as a collective move towards worldcentric modes of awareness and compassion, Gaia will continue to be despoiled. It is only upon transforming to and stabilizing worldcentric consciousness that a deep and natural concern for the environment emerges.

A keystone for Integral Ecology is the recognition that the cultivation of intersubjectivity-as-difference (i.e., mutual understanding) is an essential component in addressing our environmental problems. The core assumption here is that anything less than a worldcentric capacity for intersubjectivity will not suffice as a solution to environmental degradation. We live in a global community and have global problems, which demand global solutions. Thus, the solution to our environmental crisis is to be found in our increasing capacity to see through and beyond our ideological, cultural, racial, and gender differences.

In other words, a major source for addressing the ecological crises is *thought transformation*. It is well worth noting that people have been bombarded with LOTS of information drawn from all the quadrants, without having dramatically altered the practices that generate serious eco-problems. Progress has been made, to be sure, but clearly such information is not in and of itself enough to alter practices that are grounded in the developmental level of individuals. Changing social, economic, and ideological positions will not make this transformation possible! Individual transformation, growth,

and development - these are major factors in altering our current treatment of the biosphere, including our own bodies.

It is obvious that there are many points of contact between Integral Ecology and the kind of approach Bhutan envisions with The Middle Path. As a way of becoming more familiar with these points of contact, I will present three case studies drawn from Bhutan's rich eco-spiritual culture. Each of the case studies is more closely affiliated with one of the value spheres. For example, the Black Necked Cranes with the objective realm, nature spirits with the intersubjective realm, and the *Terma* tradition with the subjective realm. By taking a representative example from each sphere, it will further convey the relevance of the four-quadrant approach for all realms of truth and experience. Of course the analysis of each example could be expanded to be an entire article in itself. My aim here is just to give a flavor of the advantage and comprehensive nature of using Wilber's model to clarify The Middle Path. I will introduce each example on its own terms and then provide a four-quadrant diagram and analysis of the ecological and development issues relevant to it, followed by some possible ways The Middle Path could make use of such a conceptual framework (i.e., Wilber's model) in guaranteeing 'happiness' a place in Bhutanese culture.

Case Study 1: The Black Necked Crane Festival

This year's Black Necked Crane Festival got off to an early start when sixteen keen bird observers rolled out of bed at 4:30 am. These enthusiasts were led by a local guide to the wooden blind strategically located in the center of the Phobjikha Valley near the Crane's roosting area. Standing in the dark with the early morning frost and a nippy wind the only sign of the infamous birds was the sound of their trumpeting call piercing the grayness. As the sun began its climb over the encircling mountains the cranes started to become visible. Equipped with binoculars and telescopes, several people counted over 150 Black Necked Cranes (*Grus nigricollis*), which is quite good given that this is still early in the season (the birds will stay until mid-April). Last year the high count was around 250 cranes. With day break the birds left their roosting area and the security of numbers to fly in

small groups to other parts of the valley to spend the day feeding.

This marked the beginning of the fourth annual Black Necked Crane Festival, held every year on the 12th of November in conjunction with the celebration of His Majesty's Birthday. The festival is sponsored by The Royal Society for the Protection of Nature (RSPN) and the Phobjikha Conservation Area Program (PCAP). This year PCAP took an even more active role than in years past in the organization of the festival. Thus demonstrating the continuing success of sustainability as local communities take more and more responsibility for the conservation of their natural resources. PCAP is part of RSPN's Integrated Conservation Development Program (ICDP) and is made up of local residents of the Phobjikha valley.

After the majority of the cranes had left the roosting area the early morning bird watchers made their way to the Phobjikha Primary School grounds: the venue for the rest of the festival. The school grounds were decorated with flags, tents, stalls, and several thousand people. A number of cranes could be seen near-by, looking as if they too were interested in the festival. The official ceremony began at 9:30 am with the honoring of distinguished guests, the National Flag Hoisting Ceremony, a Marchhang ceremony (to appease the local guardian deities), a welcome address by the PCAP chairman, and a marching ceremony performed by Phobjikha students and the scouts of Trongsa High School.

Around 10:00 am the dancing began. The first dance was the beautiful Black Necked Crane Dance, specifically designed to honor the Thrung thrungs (as the birds are locally known). This dance was preformed by older students of Phobjikha and was followed by a number of folk dances preformed by individuals of all ages from different gewog (blocks). Soon after the dancing had commenced the Inter-gewog archery match was underway with the typical taunting of one team by another, a benchmark of Bhutan's national sport. All the while individuals perused the stalls: playing games, viewing local handicrafts, eating and drinking among friends. One of

the stalls hosted an art competition that promised prizes for the top 5 posters exhibiting conservation themes. The winners' posters will be sent to a sister school in Japan that also participates in crane conservation in their local area. On display one could see the posters that had been sent by the Japanese school to Phobjikha.

After lunch, interested people were taken on a nature walk along the trails around the valley. The ICDP Field Officer guided this walk. Upon return to the main festival, the Tashi Lebay dance had begun and a number of locals, tourists, and foreigners joined in the celebration.

As the sun set on the winter home of the Black Necked Cranes, locals watched a Bhutanese film projected on the white wall of the school building. At the same time, visitors gathered at the Crane Observation Center for a presentation by RSPN/ICDP on the conservation activities in the valley. This presentation was followed by a feedback session where the visitors were able to make recommendations on how to further improve upon the success of the Black Necked Crane Festival and conservation in general. Many good ideas were presented and discussed.

Thus came to an end another successful and enlivening Black Necked Crane Festival: weaving together celebration and environmental awareness in a way that has become a hallmark of Bhutan's Middle Path to environmental and cultural preservation. Thrung Thrung's have long been part of Bhutan's cultural heritage, appearing in folk tales, songs, dances, and historical references. Their eloquent flight and beautiful foliage has become a religious symbol of a heavenly bird (*lhab-bja*). It is even reported that the cranes circumnavigate the Gangte Goemba, which overlooks their winter home, three times as they are leaving the valley in the spring to return to Tibet. Each year since 1991 there has been a steady increase in the number of cranes wintering in Phobjikha Valley: a testimony to the success of conservation efforts here and the importance of the annual festival that honors these magnificent birds. Consequently, the Black Necked Crane is an example of Integral Ecology, where the

realms of subjectivity, intersubjectivity, and objectivity come together in a balanced display of spiritual inspiration, cultural heritage, and ecological health. By taking this middle path the efforts of the Phobjikha residents are sure to continue preserving these rare and endangered birds, endemic to the Himalayan region. With a total population of around 5000-6000 birds, the success of the Phobjikha Valley and their annual Black Necked Crane Festival is an example to communities the world over. Not just as an example of environmental conservation, but of the need to bring environmental conservation into relationship with local cultural and spiritual resources.

In order to draw out the Integral Ecology components to this example of Bhutan's Middle Path, let me provide a four-quadrant analysis of conservation of the Black Necked Crane (see Figure 3). [43] This analysis, as well as the other that follow, will not be exhaustive but rather is meant to serve as an orientation to an Integral Ecology approach. To begin with we can start in the Upper Left quadrant and go clockwise to the other quadrants. However, keep in mind that each quadrant is just as important as the others and in fact you need all of them. The Upper Right quadrant highlights studying the behavior of the individuals involved, including the cranes themselves, the other species in the area, as well as the humans living nearby. The Lower Right quadrant brings into the picture the system dynamics involved, be they ecological, economic, political, legal, or institutional. These two exterior (i.e., measurable in quantitative terms) quadrants comprise what most approaches to the environment focus on. What sets The Middle Path of Bhutan apart from other countries is that it also includes the other two quadrants, the interior quadrants (which draw on qualitative means). The Lower Left quadrant adds the cultural and religious dimensions of the cranes that exist in the shared space of meaning within the community. The Upper Left quadrant includes the individual psychological and spiritual states that are related to the cranes. A lot can be said about each of the items mentioned in the quadrants but I think it quickly becomes apparent how this kind of framework ensures a holistic approach.

Figure 3. Four-Quadrant Analysis of Black Necked Crane Conservation

Interior-Individual	Exterior-Individual
Psychological Pride over protecting the cranes. Frustration over not having ready access to electricity due to wire regulations to protect birds. **Spiritual** Inspiration provided by the birds. Identification with the cranes.	**Behavioral** Observations of the cranes (e.g., diet, roosting, numbers of birds, interactions of birds). Observations of other plants & animals (e.g., species in area, predators, dogs). Human activities in the valley (e.g., grazing of cows, location of the school, walking through sensitive areas, power lines).
Cultural The annual BNC festival. Folk songs that praise the cranes. Shared commitment to the birds. **Religious** Symbol of Enlightenment. Gangte Goemba's relationship to the valley.	**Ecological** Wetlands ecology Himalayan ecology **Sociological** Economic factors (e.g., tourism). Institutions like RSPN, local committees. Policies and regulations protecting cranes.
Interior-Collective	**Exterior-Collective**

Now to explore how this integral framework can serve The Middle Path we can take the example of environmental education.[44] Currently, the Royal Society for the Protection of Nature (RSPN), World Wildlife Fund-Bhutan (WWF-Bhutan), and National Environmental Commission (NEC) are working on an environmental education strategy. They could use the four-quadrants in drawing up a balanced curriculum that takes environmental issues from all over Bhutan and presents them as cases studies. One of the case studies could be on the Black Necked Cranes in Bhutan. The case study could then be divided into a number of sections (e.g., the three value spheres, the quadrants, or the categories in each quadrant) presenting such things as ecological and historical information, excerpts of folk songs, cultural tales about the birds, relevant discussions from Buddhism, descriptions of tourist policies, and self-reports from local residents. In this way the student gets a complete picture and sees how cultural and spiritual dimensions are just as valuable as scientific ones. Also, this kind of approach would contribute to the intergenerational transmission of values (Wangyal, 2001) and honor both the traditional and modern approaches to education in Bhutan (Phuntsho, 2000).

Approaching crane conservation and environmental education from an Integral Ecology perspective contributes to Gross National Happiness in at least three ways. First, by simply acknowledging the intersubjective and subjective dimensions that are related to the cranes, you validate 'happiness.' Second, by incorporating these dimensions into an education curriculum you honor 'happiness' in a way hitherto overlooked. Third, by increasing the awareness of the importance of these dimensions, you secure a place for 'happiness' in the institutional frameworks established.

Case Study 2: The Citadels of Nature Spirits
One cannot help but be spell-bound by the beauty of Bhutan's countryside: its majestic trees, steep valleys, flashy birds, snow covered mountains and craggy outcrops, and its variety of grasses and flowers. You almost get the sense that there is another layer to this natural beauty – a layer you can't quite see but yet it has a palpable felt-presence. You

might even go so far as to say what you're experiencing are the deities of the natural world. Actually, this pantheon of beings is exactly what it is you are sensing.[45]

Unlike many of the cultures that have entered the modern rational scientific worldview (either by choice or necessity), Bhutan is one of the few modern societies that still holds a prominent place for nature spirits. Even the Bible of biodiversity, the Biodiversity Action Plan, is quick to point out that:

> In the day to day life of the Bhutanese, certain deities such as *lha* (deities of the heaven above), *tsen* (deities of the mountains), *kLu* (beings of the underneath world) and *Sadag* (deities of the land) are worshipped and evoked. The practice comes from our society's deep respect for nature and its environment. There is a fervent belief that if we pollute the heaven above, the mountain in-between and the land below, we are bound to suffer the wrath of their respective deities. So concern for the environment is found deeply embedded in our beliefs and day-to-day activities. (p.19)

Thus, Bhutanese life, especially in the rural areas (over 80% of the country), is permeated with the intersubjective reality of nature spirits.

