



## Political Developments in Maldives

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### **Introduction**

Conflict between the democratic and authoritarian forces is a recurrent feature in South Asia, reflected particularly in those countries, which have adopted democratic polity in recent years. Maldives, which embraced democracy in 2008, is an example of this crisis.

In Maldives, the first democratic elections were held in 2008 and the first multi-party parliamentary elections were held in May 2009. In August 2008, the new constitution was adopted, putting an end to the authoritarian regime, which was in place since 1965. The new constitution paved the way for devolution of powers, which were concentrated previously in the hands of the President. The Maldivian Democratic Party (MDP) came to power with a promise of institutionalising democratic institutions and protecting human rights in the country. Mohammed Nasheed was elected as the President.

The transition of Maldives from an authoritarian state to a democratic one was appreciated by the international community. However, this transition presented a number of challenges in terms of strengthening democratic institutions and structures, such as the judiciary and promoting freedom of expression as well as rule of law.

### **Pre -2008 Maldives Polity and Society**

Maldives' "dependency relationship" with Britain ended only in 1965 following its independence. This 'dependency relationship with Britain did not alter the social structure of the Maldives as in other colonial states'.<sup>1</sup> This resulted in the continuation of old structures of domination. The old elite continued to have profound influence on society and polity.

During 1978-2008, Maldives was ruled by President Gayoom. Complete control over executive and judiciary, political persecution, imprisonment and killings were reported widely during his authoritarian rule. Mounting pressure for democratic reforms and multi-party elections since 2004 led President Gayoom to embark on democratic reforms, which helped in recognising political parties and adopting a new constitution with guarantee for judicial and police reforms, freedom of expression and assembly and establishment of the Human Rights Commission.

In 1970s, Maldives' foreign policy concentrated on improving its economy. Diplomatic ties with countries helped in getting technical assistance and training programmes in education and infrastructure. Cultural and scientific agreement with the erstwhile USSR in 1980, despite pressure from the West, was an example of country's thrust on independent foreign policy. Even during the Cold War period, Maldives maintained an "equidistant relationship" with all the major powers, which, in turn, helped the economy of Maldives to cope up with domestic demands.

Maldives opened up to a globalised world, where in the post Cold War phase, each country was trying to balance other through regional and extra regional alliances. After nearly thirty years of authoritarian rule, which ended in 2008, and despite the internal political and economic problems, the foreign policy of Maldives was aimed at maintaining friendly relations with many countries. However, at the domestic front, opposition to the authoritarian rule was silenced brutally by the state. Human rights violations had become a concern for the international actors. For instance, the UN Human Rights Committee in its report in 2012 "expressed concern over the reported cases of torture and ill treatment by police and

Maldives National Defence Force (MNDF) prior to 2008, which have not all been investigated.”<sup>2</sup> The post 2008 phase brought about some change in governance and people’s representation.

### **Challenges since 2008 to Build a Democratic State**

Since 2008, the state has taken a number of legislative and institutional measures, such as the adoption of a Constitution in 2008, which contains a Bill of Rights and brought about gender parity for constitutional posts, as well as presidency. However, political developments in Maldives were on a rough path. Even though the country adopted a new constitution, lack of consensus between political parties on matters such as judicial independence, presidential powers and parliament functions, led to uncertainty regarding policy decisions and implementation.

The political system with a directly elected president and parliament (Majlis) created opportunity for multiple parties to contest elections and form alliances to suit their interests. For instance, in the 2008 presidential elections, the MDP led by Mohammed Nasheed and Dhivehi Rayyithunge Party (DRP) led by President Gayoom could not get 50 per cent of votes to win the elections. Therefore, in the second round, the MDP garnered the support of other parties to win the presidential polls, whereas in 2009 parliamentary elections, the DRP got the majority by forming alliance with other political parties. This arrangement led to tensions at the governmental level as some of the decisions taken by the executive were rejected by the Majlis. In 2011, citing differences with other leaders of DRP, Mr. Gayoom formed the Progressive Party of Maldives (PPM).

These arrangements only increased political tensions between the President and the Majlis, ultimately culminating in the resignation of Mr. Nasheed as President. Various political, judicial and economic decisions led to the mobilisation of opposition against Mr. Nasheed. Decisions, such as the contract with Indian infrastructure company, GMR, without the consent of the Majlis, arrest of opposition parties’ leaders and removal of Criminal Court Chief Justice led to bitter political battle for power, as the opposition claimed that these acts were

unconstitutional. The opposition even used anti India sentiments to garner public support against Mr. Nasheed.