One of the main reasons that these deities have continued to be acknowledged by the Bhutanese can be attributed to the Drukpa Kagyu religion of Bhutan. Drukpa Kagyu is a unique strand of Tantric Buddhism that absorbed pre-Buddhist practices and the shamanic Bon tradition of the Bhutan valleys as it slowly spread across the country in the 8th century. Many of Bhutan's great saints and sages are well known for their stories of subduing these at times malevolent spirits, and placing them in service, as guardians, of the Dharma. In particular, Guru Rinpoche is credited with paving the way for Buddhism in Bhutan, after defeating a number of obstructing deities. His victory over Shelging

Karpo, the chief deity in Bumthang, transforming him into the protector of Kurjey Lhakhang is celebrated throughout Bhutan. In this fashion, the nature spirits of Bhutan were not pitted against Buddhism but rather brought into the fold and honored as essential extensions of *Chös* (the Dharma).

Karma Ura, a cultural historian from the Centre of Bhutan Studies, has done the most work of anyone in documenting the role these deities have in Bhutan.[46] As a result of extensive fieldwork, Ura has produced two articles, which recently served as the basis of a four-part series ran in Kuensel on 'Deities and Environment.'[47] Through his research, Ura has catalogued the types of deities found in Bhutan, their habitats, how they are celebrated, stories associated with them and a whole host of other interesting details. I will provide a brief synopsis of Ura's findings.[48] However, anyone interested in this area, should directly consult Ura's much richer accounts.

Ura explains that the sacred order of the landscape is often divided into the domains of heaven (*lha*), sky (*nyan*), and the underworld (*klu*). These divisions are often loosely affiliated with various deities. For example, *lha* are found in white mountains; *gNyan* inhabit the space between the sky and earth, such as mountain ridges, trees, and glaciers; *btsan* live in red rocky mountains; *gzhi dag* occupy mountain passes; *klu* dwell in ponds and boulders under huge trees; *bdud* and *klu bdud* take residence in the confluence of streams and rivers; *mtsho sman* (a.k.a. *sman mo*) exist in the deep pools of rivers or calm lakes. In addition, each of these categories of deities have specific colors, genders, and physical descriptions associated with them. The deities mentioned here contain just a fraction of the pantheon in Bhutan represented by the pre-Buddhist, Bon, and Drukpa Kagyu religious traditions.

Some of the deities are considered to be fully enlightened while others are still caught in *khorwa* (the cycle of existence). It is these later ones who speak through shamans (*pawos*, *pamos*, and *nejoms*) and who also have a larger role in the environment by mediating the relationship between people and local resources. In addition, there are those deities that

are represented in rites by dough images and those who are invoked only through the spontaneous utterances of shamans. Some deities are affiliated with specific families or with particular religious schools. There are also deities that protect great saints and the Royal family (and the country in general).

Deities are either invoked by *chosung* rituals performed by priests or monks making offerings of dough images, food and drink, or invocation occurs by shamans who in addition to the kinds of offering associated with the *chosung* rituals, provide meat and blood offerings (e.g., sacrificed poultry, goats, ox). Also, the shamans will go into trance serving as a mouthpiece for certain deities, making prophetic utterances and poetic recitations. Throughout the country there are a variety of specific days set aside for ritual observation of various deities. Also, villagers often consider crop loss, due to wild animals, to be a form of offerings for the appeasement of the local deities.[49] Along these lines, Allison (2001) quotes a former army officer explaining this position: 'We need to make offerings and keep our contract with the deities to preserve nature and keep things in balance,' (p. 28).

Of particular interest for The Middle Path is the relationship these nature spirits have to the natural environment. Ura provides a number of stories, which highlight the influence these beings have on human relations with the natural world.[50] Human activities such as killing animals, polluting (*drib*) water sources, encroaching on the deities' area, general disrespect for the environment (e.g., littering) or the deity, can result in natural disasters such as land slides, hailstorms, floods, drought, and diseases (e.g., abscesses, itching, sores, paralysis, thinning limbs, and even insanity). On the contrary, appropriate relationships with the deities and their domains are rewarded through good harvests, discovery of precious gems like turquoise, and with health and well-being. Consequently, the deities are worshipped as a means of avoiding natural disasters, ensuring favorable agricultural conditions, and maintaining human health.[51] As testimony to this, Kinga (2001) points out that folk songs have served as a medium for describing human-deity relations. He explains:

> In most songs, the sky, streams and rivers, mountains and cliffs, forest groves and even the subterranean have been portrayed as citadels or abodes of local gods and deities. The songs constantly emphasize the need to appease them and respect their citadels so that they reciprocate by blessing communities and villages with abundant rainfall and harvest, protect them from diseases and misfortune. On the other hand, if humans encroach upon their abodes, their wrath is believed to be expressed in the form of hailstorms, gales, landslides and floods that destroy crops, cattle, lives, and property. (p. 157)

Kinga goes on to conclude that as a result of folk songs portraying a living landscape they '[have] been one of the strongest indigenous social force[s] in nature conservation' (p.158).[52]

In many parts of Bhutan there is a practice called *la dam* or *ridam*, where during the summer months large areas of land, where deities are located, are considered 'off-limits' to humans. In fact, Elizabeth Allison explains that, 'In the Aja area, adjacent to the Bumdeling Wildlife Sanctuary, villagers insist on this practice and have actually kept BWS staff who wanted to do wildlife surveys out of the area during the protected time – a case of local mores being stronger than state policy.'[53]

Because the citadels of deities are not to be trespassed upon by human activity, there are important biodiversity implications associated with them. After all, these citadels occupy important ecological niches: biotic rich river confluences; sensitive alpine meadows with fragile plants; delicate marshy areas serving as home to a variety of fish, amphibians, and insects; important rocky areas that provide roosting areas for rare birds and harbor unique fungi, moss, and lichens; groves of trees, which guard rich loam soils and

intricate watershed systems. In fact, Ura points out that the realms of deities correspond roughly to general 'schemes of segregation for each altitude zone.'[54]   Nevertheless, with sadness Ura notes that the ecological abodes of nature spirits have not been able to avoid the groping hand of development, as new roads have been punched through pristine areas, population pressures have pushed families into previously uninhabited regions, fuel wood gathering has penetrated deeper into sacred groves etc.   With urbanization (and modernization) on the rise, 'places are not known in association with local divinities, but merely in terms of agro-ecological and cartographic characteristics.'[55]

So while the citadels of nature spirits have served as ecological sanctuaries guarded by their respective deities for centuries they are now under a new pressure as Bhutan continues to join the ranks of the developed nations of the world. Nevertheless, Integral Ecology can offer sign posts for The Middle Path to ensure that these citadels are protected, safeguarding not only the cultural texture these deities provide Bhutan but also the sense of the sacredness of nature that resides in the hearts and minds of so many Bhutanese.

A four-quadrant analysis of the ecological value of these spirits reveals a number of things (see Figure 4). In the Upper Right quadrant we see that the deities themselves have specific characteristics and behaviors, such as causing floods, hailstorms, diseases. More importantly, the belief in these spirits regulates the behavior of humans, making them aware of how their activities effect the natural environment. The Lower Right quadrant reveals that in addition to the service provided by the deities through their association with specific ecological niches, there is also an important sociological role provided by the local shamans in their communities. With the Lower Left quadrant we become aware of the huge cultural significance of these deities, which live through folklore and local songs, but also are observed through holidays, community gatherings, ethics, and rituals. The Upper Left quadrant highlights the subjective importance of these deities, not just in the fear or comfort that they can instill in an individual but also through the spiritual states of

shamans and the sense of sacredness towards nature they invoke. Only by looking at each quadrant do we start to get the full picture of the ecological importance that nature spirits have for Bhutan.

Figure 4. Four-Quadrant Analysis of the Ecological Value of Nature Spirits

Interior-Individual	Exterior-Individual
Psychological Fear about displeasing deities. Comfort in knowing they are guarding us. **Spiritual** Trance states of shamans. Sense of connection to natural world.	**Behavioral** They have specific ecological characteristics. They perform various duties (benign, rewarding, and wrathful). They regulate human impact on the natural world.
Cultural Folklore surrounding spirits. Folk songs. Ethical guidelines. **Religious** Rituals performed to appease deities. Annual holidays and ceremonies.	**Ecological** They are associated with various ecological niches and guard the biodiversity contained therein. **Sociological** Shamans as a bridge and guide to local spirits, as well as a mediator of natural resources. Laws could be used to protect citadels.
Interior-Collective	Exterior-Collective

Having outlined some of the main components of a four-quadrant analysis, regarding nature spirits and their abodes, we can now turn to a more concrete example in order to illustrate the relationship between the above presentation and The Middle Path. Let us focus on policy formation. As we've seen, not only are the deities in danger of falling into obscurity due to the scientific-rational worldview encroaching into Bhutan's rural communities but also their ecological

homes are vulnerable to violation due to the forces of economic and industrial globalization. One way to curb this tide of change would be to develop a series of policies that designate specific citadels as eco-cultural protected areas. So far the RGoB has done a lot to protect natural areas in Bhutan, but it could use this as an opportunity to protect important cultural areas as well. A group of people designated to establish citadel sanctuaries could work with individuals like Karma Ura (who also advocates their legal protection) to identify a number of cultural sites with ecological value worthy of protection. After all, if Bhutan is serious about a balance between ecological sustainability and cultural preservation then this is clearly an important step that is long overdue. These eco-cultural 'deity parks' won't necessarily be very large, compared to the protected areas associated with the Nature Conservation Department (NCD), rather they will be like mini-parks scattered all over the country, which would compliment the larger parks and biological corridors network found in Bhutan.[56]

Approaching nature spirits and policy formation from an Integral Ecology perspective promotes Gross National Happiness in at least three ways. First, by establishing citadel sanctuaries you help preserve cultural and religious traditions that are important to the Bhutanese. Second, the inclusion of subjective and intersubjective realities in the development of policies provides 'happiness' a place at the policy table – a table it is rarely invited to. Third, by creating policies that honor the cultural and spiritual truths of Bhutan you further institutionalize a valued space for 'happiness.'

Case Study 3: The *Terma* Tradition
I was taking a brisk walk along the Bumthang Chhu (river) with Sonam my local friend and around a certain bend we encountered a very large and curious looking rock. I made the comment 'Wow, that rock is very interesting!' and my friend casually said, 'Oh yeah, it probably contains an important religious text.' Now, I've heard of nature being 'the greatest of all teachers' but this kind of instruction, scripture coming out of solid granite, is a level of instruction far greater than I usually envision. I had just been intimately introduced

to the tradition of *Terma*, of which I had only read about. *Terma* are one of the things that sets Bhutan apart from all other countries.

Now *Terma* have been discovered in regions outside of Bhutan (especially in Tibet) but Bhutan has a particularly rich and fascinating history of *Terma* and *Tertön*.[57] This textured association between Bhutan and *Terma* is in part due to Bhutan's patron saint, Guru Rinpoche, who is responsible for establishing the *Terma* tradition. *Terma* are also known as 'Hidden Treasures' and they are discovered by *Tertön* or 'Treasure Hunters.' According to the tradition there will be 1000 minor *Tertön*, 100 major *Tertön*, and only five 'Sovereign' *Tertön*. While Bhutan has been the home of many *Tertön*, it is Ugyen Pemalingpa, the fourth 'Sovereign' *Tertön* who is the most famous in the land of Druk.[58] Because Pemalingpa started out his life as a simple blacksmith he is a symbol to all Bhutanese that the spiritual heights can be reached from the most mundane of circumstances.

Even though all five of the 'Sovereign' *Tertön* have been identified, the last being Dongak Lingpa (1820-92), and around 400 other *Tertön* have been recognized, there continue to be minor and major *Tertön* who reveal *Terma* to this day. For example, in 1990 Sogyal Rinpoche discovered a *Terma* in Paro's Taktsang Lhakhang. The treasure consisted of twelve stanzas, which Rinpoche said would fill-up nine volumes when translated. Also in the last decade a group of foreigners witnessed a female *Tertön* extract a *Terma* from a rock in Tibet.[59] Thus, *Terma* is a living tradition that continues to inform the Buddhist religion particularly the Nyingma school. The Nyingma school is known for its distinguished esoteric doctrines and techniques, the heights of which are expressed as Dzogchen or 'The Great Perfection.'

The roots of the *Terma* tradition can be found in passages spoken by the Buddha.[60] Other influences can be found throughout other Buddhist countries and in the Bon religion, which has a number of treasure revealers. It is claimed that Guru Rinpochhe foresaw a period of religious suppression

and took it upon himself to conceal thousands of spiritual texts and objects all over the Tibetan world. These hidden treasures were to remain hidden until the appropriate time, at which point he would aid the *Tertön* in their recovery through divine guidance. The written text is often coded in a special language (e.g., 'dakini script') that can only be deciphered by the *Tertön*. It's no surprise that the *Terma* tradition has been controversial and likely abused in some cases. However, the issue of legitimacy and 'proof' has a long history and there are well-established criteria for validating *Terma*.[61]

Terma usually take the form of objects (e.g., bells, statues, ritual daggers), religious texts, or medicinal substances. Almost all *Terma* were hidden in the eighth century by Guru Rinpoche with the help of his disciples and Dakinis (a.k.a. skywalkers or female deities). *Terma* do not have a physical form, rather they are stored in the 'Universal Mind'. When a physical object or actual scripture is discovered in conjunction with a *Terma*, it only serves as a key to that which resides in the non-physical realm. In a sense, *Terma* can be thought of as being the result of a mind transmission from Guru Rinpoche to the respective *Tertön*. There are between eight and eighteen classifications of *Terma*, depending on the source consulted. They are often organized according to such categories as where they are found, their nature, and if they are revealed in public. Various *Tertön* will have a disposition to discover particular kinds of *Terma*. For example, Pemalingpa was known to reveal primarily Earth, Rock, and Lake *Terma*. Thus, he has a particular connection to the natural world. *Terma* are often associated with extraordinary features of the landscape, which the *Tertön* is led to through visions and dreams.

Once a *Terma* is located, there is a complex set of 'rules' that accompany its extraction: local deities have to be acknowledged, specific rites have to be performed etc. It is very common that when the proper preparation hasn't occurred the *Tertön* can be harmed in the process or the *Terma* can even be lost or damaged. By no means is the task of 'treasure hunting' without its pitfalls.

The content of *Terma* can range from secular to religious and philosophical themes. For example, they can discuss architecture, provide meditation instruction, describe rituals, or deliver prophecy. Many of the mask dances of Bhutan's tsechus are from or about *Terma* and *Tertön*. In fact, the Raksha Mangcham, (developed by the 4th century *Tertön*, Karma Lingpa) arguably one of the most sacred dances in Bhutan, is based on the Bardo Thötröl (itself a *Terma* text discovered by Karma Lingpa). This dance highlights the need to respect the environment by counting among the sins of Nyalbum his role in killing animals in the jungle, taking many fish from the river, setting the forests on fire and polluting the river.[62] Bunting & Wangchuk (1993) point out that the mask dances and dramas have an ecological nature by reinforcing the cyclical and interconnected nature of existence.[63]

Thus the *Terma* tradition brings reverence for the natural world. Not just in associating the landscape with hidden scripture, but in delivering teachings that reinforce the need to live in harmony with one's environment. As a result of the *Terma* tradition in Bhutan, 'the entire landscape bears marks and memories; the *Terma* could also be seen more generally as specific manifestations of the living landscape itself, of the forces available to those whose attitude to their environment is one of constant mindfulness and deep reverence.'[64] There is no doubt that this unique tradition fosters both compassion and mindfulness towards nature. Sigmund Saetreng, an environmental philosopher observes that, 'The *Terma* tradition stresses this: the 'treasures' in rocks, hills, lakes and streams – or the minds of persons meditating in nature – imbue nature with value.[65] Just as Pemalingpa, an unlearned man, is a reminder to all of us that Buddha nature resides in the most ordinary people, so too the *Terma* tradition illustrates that even common-place rocks, lakes, and trees can contain the highest spiritual truths. Indeed the Bhutanese landscape comes alive through the *Terma* and their beloved revealers.

This tradition and its relationship to the 'living landscape' is revealed most comprehensively through a four-quadrant analysis (see Figure 5).[66] The Upper Right quadrant

underscores that ecological sound behavior is encouraged by the tradition both explicitly and implicitly. The Lower Right quadrant emphasizes that *Terma* have often been found in nature and sociological factors are and can be used to help preserve these areas. The Lower Left exposes the importance this tradition has played in cultivating the harmonious relationship Bhutanese culture has with its natural environment. Likewise, the Upper Left calls attention to how the *Terma* tradition nurtures an ecological consciousness within individuals. Clearly, much more can be said. Nevertheless, we begin to see how using the framework associated with Integral Ecology can highlight the relationships between nature, culture, and spirituality within one of the most distinctive features of Bhutan: *Terma* and their *Tertön*.

Figure 5. Four-Quadrant Analysis of Ecological Dimension of the *Terma* Tradition

Interior-Individual	Exterior-Individual
Psychological Respect for the natural world **Spiritual** Compassion and Wisdom serving the environment. The natural world as sacred (abode of scripture).	**Behavioral** Human activity is guided by the messages of revealed *Terma*. The existence of undiscovered *Terma* encourages ecologically sensitive behavior.
Cultural Tsechu dances as ecological messages (explicit and implicit) Historical sites and surrounding areas are considered sacred **Religious** *Tertön* are eco-friendly role models *Terma* promote the environment	**Ecological** *Terma* are usually found in the natural world **Sociological** Historical sites and surrounding areas could be protected. Cultural Eco-Tours could also promote and protect these areas.
Interior-Collective	Exterior-Collective

As a way of showing how looking at the *Terma* tradition from the four-quadrants can help The Middle Path, we can explore the example of cultural tourism. After all, tourism is one of the largest sources of revenue for the country and has the potential for the most impact on the culture and its environment. Most tourists come to Bhutan, not to go trekking but to participate in cultural tours.[67] Since much of Bhutan's culture is infused with the *Terma* tradition (e.g., its

leading religious figures, the historical sites where *Terma* were revealed, many of the mask-dances) more effort could be placed in developing tour packages that educate tourists on the *Terma* tradition. At the same time, historical sites of *Terma* and *Tertön*s could be designated as protected areas, restricting the number of tourists who visit them and determining which sites are off-limits to tourists. Given that many tourists are already visiting many of these sites, it seems advisable to put in place policies that protect these sacred areas from foreign impact. In short, a number of policies and regulations could be put in place that guard the history of local communities while at the same time educating more foreigners about this fascinating tradition. The National Commission for Cultural Affairs (NCCA) would be an ideal organization to be consulted in this designation of eco-cultural spiritual sites.[68]

Interestingly, Phuntsho (2001) in his discussion of the value of cultural, religious, historical, and archaeological sites, presents three categories of value: emotional (i.e., 'Wonder, identity, continuity, spiritual, affinity, inspiration.'); cultural (i.e., 'Documentary, historic, archeological, aesthetic, architectural, landscape and ecological, scientific and technological.'); and use (i.e., 'Functional, economic, social, political.').[69] Once again we have the three spheres of objective, intersubjective, and subjective being recognized as essential components of an integrated whole.

Approaching the *Terma* tradition and cultural tourism from an Integral Ecology perspective facilitates Gross National Happiness in a number of ways. First, it can promote 'happiness' by protecting areas valued by Bhutanese for their religious significance, for generations to come. Second, by regulating when tourists can visit *Terma* sites and which ones they can go to etc. you help minimize the impact foreigners have on local 'happiness.' Third, by highlighting how their valued tradition of *Terma* has helped create their pristine environment, Bhutanese can be filled with pride over their accomplishment, internalizing a sense of ownership over respecting nature.

Conclusion

The goal of this article has been to further substantiate Bhutan's unique approach to development, which includes the appealing concepts of Gross National Happiness and The Middle Path, by drawing on the integral theory developed by Ken Wilber. I divided this task into two parts. In Part I, I began by looking at a variety of alternative index systems used in lieu of the Gross National Product. It became obvious that even these expanded formulas of a nations 'development' status remained tied to a framework only concerned with quantifiable information. Any other type of information was considered to be 'un-measurable.' At this point I introduced Bhutan's idea of Gross National Happiness, which quickly raised the issue of how do we go about measuring an interior state like 'happiness?' Consequently, drawing on my knowledge of Wilber's model, I proposed a three sphere approach to measuring Gross National Happiness using both quantitative and qualitative methodologies. I discussed the importance of issuing a *GNH Report* that included information on objective, intersubjective, and subjective dimensions of our human situation. Throughout our journey in this article we have seen that over a half-dozen independent thinkers have all identified the importance of honoring all three spheres of truth. Then I formally introduced Wilber's model, albeit a very brief introduction to a very complex and comprehensive model. In order to show the relevance of Wilber's model to development, in particular Bhutan's notion of GNH, I provided an analysis of UNICEF's development programs as provided by iSchaik Development Associates. Their four-quadrant analysis demonstrates that UNICEF's approach to development over the last 40 years has largely ignored the interiority of both individuals and communities. In short, iSDA shows how UNICEF has, in spite of its best intentions, ignored 'happiness' in its approach to development.

In Part II I turned my attention to The Middle Path, Bhutan's developmental strategy to obtain Gross National Happiness. After introducing this concept I demonstrated how it is an expression of Integral Ecology, an approach to environmental issues based on Wilber's model. This wasn't surprising given how compatible the concept of Gross National Happiness is

with Wilber's model. Once Integral Ecology had been elaborated through an example unrelated to Bhutan, I provided three brief case studies from Bhutan. Each case study represented a unique part of Bhutan where the three spheres (ecology, culture, and spirituality) came together in a complex meshwork. Each case study was more closely affiliated with one of the spheres. For example, Black Necked cranes are usually understood from an ecological perspective, nature spirits are generally discussed from a cultural perspective (not to mention the intersubjective relationships between people and the deities), and the *Terma* tradition is generally seen as spiritual. By choosing case studies from each sphere I wanted to demonstrate how a four-quadrant analysis works equally well for any of them. In each case study I introduced the subject, then I provided a four-quadrant analysis (accompanied by a chart) followed by a relevant example (i.e., environmental education, policy formulation, and cultural tourism) connecting the analysis to some general pragmatic steps The Middle Path could take in promoting 'happiness' across the country.

Each case study was intended to familiarize the reader with the potential of using Integral Ecology, in particular Wilber's model, to guide The Middle Path towards Gross National Happiness. Consequently, none of the case studies provides an exhaustive analysis of any quadrant. Nevertheless, I think what is left unsaid or remains implicit serves as a call for the Royal Government of Bhutan, and Bhutan in general, to show the world it is serious when it proclaims that Gross National Happiness is more important than Gross National Product. I propose the RGoB does this in two ways. One, it begins issuing a *GNH Report* every five years based on the kind of format outline above. Two, it begins to use a framework like Wilber's quadrants to help guide specific Middle Path projects that honor the three spheres as represented by ecology, culture, and spirituality.

Integral development requires an understanding of not only the exteriors of individual behaviors or systemic dynamics (e.g., ecology, economics, politics) but also an understanding of the interiors of individuals and their cultures. It also

places a premium of individual human development be it psychological or spiritual. For as Integral Ecology emphasizes it is only when we nurture and develop the capacities for us to take on the role of others, do we have compassion for them. This kind of compassion is desperately needed in our world, which is torn apart by ideological, cultural, racial, class, and gender differences. This is yet another reason why Wilber's model and Bhutan's Buddhist disposition are simpatico: they both value the spiritual cultivation of wisdom and compassion.

Thus, an integral approach to development will be one that strives to honor both exterior and interior dimensions of individuals, communities, and cultures. Much work remains to be done to flesh out what advantages and pitfalls await an integral approach to development. However, the door has been opened and a number of individuals, communities, organizations, and countries are walking through that door with integrity and an openness to the complexity of the human situation. It remains to be seen if Bhutan will live up to its approach to integral development, characterized by The Middle Path and Gross National Happiness. If any nation can pave the way and serve as a beacon for the global community, placing 'happiness' back on top – I think it *is* Bhutan. Nevertheless, to prevent us from getting too stuck on the idea of 'development,' it is important to recall Lao Tzu's words, which echoes Bhutan's own Dzogchen perspective, and are also part of an integral approach to development:

Do you want to improve the world?
I don't think it can be done.
The world is sacred.
It can't be improved.
If you tamper with it, you'll ruin it.
If you treat it like an object, you'll lose it.

From *Tao Te Ching, C*hapter 29

Notes

[1] Kinga et al (1999, p. 17).

[2] For an insightful discussion of the use of the historical use of the term 'development' and its contrast with the idea of 'underdevelopment' consult Esteva (1997).

[3] For example, Shiva (1989) cites a collective document by women activists, organizers and researchers, which stated at the end of the UN Decade for Women that: 'The almost uniform conclusion of the Decade's research is that with a few exceptions, women's relative access to economic resources, incomes and employment has worsened, their burden of work has increased, and their relative and even absolute health, nutritional and educational status has declined' (p. 3).

[4] Morin (1999) provides a great illustration (p. 18) of the globalization of our lives by describing the typical day of a European man and then contrasting it with a typical day of an African woman. Also, Morin (1999) has a strong critique of the idea of development and sets up a framework that honors what, in this paper, is referred to as 'interiority.'

[5] Also referred to as the Gross Domestic Product.

[6] In addition to the alternative indicators of progress, there are a number of thinkers who have remained within the field of economics but have situated it in a larger ecological context. See John B. Cobb, Jr.'s (1990, 1993) postmodern theory of economics; Paul Hawken's (et al) (1993, 1999) formulation of sustainable economics; and Michael Jacobs (1991) discussion of limits of neoliberalism in relation to the environment and social justice.

[7] One of the more noteworthy alternatives is the Genuine Progress Indicator (GPI). Also, noteworthy is the Environmental Sustainability Index established at Yale by Dan Esty and colleagues. In addition, consult Spretnak (1999, p. 98) for a listing and discussion of other examples of alternative indicators.

[8] Not surprising, given their emphasis on interiority, many Buddhist communities and countries have expressed the need to approach development from a more integral perspective. See the articles in section three of *Dharma Rain*: Kaza & Kraft (2000, pp. 161-236) and the work done by Helena Norberg-Hodge (1991; 1994) in Ladakh to preserve 'interiority' in the face of the heavy pressures of modernization. Also for a general exploration of Buddhism and ecology, with developmental cases studies of Japan and Thailand see Tucker & Williams (1997).

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[9] For a discussion on more recent set backs the movement has faced see Jones (1989, pp. 246-254). Jones (1989, pp. 227-282) also discusses development in a number of Buddhist countries including Thailand, Vietnam, and Japan. This book is essential reading for any attempt to further develop a Buddhist approach to GNH.

[10] Ura (1997) for a discussion of GNH's relationship to tradition and development.

[11] This speech can also be found in Kinga et al (1999, pp. 12-23).

[12] Also of interest is the Dutch published *Journal of Happiness*.

[13] For an enlivening look at various perspectives on GNH see Kinga et al (1999).

[14] For an additional framework proposed for measuring GNH see Namgyal (2001, p. 81).

[15] For example in the West, Plato's the True, Good, and Beautiful; and Kant's three critiques (i.e., of reason, judgment, and aesthetics) both represent these three spheres. Also see Habermas (1984, 1987a, 1987b) for an extended historical discussion of these three spheres, their unique validity claims and forms of rationality (i.e., instrumental-technical [objective], moral pragmatic [intersubjective], and aesthetic-expressive [subjective]). Regarding this division of value spheres in the East, Wilber (1995, 1997) points, as an example, to the Triple Gem of Buddhism: where Dharma (*chös*) represents the objective realm, Sangha (*dge 'dun*)represents the intersubjective realm, and Buddha (*sangs rgyas*) represents the perfected subjective realm. Wilber (1995, 1997) also points out that this triadic structure is also represented in the Buddhist esoteric realm by the Three Kayas: Nirmanakaya (*sprul sku*) represents the manifest [objective] realm, Sambhogakaya (*longs sku*) represents the intersubjective realm of Tantric deities, and Dharmakaya (*chos sku*) represents the final realization on the spiritual [subjective] path. Obviously it is an injustice to reduce either the Three Kayas or the Triple Gem to the three value spheres, but my point is simply that both the Three Kayas and the Triple Gem can be seen as spiritual manifestations of the objective, intersubjective, and subjective realms. By pointing out these important connections the proposed triadic structure of Bhutan's approach to measuring *Gross National Happiness* by honoring the three value spheres becomes even more appropriate to this Buddhist Nation.

[16] See Sharrock (1999) for a discussion of the relationship between environmental economics and GNH.

[17] Current approaches maintain Modernity's colonization of the intersubjective and subjective realms of truth through the objective realm.

[18] Philosophical hermeneutics represents a broader field of scholarship than the more commonly known field of hermeneutics used for interpretation of religious scriptures. See Grodin (1994; 1995). Also, See Buren (1995) for an exploration of 'environmental hermeneutics.'

[19] See Butters' two chapters in Tshewang et al (1995), which discuss the issue of 'truth' in the Buddhist tradition.

[20] There is a growing field of 'environmental phenomenology,' drawing on such figures as Merleau-Ponty and Goethe. See Abrams (1996), Seamon (1993), Seamon & Zajonc (1998), Keller & Freeman (1993), and Bortoft (1996).

[21] For a relevant discussion exploring the connection between phenomenology and Buddhism in Bhutan see Kowalewski (1993).

[22] The very fact that Wilber is a Dzogchen practitioner already brings his model, which emerged in part out of his practice, into relationship with GNH, which emerged out of culture also informed by the Dzogchen tradition.

[23] See *The Collected Works Volumes 1-8*; Wilber (1999-2000).

[24] For another example and an extended analysis of the necessity of incorporating interiority into a developmental approach see Beck & Linscott (1991), who used an understanding of levels of consciousness to make important progress by overcoming a deadlock within South Africa's apartheid. For individuals who are applying Wilber's four-quadrant model to development see Eddy (2001) who focus on environmental issues and Silos (forthcoming) who focus on politics in 'third-world' nations.

[25] Wilber (2001) discusses this, as does Schaik (n.d.)

[26] For a detailed listing of information about iSDA see their website: http://www.vanschaik.demon.co.uk/

[27] For a discussion of individual waves of consciousness see Wilber (1996) and Beck & Cowan (1996). For a discussion of collective waves of development see Wilber (1986) and Gebser (1985).

[28] Though there is a different emphasis within each of these modes of consciousness, as described by their respective authors, a close examination of their descriptions reveals that they are speaking about the same wave of consciousness, namely the ability to hold contradiction and work with systems of systems. This is also the wave of consciousness where a worldcentric perspective emerges, which facilities both multicultural and ecological awareness.

[29] See chapter 5 in Wilber (2001).

[30] Ibid.

[31] For a more extensive discussion of the Basic Moral Intuition consult Wilber (1995, p. 613-14, 624-25, and 734-739).

[32] Once the entire sphere of people are included in one's concept of self, then rights are extended to all sentient beings, non-living aspects of nature, and to entire ecological processes - as a person's concept of self enlarges to include those aspects of nature. In other words, the BMI and PD serve an environmental ethic as well as a humanitarian position.

[33] For a more extensive discussion of the Prime Directive consult Wilber (2001).

[34] For example, a person does not have to believe (interiority) in a policy of 'no stealing' but they cannot just take (exteriority) things they want without buying them or asking for them. The Constitution of the United States is an example of a document from one wave of consciousness (rational), ensuring the existence of other waves of consciousness (fundamental, authoritarian, enterprising etc.) by regulating behavior (exterior) through laws, but not thoughts (interiority).

[35] National Environment Commission (1998, p. 21).

[36] Planning Commission (1999, p. 21).

[37] For additional explorations of how Bhutan is incorporating the environment into its development see Karan (1990) and Tshering (1999).

[38] See WWF International & Terralingua (2000).

[39] Also see Wangchuck's (2000) use of the concept 'landscape ecology' to explore the recursive relationship between Bhutan's culture and environment.

[40] Bhutan 2020 p. 59.

[41] One of the branches of the Integral Institute (in Boulder, Colorado, USA) is Integral Ecology, which consists of a variety of leaders from numerous fields (e.g., philosophy, activism, economics, law) who are working together to further develop an environmental philosophy of action.

[42] This section is adapted from the Integral Ecology mission statement prepared by Michael Zimmerman (an environmental philosopher), Gus diZerega (a political scientist), Chris Desser (an environmental lawyer), Darcy Riddell (an environmental activist) and myself.

[43] For another version of the four-quadrants, which highlights similar categories (i.e., social, economic, political, moral, cultural,

and spiritual) in relation to a Buddhist approach to development, see Macy (1983, p. 35). Also of interest are the charts on the Four Noble Truths in the context of community development (ibid, p. 34). In fact, all of the diagrams (Macy, 1983, pp. 34-35) are further elaborations of what an integral approach consists of.

[44] For more information on the components of an integral approach to environmental education see Orr (1994).

[45] My concern here isn't about the objective reality of these beings – though I do think they exist, but not in the sensory-motor world of objectivity. Rather, what I want to highlight here is the intersubjective reality of them, their lived reality in the felt-experience and shared meaning of Bhutan's culture. Due to lack of space I will not be exploring the interesting and important discrepancy between this intersubjective reality as it manifests in the magic and psychic worldview (as described by Wilber, 1986; 1995; 1997; 2000). Instead I will just talk about the general reality of nature spirits in the intersubjective realm.

[46] For another exploration that discusses deities in Bhutan see Schicklgruber (1997). In addition, Elizabeth Allison (2001), a Yale researcher is exploring the intersection of Buddhism and environmental consciousness in Bhutan. Her findings (gathered through 92 structured interviews conducted over a three-month period) highlight the importance of nature deities for Bhutan's environmental ethic. For explorations of nature deities in Tibet see Wojkowitz (1959; 1993); in Nepal see Mumford (1989) and Ortner (1989); and in Thailand see Tambiah (1970).

[47] See in particular Ura (2001a; 2000b).

[48] The information contained in this section is drawn largely from Ura (2000b).

[49] Allison (2001, p. 24).

[50] In particular see Ura (2001, pp. 25-31)

[51] For a closer look at how these kinds of beliefs and practices have manifested in a particular community, see the discussion of the Lhop in Dorji. J (2001, esp. pp. 284-291, 306-310). Also, Ura (2001a, December 8th, p. 6) highlights how in addition to regulating human interactions with the environment, some of the practices associated with appeasing the nature spirits could have increased the genetic diversity of poultry and livestock.

[52] Allison (2001) provides many examples that also support this position.

[53] Personal communication (January 3, 2002).

[54] Ura (2001, p. 33).

55 Ura (2001, p. 35).

56 While proponents of the theory of island biogeography, such as E. O. Wilson, raise important points concerning the establishment of isolated nature parks, Ricklefs (1993) notes, 'faced with choosing between a single large area of uniform habitat and several smaller areas each in a different habitat, planners should remember that the smaller areas will often contain a greater total number of species among them because of endemic species found in one habitat but not the other, ' (p. 509).

57 See Padma Tshewang et al's (1995) excellent 'The Treasure Revealer of Bhutan,' the introduction (pp. 1-20) of which serves as the basis for this section.

58 See Karmay (2000) for an excellent article on the third 'Sovereign' *Tertön* (Dorje Lingpa) and his travels in Bhutan.

59 Tshewang et al (1995, p. 12).

60 Tshewang et al (1995, p. 3).

61 As discussed above in Part I, there are three realms of truth, each with its own logic and coherence. The kind of truth involved with *Terma* is largely a combination of intersubjective truth (e.g., how the religious community interprets and assigns meaning to the *Terma*) and subjective truth (e.g., the spiritual states that the Terton enters to retrieve and decipher the *Terma*). Chris Butters provides a detailed look at these issues in the introduction ('The Validity of the *Terma*' and 'The Issue of Proof in Buddhism') and in his chapter: '*Terma* and its Critics,' both of which appear in Tshewang et al (1995, pp. 14 –20 and 125-138 respectively).

62 Dorji, S. (2001, p. 25).

63 This point is also noted by Saetreng in Tshewang et al (1995, p.148).

64 Tshewang et al (1995, p. 13).

65 For a detailed examination of the *Terma* tradition and its relationship to environmental consciousness ('eco-tantrism') see Saetreng's chapter: 'Mother Earth's Treasures and their Revealers: An Ecophilosophical Perspective' in Tshewang et al (1995, pp. 139-158). In this chapter, Saetreng proposes a 'model of eco-philosophical implications of the Tantra/*Terma* tradition.' (ibid, p. 147).

66 Saetreng refers to the landscape as a 'doubly living landscape' whereby the ecosystem is seen 'as a Tantric materio-spiritual web of life' (Tshewang et al, 1995, p. 142).

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[67] Also see Dorji, T. (2001) for a discussion of tourism in Bhutan, though he focus more on eco-tourism, opposed to cultural tourism, his article raises many issues relevant to the latter.
[68] See Dorji, S. (1999) and Namgyel (1998).
[69] Phuntsho (2001, p. 2).

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LEGAL STATUS OF THE INTERNET: ARE THERE LESSONS TO BE LEARNT FROM DOMAIN NAMES AND TRADE MARKS DISPUTES?[*]

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Introduction

Until June 2, 1999, Internet was not available in Bhutan. Since then, there has been a significant move towards providing training and information on this new technology. Currently, the number of users is restricted by limited access to computers. However, under a current programme of training schemes backed by the Royal Government in collaboration with the UNDP, Internet training is provided in schools within Thimphu. The programme is being extended across the country. In early June 2001, the first Internet café was officially opened with UNDP support in Jakar, Bumthang. As access and understanding of the Internet increase, it will play an important role in the national economy, as well as in the education of Bhutanese people.

Internet and Television were introduced to commemorate the 25th year of enthronement of His Majesty the King, Jigme

Singye Wangchuck, only one year after His Majesty devolved full executive power to an elected cabinet ministers for a term of 5 years.[1] It is against this background that the Internet, as well as other forms of media, were introduced.

There were no legislations addressing issues raised by the Internet. Most of the Intellectual property laws are new and passed just recently.[2] The system of Bhutanese law has always been historically retroactive responding only to the emerging situation or when a demand for new legislation arises to counter changing circumstances within the society.[3] Given the country's rapid pace of development, the institutional capacity or the legal instruments that are necessary to deal had to be proactive to accommodate changes and modernization.

The recently created Division of Information Technology (DIT) under the Ministry of Communications reflects such changes and institutional reforms.[4] The DIT is responsible for the effective application of Information Technology (IT) to harness the perceived benefits that could be derived from the usage of IT revolution in Bhutan. In their ambitious Information and Communication Technology (ICT) master plan, their mission is to embark upon the road of Information Technology with the vision that Bhutan should become one of the world-class user and provider of IT.[5] They argue that the small and relatively well educated population, widespread knowledge of English language, excellent telecommunications network with added advantage of reliable hydro-power generated electrification system and the existence of dedicated governmental support have created a conducive environment for the success of IT within a short span of time. Through IT, Bhutan can overcome and mitigate the long-standing communication problems caused by inaccessible mountainous terrain. IT is expected to bridge information gap and usher improved living conditions of the people.[6]

While the DIT has also been mandated to come up with IT legislation to be enacted by 2002, Bhutan has been able, as a

latecomer, to learn from the experiences of other developing, as well as developed countries. Internet is a global form of communication. The technical feature, its worldwide extension and unlimited accessibility makes the application and enforcement of existing rules difficult or even impossible to regulate the Internet. New Internet laws may not provide an effective solution either. Therefore, as experienced elsewhere in the world, Bhutan may not be able to effectively regulate Internet related disputes in the most efficient ways but we can definitely learn a lesson from others.

In this paper, the author proposes to discuss the nature of the problem and prospects concerning trademarks and domain names disputes and to consider the existing dispute resolution mechanisms available. This paper is divided into three parts. The first part explains the over all situations in Bhutan concerning the introduction of Internet. It provides the basic concepts of trademark and domain name and focus on the issues that are of concern to the author such as the existence of possible conflicts and problems and specifically the arguments as to why there are disputes between trademarks and domain names. The second part explores and deals with the current situations concerning the dichotomy between trademark and domain name registration system. The third and the final part will be dealing with questions such as how the trademark and domain name disputes could be solved. This part is therefore, sub-divided into two sections such that the first will focus on providing effective remedies in solving the conflict between trademarks and domain names disputes through the careful use of registration system in Bhutan. The second and final part will concentrate on the practice of 'out of court settlement' under the laws of Bhutan.

What is in a 'Domain name'?
Before providing an overview of disputes associated with the domain name and trademark registration system, it is important to understand their concept and definition. A Domain name is basically a database function that works like

telephone directory and number assigned to it. In simple term, it is like an address that guarantees an access to the Internet and guide to a specific location. Every computer that wants to receive and send data on the Internet must have its own identification number, the domain name.[7]

From a purely technological viewpoint, domain names simply identify the host system on the Internet and form part of web site addresses (known as URLs – Uniform/Universal Resource Locators), for example www.Tashitours.com, and they are often used in advertising to point people to information about an organization. Therefore, when an Internet user types in a domain name such as www.Bhutanstudies.com that domain name is translated into the Internet Protocol number, which can be in a numerical form.[8] To remember lengthy Internet protocol ('IP') addresses is difficult and the domain name approach makes easier access to content on the web. Moreover, in addition to their identification role, domain names have developed secondary characteristics that are very similar to their registered or unregistered trademarks, as they have emerged as critical component of on-line marketing.

There are two types of top-level domain names. They are generic and country code. The generic domain names are created for use by the Internet public as a whole, while country code domains are to be used by each individual country. Therefore, domains such as *.com*, (commerce) *.org*, (organisation) *.net*, (networks) *.mil*, (military) *.edu*, (the educational Institutes) etc. are referred as Top Level Domains. [9] Recently, the ICANN has proposed and has introduced[10] seven new TLDs: *.pro* (for accountants, lawyers and doctors), *.info* (for anyone), *.biz* (for business), *.name* (for individuals), *.museum* (for museums), *.coop* (for co-operatives) and *.aero* (for the aerospace industry).[11] On the other hand, Country Code Top Level Domain (ccTLDs), for example are *.us,* (United States) *.uk,* (United Kingdom) *.jp*, (Japan) *.bt,* (Bhutan), etc.

From our example of www.bhutanstudies.com, '*.com*' is the gTLD and the 'bhutanstudies' is the 'Second Level' domains

encompass within the gTLD. Some may have even 'Third Level' Domains, especially in case of domain names that are registered under ccTLD, for instance www.druknet.net.bt. The '*.net, .com, .ac, or .org*' etc that are encompassed in case of ccTLD are also known as sub-level domain to represent entities and also to specify more precisely the sphere of the domain name. But one should not misunderstand that '*.net, .com, .org,* etc and *.bt*' are all TLD. In case of Bhutan, it is the 3rd level domain name that is allotted through the registration system.[12] Therefore, the second level domain name in case of generic and third level domain name in case of country code identifies the Internet web site operator, owner and the registrant. Because the second level domain names contain the alphanumeric identifier, they give rise to most legal problems. Such legal issues will be discussed in details in the later part of this essay with particular reference to the allocation of 'IP' and its registration of domain names under the assigned *.bt*, the ccTLD for Bhutan.[13]

Principally, domain names were intended to perform only the technical function of facilitating connectivity between computers through the Internet. Since they are easy to remember and even guess, domain names are now routinely used as an advertising means of indicating the presence of companies or business enterprises on the Internet.[14] For example, if an Internet user wants to seek some information about Microsoft and is not sure about the web site, one may easily guess and type www.microsoft.com, it may as well work. Therefore, most often than in a few cases the domain names are related to registered or unregistered trademark of a business or its product or their activities. This dichotomy of conflict between trademark and domain name and the question as to why there are disputes between them will also be dealt under the subsequent section of this paper.

What is a 'Trade Mark'?
A trademark is anything that is a distinctive name, symbol, word, or device that is used in commerce to designate the origin or nature of goods that is used for the purpose of

distinguishing the goods of another. This is essentially same in case for the service marks but they are used in designating the source, or origin or otherwise the sponsorship of services.

Trademark is one of the Intellectual Properties. Under the trademark law of Bhutan, it is defined as 'any visible sign capable of distinguishing the goods ('trademark') or services ('service mark') of an enterprise'.[15] Therefore, the law in Bhutan equally protects the trademark and the service mark. In order to get the protection of a trademark, a mark has to be capable of distinguishing the goods and services. Nor may a mark mislead the public or trade circle, or be identical or imitative, nor may it be confusingly similar.[16]

Generally speaking, a mark can be registered as a trademark so long as it is distinct from other marks used in commerce. A trademark or service mark also includes the marks that are distinctive words, pictures/symbols or combination of both. Trademarks can exist in both registered and unregistered form and, in addition, even where a registered trademark exists, it is possible for third parties to have concurrent rights with the registered proprietor in cases where the third party had been using the mark in question prior to its registration. However, a registered trademark does not give absolute right provided that the competition is fair on part of the competing trader.[17] Competing trader may not be prohibited from entering the same market with the same goods and services provided that such trader refrain from using identical or similar trade mark or cause some dilution or confusion to an existing registered trade mark.[18] Trade Mark law is territorial. There is nothing to prevent a trader from marketing the same goods or services in a country of different jurisdiction.[19]

How Does the Infringement of Registered Trademark Occur?

The infringement of a registered trademark occurs in different ways. The most common infringements of such registered trademarks occurs firstly where a person uses a sign or mark in the course of trade which is identical with the trademark in

relation to goods or services that are identical with those for which it is registered. Secondly, the infringement of a registered trademark occurs in the cases where a person uses, in the course of trade, a sign or mark where:

(a) It is identical with the trademark and is used in relation to goods or services similar to those for which the trade mark is registered; or

(b) It is similar to the trademark and is used in relation to goods or services identical with or similar to those for which the trademark is registered.

And thirdly, the infringement of registered trademark occurs where a person in the course of trade uses a sign or mark which creates or likely to create confusion on the part of the public that are associated with the trademark.[20]

Infringement of a registered trademark is actionable by the proprietor of the trademark on proof of infringement. Amongst others, the proprietor is entitled to seek remedies including; damages, an account for profits, injunctive relief, destruction or forfeiture of infringing goods, and delivery up of materials or articles.

Why Are There Conflicts Between Domain Names and Trademarks?
Conflicts between domain name and trademark arise for a number of reasons:

a) Domain names are often the registered or unregistered trademark. Web site operators often use or desire to use a second level domain name be it registered trademark or not and that refers to their line of business entity.[21] 'Using a company's name or trademark as a domain name is the easiest way to locate that company's web site'[22]

b) No two-domain names can be identical or same. For example there can be only one Internet address like

www.bhutanstudies.com, and www.rim.edu.bt. This means that the domain name system creates perpetual and exclusive monopolies in cyberspace. Genuine holder of the trademarks registration may be deprived of using their age-old trademark as their domain name. On the other hand, domain names as more specifically defined are addresses over networks of computers. Some IT lawyers argue that they are similar to street names to locate certain buildings or particular place or residence.[23] Indeed, domain names are simply address wherein the complexity of the Internet networking protocols needs separation and identity from the user. In the digital environment or in the cyberspace no two computers can have same domain names unlike the ground realities of trademarks. This invariably results in justifying the need to have a domain name linked with trademarks that have established reputation.[24] Moreover, the technical limitation of characters of the domain name to twenty-four letters has made it difficult to coin a new and distinctive name other than to use their own trademark.[25]

c) The registrations of domain names are done on the first-come first-served basis. This may deprive the lawful owner of trademarks to use their trade or service name when they decide to go on line. Some one would have already registered and can claim priority. This issue will be discussed in detail under the section on the current analysis of domain name registration system in Bhutan.

d) The registration of domain names and that of trademarks are managed by different registry system. In case of Bhutan the registration of trademark is done at Registrar's office of the Ministry of Trade and Industry and the domain names registration and the allocation of the 'IP' addresses are maintained with the registry of Bhutan Network Information Centre (BTNIC) under the aegis of the Ministry of Communications. Currently, there is no proper mechanism to cross check between these two registry systems. In most cases, the registrant submits

the application for domain name registration based on information submitted through forms. Therefore, the information, which is submitted through such filing of forms, is based on declaration made by the applicant and the Registry does not cross check whether such declarations are genuine.

e) E-commerce[26] is gaining prominence through on-line advertisement, contracting, and e-mail service using the trade name or service name as prominent domain names on the net. Even though goods and services are not directly available through Internet, the overt increasing trend of such on-line shopping, e-commerce or e-business has become an undisputed advantage in today's on-line world. Therefore, the domain names disputants often relate their claim of domain name linked with trademarks.[27] Many companies and business enterprises have also recognised the economic value of on-line business through acquiring the appreciation of unique, distinguishable, of repute, easy, common and memorable domain names.[28] A unique and commonly known domain name further enhances the ability to capture the market and popularity on the net. The distinctive mark as domain names and the goodwill associated with it have an advantage and reputation established over new and uncommon marks of business in the market. Thus, the trademark owners have lots of concern and their right to usage of their mark as domain name on the on-line world.[29]

f) Trademark laws are national or at the most regional and do not grant universal protection. Waelde points out that dispute between trademark and domain name exists because the application of law and jurisdiction are different in each case. Trademark law is territorial in its application whereas the Internet is global. The infringement of a trademark may therefore, occur only within the territorial jurisdiction or national boundaries and such infringement may be very visible because of its

territorial nature. However, in the case of a domain name, the Internet has unlimited access.

g) As pointed out elsewhere in this paper, disputes between trademarks and domain names are more likely to arise because a domain name usually points not only to the location of the site in the Internet, but it also identifies the source of information.[30] In this sense, the importance of domain name can resemble that of a trademark that identify the origin and perhaps intrusively, the quality of goods that are traded in the e-business[31]. Temptation to consider domains as mutant trademarks has unfortunately resulted in creating interesting legal dilemmas. The preservation of the goodwill of a trademark is central to the protection of the property right vested to the trademark owner. For this concern, the expansion of trademark law is *sine quo non* to ensure that the trademark rights are not usurped in the 'virtual world.'[32] But the issues and dichotomy between the two remains much unsolved. Trademark laws are designed to tackle real world situations and the application of its provisions has become difficult when applied to the Internet scenario.

Moreover, trademark law finds infringement when the competitor's names are identical, confusingly similar or imitating. Under trademark disputes the term confusingly similar' is very difficult to distinguish with that of the competitor's mark and the protection accorded to trademarks is of much broader application than that of the specific string of character that may attach in the trademark registration itself. However, domain names are limited to a specific string. Registration for domain name 'bhutanstudies.com' does not prevent someone else from registering 'bhutan-studies.com', 'bhutanstudies.com.bt', bhutanstudies.org, or bhutanstudies.gov'. As a matter fact the author argues that either of the last two TLD could have been much appropriate for the Centre for Bhutan Studies than using '.*com*' because the Centre of Bhutan

Studies is not a commercial profit making organisation but an autonomous organisation or the agency of the Royal Government. I will not discuss here the possible reasons as to why they have registered firstly under the gTLD of '.*com*' and in the second case the reasons behind of not having registered with the Bhutan Network Information Centre (BTNIC) under the ccTLD '.*bt.*'

In these circumstances, many questions arise. Should the tentacles of trademark law be extended to domain names to protect or shove aside such confusingly similar names on the cyberspace? Can the trademark law, which is meant to solve the real world situation, be extended to the virtual world situation? Should domain names be at all allowed to fall within the scope of the trademark law? Should we adopt a distinctive mark in the cyberspace such as 'cybermark' as some would suggest?[33] Does the registration of trademark confer automatic rights to domain name? And what are the best judicial or extra judicial remedies one can provide for effective dispute resolution between trademarks and domain names? All these questions merit separate discussion.

Domain Name: A Current Analysis in Bhutan
The concept of domain names or for that matter, even Internet is new phenomenon in Bhutan even though computers have been used in various government and private sector since 1980's[34]. Since then, the usage of computers amongst the government ministries and department, educational institute, tourism industry, and other private sectors has drastically increased over the years[35].

While both the government and private sectors alike have equally realised the benefits of Internet, for most, the concept of Domain name and its legal significance over the web remains unexplained. However, at present where 79% of the population is farmers and computer illiterate, the Internet as a mode of communication has limited utility and IT will take time to bridge the existing 'digital divide'. At the same time, concerns over unexpected legal dilemmas and issues involved

in regulating Internet and domain name disputes in relation to trademark cannot be ignored.

It may be noted that till date there has not been even a single case concerning the Intellectual Property Rights disputes raised in the Bhutanese Courts.[36] However, this may soon change. As Bhutanese interacts and find the Internet as dominating medium and as a sources of valuable information, the Internet related case have potential to find ways through the Courts. One of the such possible disputes which concern is the case that relates to trademark infringement through the 'gold-rush' of domain name registration accompanied by the similar rush for the trademark registration. Currently, (till July 2001) there are about 200 numbers of registered trademarks against 2019 pending application seeking registration with the Ministry of Trade and Industry (MTI).[37] The legal dichotomy is currently propounded by the lack of rules concerning the domain name registration. The current practice of name registration on the first-come first-serve basis under the assigned TLD names for Bhutan (i.e., .bt) and the legal significance of its implication in relation to concurrent trademark registration system cannot be ignored. However, these issues will be discussed in detail later.

How does domain name get registered?
Bhutan's gateway to Internet at the moment is through 'DrukNet' the only Internet Service Provider (ISP) in the country. Bhutan Network Information Centre (BTNIC) is an agency, which is presently managed by DrukNet, established under the umbrella of Bhutan Telecom Authority (BTA). BTNIC was established in order to administer the country level Internet domain assigned to Bhutan and allocates IP address to customers. BTNIC's services include registration of 3rd level domains under .bt and the allocation of IP addresses.

While the registration of the domain through the service of BTNIC[38] is firstly to check whether there is any domain names under.*bt*. If there is, the requirements is that you need to file up and give detail information such as your Network

details giving Net name, short description of organization, e-mail address of person filing the forms, date of filing, administrative contact details and technical details etc., with a prescribed fees to get your domain name registered. As of yet, there are no clear-cut rules concerning the allocation of IP addresses, or even, the registration of domain names calling potential disputes. The terms and conditions that are to be associated in filing such registration are just being drafted.

Although, there are only about 34 Registered domain names with two pending,[39] most seems to have applied and registered on the basis of genuine requirements keeping their domain names strictly related to trademarks or service names. To date, the applications for the registration of domain names both by the government under *.gov.bt*, by private companies or enterprises under *.com.bt* or by organisations under *.org.bt* have been increasing on a daily basis. Most government departments and ministries are waiting to launch their own web site. The High Court too will soon have it's own web site with it's domain name registered with the BTNIC. However, most of the major and reputed companies or enterprises have either no domain names at all, or they simply have not bothered to register with the BTNIC. For example, a large and reputed commercial corporation like Tashi Commercial Corporation has lists of registered or unregistered product marks and service marks. Their product such as '*Drukjam*' is not only well known in Bhutan, but they have established a good reputation in our neighbouring countries like in India, Nepal, Bangladesh and even other South Eastern Asian countries notably in Thailand. However, when checking the availability of domain under the registered product mark of 'Tashi' such as www.drukjam.com.bt, it became apparent that they have not registered as yet. As from the experiences of other countries, keeping an open registration system - such that as long as there is domain name available under '*.bt*,' there could be sudden up load or the possibility of passing off and even cybersquatting in the registration system. The concept and the legal significance of

passing off and cybersquatting are discussed in the following sections.

New Trademarks Law and the 'Passing Off'

Until 1997, Bhutan had no trademark law. It was so far governed by the 1997 Industrial Property Regulation. This rule was formulated to regularise, protect and provide uniform trademark registry system in Bhutan under the patronage of the Ministry of Trade and Industry. However, with the rapid pace of the private sector development over recent years and especially with Bhutan having joined the World Intellectual Property Organisation (WIPO) from 16 March, 1994 and accession to WTO membership underway, Bhutan had to accommodate the obligations as provided under the Paris Convention in the registration of the trade mark in Bhutan.[40] This twin factors has necessitated the old rule to be replaced by the most recent Act passed by the National Assembly called the 'The Industrial Property Act, 2001.' This new Act has provisions encompassing the Patent and the Trademark law of Bhutan.

Since the trademark law is fairly new, accompanied by the lack of awareness in the value that are involved in trademark amongst the companies and business enterprises, there is currently a significant number of unregistered trademarks in Bhutan.[41] Many companies or private enterprises have a number of trademarks or services marks, which merit protection because of their established goodwill and reputation. As discussed in the earlier section, trademarks and service marks designate the source or origin of the goods and services. Trademark and service mark are primarily intended to protect the consumers from being mislead or confused as to the source of the goods or services rendered by the trademarks and the service marks owners. When the consumers trade or purchase a particular brand of commodities, trademarks and service marks allow them to expect the particular degree of quality or the satisfaction that they would have derived from using such goods or services. Therefore, trademark protects the originality of goods and

services. As argued, trademarks can be protected either by way of registered trademark or through the 'common law' practice of passing off.[42]

Passing off is a means of protecting names that are not registered under the trademark law but have gained enough reputation and goodwill. Therefore, for one to succeed in a passing off action, it must be shown that one had built up goodwill in business and that someone else had by using such a trademark benefited from that goodwill. Since the trademark law itself is new in case of Bhutan, the protection of trademark through passing off action will be most suitable solution available and relevant.[43]

Cybersquatting and the related disputes
Another similar trademark infringement but not equivalent to passing off is 'cybersquatting'.[44] Cybersquatting or domain name 'hijacking' is the act of registering a trademark or registering others domain name in bad faith with the intent to profit from such action. The factors that constitute bad faith though not exhaustive includes the registration of domain name with an intention to divert consumers from the mark owner's on-line location and an offer to sell, transfer or otherwise assign the domain name to another person.

Cybersquatting is condemned worldwide. Recently, the World Intellectual Property Right Organisation (WIPO), which mediates in intellectual property disputes, has ordered India-based cybersquatter Devinder Pal Singh Bhatia to transfer the domain names *Sapmaster.com* and *Sapwizard.com* to German multinational e-business concern, SAP AG. According to SAP India officials, the said domain names *Sapmaster.com* and *Sapwizard.com* were identical or confusingly similar to the trademarks of SAP. WIPO held that Bhatia has no rights or legitimate interest in the names and found that the domain names were registered and were being used in bad faith.[45] Similarly, a WIPO Panel has also awarded 31 of 32 domain names to the Canadian government after it has held that, the

dot-com domain names had been registered in bad faith by a Vancouver, British Columbia-based cybersquatter.[46]

In case of Bhutan, as there is no case law at the moment it is not possible to assess the true picture of the case. There could be lots of potential disputes arising from cybersquatting as the domain name registration in Bhutan, is based on the first-come, first served. From our previous example of Tashi Commercial Corporation case, it won't be surprising to find that most of their famous names would already have been taken by someone else be it on bad faith or on whatsoever basis. In other words, when Tashi decides to go on on-line, it may not be surprising if they discover that they can not register domain names under their product mark because some one would have already registered.[47] The only option that may be available is to claim back their name either through litigation or find appropriate settlements like settling out of court. But that will cost money and time for the company.

How Could These be Solved in Bhutan?
Bhutan can adopt two-prong strategy in solving the legal dichotomy between trademark and domain names: firstly by adopting a carefully crafted rules that are applicable pertaining to trademark and domain name registration system, and secondly, by the adoption of simple disputes resolution policy. This policy has to be within the framework of Bhutanese legal system. This strategy is discussed subsequently.

Through careful use of trademark and domain name registration system

Currently the BTNIC maintains the details of the data that is submitted along with the forms for the purpose of registration, cancellation, renewal and reversion, and transfer of domain names. Even though it is responsible for maintaining the details of the database, the absence of clear cut rules may cause the DrukNet or the BTNIC to face legal

responsibility that may arise from the infringement of intellectual property rights in the names used as domain names.[48] Therefore, it is very important to have such a rule whereby the DrukNet should specify that any liability for infringement of rights by registering a domain name rest solely with the registrant.[49] BTNIC must not burden itself with such potential legal challenges. For ensuring consistency and fairness, the registration process has to be guided by well-spelt rules concerning subsequent transfer, surrender, suspension and cancellation of domain names rather than just depending on the details filled up in the forms. Once the domain name is registered under the established process of rules, certificate validating the domain names may be issued as an evidence of proof to the registrant.

As a means of preventive measures and before a domain name is allowed to get registered it is vital that all steps are taken to establish that no other companies, business entities and organisations use an identical or similar mark on their goods and services in the on-line market. This can be done in two ways: Unregistered & New Marks.

Unregistered Mark
In the case of unregistered mark the BTNIC has to consider the prevailing knowledge as to the existence of marks that are with reputation or goodwill. This in specific term can be achieved by using the appropriate knowledge and contacts in the market, it can be ascertained if an identical or similar mark exists to the one that is to be launched. The following pre-conditions are proposed to minimise the conflicts between domain name registration and unregistered or new marks before the domain names are actually registered in Bhutan under '.*bt*':-

(a) A written notice pending the application for registering of domain name(s) may be issued through media publication (Kuensel) and announcement through Bhutan Broadcasting Service (BBS). Such notice should

specify calling objection to the proposed domain name registration within specific statutory time limit.[50]

(b) A copy of such notice may be sent to the Bhutan Chamber of Commerce and Industry (BCCI) and to the Registrar's office of the Ministry of Trade and Industry calling objection thereto or certificate issued to that effect.

(c) In case of new companies or those who wants to establish new business enterprises, the registrant has to declare that the domain name sought is new and does not infringe the existing names or mark. In such cases, the principle of first-come first-serve will be the criteria for the allocation of domain name. Similarly, if there are more than two entities having equally valid claims for the registration of domain names, there should be a clause in the rules allowing the disputing parties to mediate their claims or the disputes referred to the court to determine the competing claims.

(d) In case of the establishment of foreign companies and the registration of domain name by such companies, it has to be guided by the Companies Act of the Kingdom of Bhutan, 2000.[51]

(e) A procedure may be established whereby, the terms of an undertaking by the registrant in writing may be submitted with the application forms to declare and establish that the domain name registration sought is in good faith.

(f) The registry could also require applicants to certify that it knows of no entity with any rights in the domain name it seeks to register.

(g) The rules should also specify that when the entities such as the government, business, educational institutions, military etc., file for the registration of the domain names under '*.bt*' they have to comply in strict sense of their activities. For example, no government or its agency may

allow to be registered as business entities under '.*com.bt*' or vice-versa.[52]

(h) The current practice of the DrukNet such as the charging of fees that are required to be paid along with the application forms for the domain name registration is encouraging to prevent cybersquatters for registering the domain names in bad faith.[53]

Registered Marks

Although registered marks are protected, it is very important that the BTNIC directs the applicant for domain name to acquire a certificate from the Registrar's office of the Trade and Industry claiming the validity of such marks.

A domain name databases which is readily searchable through a common interface to determine what names are registered, who holds those domain names etc, may be established to make the job of policing easier and the chance of domain names piracy reduced.[54] The domain name database will also identify the availability of a particular name in which someone is interested and determine if there are similar names already in use, verify online merchants, online infringers for enforcement of intellectual property rights, locate and identify source in the investigation of illegal activity including consumer fraud etc.

Through existing ADR under Bhutanese law, Nominet and ICAAN Policies

This section analyses the dispute resolution mechanism under the Bhutanese law and provide a comparative study with that of rather more formalistic method of ADR[55] under Nominet and that of ICANN policies which are specifically provided to solve trademark and domain name disputes. Therefore, this section is divided into two sub-sections. The first sub-section provides the general background of most preferred form of practice of mediation under the Bhutanese legal system. The second sub-section enumerates as to how the Nominet and the Uniform Domain Name Dispute Resolution Policy (UDRP) of the ICANN

deals with the disputes. It shows that Bhutan could draw an interesting experience and lessons from them to address the domain name and trademark issues.

Mediation under Bhutanese Legal System
While disputes relating to trademark or domain names under Bhutanese jurisprudence may be new, one possible remedy may exist in the current provisions for out of court mediation of disputes. In Bhutanese jurisprudence, reflecting provisions in Buddhist text, settling the case out of court has deep-rooted foundation. With the society that is small, simple and close-knit, the ideal situation for such communities was to prefer out of court settlement.[56] In such a situation, the age old and time-tested concept of mediation and reconciliation between conflicting parties outside the purview of the formal legal process has played a vital role since time immemorial. Historically, the Bhutanese have preferred to resolve their disagreements through compromise[57]. In an alternative form of dispute resolution there may not be a winner or looser. Moreover, such mutual settlement deviates from emotional, psychological and economical cost. Therefore, out of court settlement has always been valued higher than retribution and the need for sanctions.[58]

The basic governing law, which confers legal status to out of court settlement, is the *Thrimzhung Chhenmo* or the Supreme Law.[59] Under Section DA 3-2, all type of cases can be negotiated and settled out of court except those cases that are prohibited under the law or as specified under the preceding Section DA 3-1[60]. In principle, settlements of only a few cases fall foul of prohibition. Therefore, formal litigation is generally a last resort.

For the Bhutanese, mediation is one way of finding resolution and compromise without litigating in the courts. The mediator(s) are normally the person or group of persons who defy definition or qualification other than the experience. Mediation or out of court settlement is reached with the help of mediators who are commonly known as *barmi*. They are the

gup (elected village headman), *chimi* (elected people representative to the National Assembly), *mangi ap* or *tshogkpa* (village elders), retired officials or a monk in-charge of the village monastery who use their acquired experience and social standing in dealing with such settlements. Buddhism and its ways of life also influence the longstanding success of mediation in Bhutan.[61]

Mediation is generally sought in two ways. One is before filing the case to the court and the other is after having filed the case but before the court hands down the written judgement. These two stages of mediation are discussed in detail below.

Mediation prior to registration of a case
Where a conflict arises in the community, the *barmi* try to solve such disputes at its origin. The disputing parties may choose and agree with any suitable person for the purposes of mediation. The *barmi* attempt to resolve the conflict involving all the parties concerned in a cordial environment that is conducive and amicable. In such a settlement the victim is compensated for the damage caused by the offender; the offender is made to realize his wrong doing and encouraged to apologize to the victim, which often leads to a reconciliation of the two parties. If such a process leads to an amicable settlement, then in such circumstances, a mutually reached agreement is set down in writing, which is known as a *goenja* or written agreement counter signed by the agreed parties in presence of two independent witnesses. The judicial stamp has to be affixed for the validity of such agreement. The agreement like any other contractual documents is enforceable in the court of law from any consequences that may arise out of the breach of such agreement.

Mediation after the case has been registered in a court of law
Under the law, any civil cases and compoundable offenses could be settled at any time of the proceeding but before the written judgement is handed down by the court. When there is resolution through mediation the court pass a consent judgement. The litigants have the statutory right to settle out

of court. Even if the litigating parties are not aware of their right to settle out of court, an obligation is imposed upon the judges to inform the parties in the Preliminary Hearing[62] that they have the right to settle out of court at any time of the proceeding of the case. Efforts to resolve cases by mutual agreement may also proceed with or without the assistance of mediators, thus it is evident that the mode of such reconciliation is at the discretion of the parties concerned.

The procedure for such settlements is simple. All that the parties are required to do is to submit a joint petition to the court requesting for an adjournment in order to pursue such a settlement. Once a settlement has been reached by mutual consent it must be set down in writing stating the modalities of the mutual consensus. The agreement reached thereto has to be countersigned by the conflicting parties with two independent witnesses and a judicial stamp affixed. The witnesses may be the mediators themselves. After having drawn up the mutual agreement, it must be submitted to the court for its judicial sanction. It is at this stage that the court draws up a consent judgement.

However, it is very important to note that the settlement of the case has to be voluntary without coercion, undue influence, and false promise or otherwise. In order to safe guard from such malpractice, any party to the agreement who may wish to object to the validity of the agreement has ten working days from the date of the judicial sanction to contest the agreement. An agreement, once sanctioned by the court and not objected to by either party within this statutory period is enforceable under court order and supervision or *suo moto.* Therefore, the disputes that may arise between trademarks or domain names falls under the category of the cases that could be solved through mediation or any other forms of available dispute resolution mechanism in Bhutan.

Conclusion

The access to Internet web sites in Bhutan, as experienced elsewhere in other countries,[63] is growing rapidly. As the usage of the Internet further expands it is expected to promote education, information sharing, facilitate e-commerce and e-governance and usher benefits through such IT revolution. However, it is necessary to understand that the Internet and its unlimited access also pose difficulty and gray areas in providing effective regulation and challenge legal certainty and predictability. As we enter the Internet world most of us will face, as it has been in other parts of the world, the common problem of Internet like the often talked about 'digital gap', the difficulty in finding effective regulatory mechanism to curb Internet related crimes of all ranges - child pornography, libel and defamation, spamming, hate and racial speech, privacy, etc.

The evolution of disputes concerning domain name usage in the Internet will find ever-increasing trend in the years to come. Unless there is a proper mechanism established to address an applicable solution, the controversies of the registration of famous trademarks, service marks and trade names as domain names by someone other than the owner of such famous mark will have potential to create avenues of dispute.

Notes

[1] Election of Cabinet Ministers' Act, 1999. It should be noted that the period from 1952 to 1998 saw many important social, economic and political changes. However, the kasho issued by His Majesty in 1998 was perhaps the most far-reaching political change in the last thirty years.

[2] The 79th session of National Assembly which was held from 28th June, 2001 to 3rd August, 2001 had passed several commercial acts. The new legislation includes the Industrial Property Act, Copyright Act, Commercial Sales of Goods Act, Cooperatives Act, Income Tax Act, Civil and Criminal Procedure Code, Livestock Act, and the Bhutan Electricity Act.

[3] Bhutan 2020 'A Vision for peace, prosperity and happiness' Planning Commission, RGOB, 1999, p.81.

[4] A new ministry as the Ministry of Communication and Information Technology will be created by the year 2002 as part of the programme of institutional and capacity enhancement of IT in Bhutan. See Information and Communication Technology (ICT) Master Plan for Bhutan, complied and published by the Division of Information Technology, Ministry of Communication in March 2001, Thimphu, p.21.

[5] See for details in Information and Communication Technology (ICT) Master Plan for Bhutan, complied and published by the Division of Information Technology, Ministry of Communication in March 2001, Thimphu, pp.5-6.

[6] The Intranet and Internet network will enable district officers in Bhutan to collect, share, retrieve and analyse data and information, narrowing the information gap between the officers in the Ministries of Thimphu, Bhutan's capital, and the country's 20 districts headquarters and remote villages. For further details see, 'IT Access, Income Generation Needed in Bhutan's Districts' and 'Bhutan network will aid local decision-making', available at www.undp.org.bt

[7] For an excellent source of the history and technical background of domain names, see R Shaw, 'Internet Domain Names: Whose Domain Is This?' at 'What is the Internet Domain Name System?' http://www.itu.ch/intreg/dns.html

[8] For example a typical Internet address might appear as '44.56.0.48' where '44' is the net work, '56' and '0' refers to sub-networks, and '48' refers to the computer itself. See Dueker 'Trademark Lost in Cyberspace: Trademark Protection for Internet Address' (1996) 9 Harv. J.L. & Tech. 483, p.491.

9 It is referred in its abbreviated form as generic Top Level Domains (gTLD) or (iTLD). <http:/www.icannwatch.org/article.php?sid=224>

10 This proposal was made in 14th November, 2000. Two of the seven registries have already commenced registration activities. The ICANN anticipates that the others will do so later in 2001. See <http://www.icann.org/committees/ntepptf/>. The information about the schedule for their implementation is available at web sites operated by their registry operators <http://www.nic.biz> and <http://www.nic.info>. In case of '.biz' the deadline for the application for the domain name is 17 September, 2001.

11 The rights to operate and sell domain within this TLDs have been granted to seven separate bodies, with a joint venture between a Delware spin-off from Lockheed Martin and a spin-off of the University of Melbourne (NeuLevel), based in the USA. Such authorised domain name registrars, includes four in the UK. The '.biz' gTLD has been introduced apparently to cure to the problems of 'gold rush' and ease registration under '.com'. But in seeking diversity in the Internet it opens up yet another new problems for those trying to protect and enhance their registered trademarks on the Internet.
 <http://www.siliconvalley.com/docs/news/tech/024423.htm> See also 'Confusing problems with .biz domain names' 19/06/2001 available at
 <http://www.out-
law.com/php/page.php3?page_id=confusingproblemsw992950724>

12 In Bhutan one often come across domain names that are registered with the outside registry system. This web site like http://www.bootan.com, http://www.bhutanstudies.com, etc are either registered before the Internet was introduced in Bhutan or it is done as an option to have a place of registering their domain name beyond the jurisdiction of Bhutan.

13 The Internet assigned numbers authority (IANA) is the overall authority for day-to-day administration of the Internet Domain Name System (DNS). IANA staff carries out administrative responsibilities for the assignment of IP Addresses, Autonomous System Numbers, Top Level Domains (TLDs), and other unique parameters of the DNS and its protocols. Bhutan has acquired the country level domain as '.bt' in 16th July, 1997. See <http://www.iana.com>

14 In a recent study by the Scottish Internet Society, it was shown that out of all the UK companies, which currently have web presence, 6% use the Internet as trading medium and that one year from now this figure will have risen to 36%. This means that by year

2002 more than one third of the UK companies will be using the Internet for buying and selling products and services.www.scotlandis.com

[15] Section 24 (i) of the Trade Mark Act, 2001.The terms 'trademark' and 'service mark' can be used interchangeably because they are both protected in the same manner under the Act.

[16] See Section 25(3) (i), (ii), (iii), (iv), (v) and (vi) of the said Act.

[17] See Section 36 of the said Act, 'Unfair Competition'.

[18] C Waelde's article on 'Trade Marks and Domain Names' in L Edwards & C Waelde 'Law & the Internet: a framework for electronic commerce' Hart Publishing, Oxford, (2nd edn.) 2000, pp.135.

[19] Ibid.

[20] See Trademark infringement under the Bhutanese law s.25 read with s.33 in comparison with the United Kingdom's Trade Mark Act, 1994, s.10 for the infringement of registered trademark.

[21] For further reading see T Jim, 'Trade Mark Use on the Internet', Supreme Court, Singapore, Paper: MC/2.1b (1999).

[22] *Panavision v. Toeppen*, 141 F.3d 1326, 1327 (9th Cir. 1998)

[23] D J Loundy, 'A Primer on Trademark Law and Internet Addresses' 15 John Marshall J. of Computer and Info.law 465 (1997).

[24] For details on 'Reputation, Well-known or Famous Mark', please see, C Waelde's article on 'Trade Marks and Domain Names' in L Edwards & C Waelde 'Law & the Internet: a framework for electronic commerce' Hart Publishing, Oxford, (2nd edn.) 2000, pp.144-145.

[25] For details see K S Dueker 'Trademark Law Lost in Cyberspace: Trade Protection for Internet Address' 9 Harv.J.L.& Tech. 483(1996).

[26] Some writes prefers to refer by different names such as e-business, e-shopping, on-line shopping etc.

[27] See A Orange, 'Development in the Domain System: For Better or for Worse?', Commentary (3), The Journal of Information, Law and Technology (JILT). http://elj.warwick.ac.uk/jilt/99-3/orange.html

[28] M Geist 'Internet Law in Canada' Captus Press Inc. (2000) p.328.

[29] A Brunel 'Trademark Protection For Internet Domain Names' Computer Law Association Inc, the USA, 1996, p.1-10.

[30] I J Kaufman, 'Resolution of Domain Name Disputes in the Context of the New Internet Governance'. http://www.ladas.com

[31] See Hale 'Trademarks ride into the Wild West of the Internet: A Landmark Ruling of Cyber Infringement in the Comp Examiner Agency, Inc. v Juris, Inc.' (1997) 4 J. Intell. Prop. L. 399.

[32] In order to provide an effective protection of mark in the cyberspace and to solve the problems of existing conflict between trademark and domain names some Intellectual Property law experts

even advocates the proposal for adopting an alternative form of the protection in case of the Internet. Such proposal includes the adoption of a new name 'cybermark' to be in place. See D Flint 'Proposal for a Cybermark, January 1997' MacRoberts, Solicitors Intellectual Property & Technology Law Group. <http://macroberts.co.uk>

[33] David Fint, 'Proposal For a Cybermark', MacRoberts, Solicitors Intellectual Property & Technology Law Group, January 1997. http://www.macroberts.co.uk

[34] The introduction of computer for the first time in Bhutan was in 1984. Currently there are more than 4,000 computers in Bhutan. For detail see Information and Communication Technology (ICT) Master Plan for Bhutan, complied and published by the Division of Information Technology, Ministry of Communication in March 2001, Thimphu, pp.9-15.

[35] For example, the computers have been in use especially in the case of Judiciary of Bhutan from early 1990's. The Judiciary with a three level of appeal system, the High Court in the apex, the District and Sub-District Courts as subordinate is well equipped with computers made available both through RGOB funding and support from UNDP and DANIDA projects. The Judiciary retains the objectives that the Information technology is a powerful resource, for the court system to function as being accessible, fair, accountable, transparent, effective and timely (the concept of due process) in the administration of justice. For detail reports see 'Royal Court of Justice, Strategic IT Plan', Prepared and submitted by Drew Jackson, Umesh Pradhan and Bob Mortgenthaler, 5 May, 2000, High Court of Bhutan, Thimphu.

[36] Refer the data of registered case compilation Report of Bhutan from (1990-June 2001), unpublished, High Court of Bhutan.

[37] Source: e-mail enquiry from the MTI (9 July 2001).

[38] <www.btnic.com.bt>

[39] (22 July 2001) e-mail correspondence with DrukNet .

[40] See Section 26; it provides that the applicant for the registration of the trademark has to declare the priority of claiming such registration. This declaration should be made and as provided for in the Paris Convention.

[41] The current 2019 pending applications for trademark registration with the MTI itself demonstrate the existence of the numbers of unregistered mark in Bhutan.

[42] For detail on passing off see A Michaels 'A Practical Guide to Trade Mark Law' (2nd edn) London; Sweet & Maxwell, 1996, pp.112 to 126.

[43] It may be noted here that Section 25(2) of the Trade Mark Act of Bhutan, provides that 'Nothing in this Act shall be deemed to affect rights of action against any person for passing off goods or services as the goods of another person or as services provided by another person, or the remedies in respect thereof'.

[44] For brief reading see Ladas & Parry, 'Improper Use of Trademark in Domain Name and Cybersquatting'. http://www.ladas.com/index.html

[45] See 'SAP Evicts Cybersquatter', by CT Mahabharat, Newsbytes, New Delhi, India, 09 July 2001. http://www.newsbytes.com/news/01/167712.html

[46] See R MacMillan 'Canada Wins 31 Domain Names In WIPO Decision' Newsbytes, Wanshington, D.C., U.S.A., 10 Jul. 2001. http://www.newsbytes.com/news/01/167770.html

[47] C Oppedhahl 'Internet Domain Names that Infringe Trademarks' New York Law Journal, Feb. 14, 1995, pp.1-5.

[48] In the UK, Nominet does not take the legal responsibility for the intellectual property rights in the names used as domain names. For brief reading see William Black's article on 'The Domain Name System' in L Edwards & C Waelde 'Law & the Internet: a framework for electronic commerce' Hart Publishing, Oxford, (2nd edn.) 2000, pp.125-130.

[49] It may be noted here that the DrukNet has come up with 'Service Agreement for Dial Up Access' wherein, it is stipulated that the DrukNet through their Disclaimer Clause makes the customers to be solely liable for any legal consequences in entering into agreements for securing Dial up access through the DrukNet.

[50] Such statutory time limit may be prescribed in the rules thereto.

[51] Under the Act, no foreign company may directly operate in Bhutan except through the Bhutanese Subsidiary Companies registered under the Companies Act of Bhutan, 2000. Therefore, the author propose that any foreign subsidiary companies in Bhutan who may want to register their domain name has to be filed through such subsidiary companies without prejudice to the parent companies' existing domain name abroad. However, such foreign subsidiary companies shall have to comply with the rules thereto under the Companies Act and be consistent with the rules of domain name registration that may similarly apply to any Bhutanese companies or enterprises.

[52] The aim of such proposal is to minimise confusion and to ease the possible overloading of registration under '.com.bt' as experienced in other countries. Furthermore, the entity and activities based

segregation of domain name registration in Bhutan will provide sound management for the DrukNet and promote easier accessibility for the Internet public.

[53] For the allocation of 'IP' address the applicant is charged a fees of Nu.2000 and Nu.5000 for the actual allocation of domain name with annual fees of Nu.300. (Nu. is an abbreviation of the Bhutanese currency the 'Nugltrum')

[54] See 'A Proposal to Improve Technical Management of Internet Names and Addresses Discussion Draft 1/30/98' pp. 1-17. http://www.ntia.doc.gov/ntiahome/domainname/dnsdrft.htm

[55] Alternative Dispute Resolution or some prefer to call an Alternate Dispute Resolution.

[56] Although there were records that the laws and law officials were in existence from 1652 the emphasis has traditionally been on local resolution of differences. This reflected a deeply held belief that social disputes caused disharmony in the village and its surrounding areas which in turn could lead to local deities being displeased and causing crops to fail and illness (see F. Pommaret 1998, Schicklgruber 1997, R Whitecross 1999).

[57] Though as Dr M Aris has pointed out violence was historically often relied on by the more powerful figures, and reaching compromise between villagers was not always easy (M Aris 1994).

[58] see T Wangchk '(Alternative Dispute Resolution) out of Court Settlement/mediation-(Nangkha Nangdig) in Bhutan' a SAARC Law Paper presentation Unpublished paper., Thimphu, 1999.

[59] Thrimzhung Chhenmo, 1959.

[60] Thrimzhung Chhenmo, 1959, DA 3-1 states, 'Cases regarding theft, armed robbery and treason are non-compoundable offences and must be brought before a duly appointed court of law. Such cases cannot be negotiated and settled out of court'.

[61] Although there are no official data available at the moment to support by what extent mediation is successful in Bhutan, it can be mentioned here that the case compilation (unpublished) report of the High Court of Bhutan (since 1990-1999) shows that the majority of the case that comes to the court are those that relate to property disputes, followed by matrimonial or couples seeking divorce from the court. It may be noted here that under s. Kha 9-3 of the Marriage Act, 1980 only the court has power to grant divorce and it cannot be settled out of court.

[62] Civil and Criminal Court Procedure of the Kingdom of Bhutan, 2001.

[63] It is mentioned that the Internet has taken only 4 years to reach 50M people in the world whereas television took 13 years and radio 38 years. There are between 150M-200M users now. In 1999, users increased by 55%. The global online population is predicted to reach 300-500M by year 2005. The fastest growth rate as forecast will be in Asia and Latin America. For detail see P Brennan, 'Enforcing Software IP Rights-Moving with the Times' Federation Against Software Theft (FAST), EF Legal, London, (2001). www.fast.org

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