Dr. Mohammed Waheed Hassan, the then Vice President, assumed office as President in 2012 with the support of all political parties except the MDP and formed a 'Unity Government'. Following Mr. Nasheed's allegations that he was forced to resign in 2012, a Commission of National Inquiry (CoNI) was established to look into the events till the date of resignation of Mr. Nasheed. The report findings suggested that the resignation was legal, as there was "no illegally coerced resignation of the President on 7 February 2012 and as the subsequent transfer of power followed precisely the prescriptions of the constitution."<sup>3</sup> Initially, Mr. Nasheed accepted the report with some reservations, but in January 2013, he asked for a review of the report.

Political tensions continued till 2013 elections. Elections were fought on issues of threat to Islam, rising extremism and threat to the sovereignty of the country from external actors. The PPM alleged that Mr. Nasheed was an agent of external forces. The elections in 2013 were marred by irregularities and allegations and counter allegations about its legitimacy. Since both the candidates, Mr. Nasheed from MDP and Mr. Abdulla Yameen from PPM, failed to secure the fifty per cent mark in the first round, the second round of elections were conducted in November 2013. Many argue that the gap between the first and second round helped the PPM leadership to mobilise public opinion against Mr. Nasheed and helped in securing alliance with the Jumhoori Party (JP). The JP got 23 per cent of votes in the first round. The alliance helped Mr. Abdulla Yameen to take charge as President.

In the post election period, the opposition continues to be active in raising voice against the policies of the present regime. Judicial reform, influence of religious extremism on society, social and health care and security are the issues, which need attention.

### *Rise of Religious Fundamentalism*

Unemployment coupled with complex geographical setup, which presents minimum opportunities for upward economic mobility, is driving the youth to extremism. There were

also instances of groups marching in Malé carrying Islamic State (IS) flags and calling for the implementation of the Islamic Sharia law and demolition of Buddhist relics by radical groups. In December 2014, the Home Minister publicly stated that there were seven Maldivians fighting with ISIS in Syria.

Even though the present regime denies the allegations on growing religious fundamentalism, many reports point to the fact that there are good number of Maldivians, who are serving in ISIS controlled areas.<sup>4</sup> Allegations by former Foreign Minister, Ahmed Naseem that the “Islamic Ministry of Maldives had role in sending 200 Maldivians to fight ISIS war in Syria”<sup>5</sup> was strongly condemned by the Islamic Minister, Dr. Mohammed Shaheem. The rise of religious fundamentalism in the past decade might pose a bigger challenge to the country and to the South Asian region.

### *Judicial Reform*

Judicial reform has been the long standing demand of the opposition and all democratic voices in the country. Many argue that the Supreme Court (SC) has been used to gain political power and for political victimisation. Opposition to government acts were labelled as terrorist activities, which was evident from the statement issued by the ruling PPM on protests organised by the MDP and the JP on illegal removal of the Auditor General and two Supreme Court judges by the Judicial Service Commission (JSC) without providing any tangible reason before the parliament. In a statement, the PPM called on the Election Commission, the Maldives Public Service Commission and the Prosecutor General to take the call on “encouraging terrorism” as a serious matter.<sup>6</sup>

In the past, the SC had intervened in 2013 elections by rescheduling and intervening in the election process during the Presidential elections and by removing the election commissioner in the country’s first *suo moto* case during the parliamentary elections that, many argue, helped the current President Yammen to win the Presidential elections.<sup>7</sup> Another instance happened in 2014 when the SC initiated a court action against the Human Rights Commission of Maldives (HRCM) when the Commission noted in its Universal Periodic Review report that the SC unduly influences and controls the judiciary. On 14 December 2014,

the government decided to reduce the SC bench from seven to five by simply using its majority in the parliament. The US Assistance Secretary of the State, in her visit to Male in December 2014, said that ‘judicial independence remains an issue in Maldives.’<sup>8</sup>

### *Issue of Freedom of the Press*

One of the barometers of institutionalisation of democracy is the freedom of expression of individuals and freedom of press. Maldives is increasingly coming under international watch for curbing media freedom and initiating measures to target media houses having different opinion on policies implemented by the government. For instance, the Maldives Broadcasting Commission in May found ‘in its survey that eighty-four per cent of journalists the survey covered reported threatened at least once.’<sup>9</sup> As a result, the press has tried to accommodate government impressions or reservations on any domestic or international issue.

### *Impact on Tourism*

Political unrest since 2013 is having an impact on the tourism sector, which provides significant employment opportunities to the youth. For example, according to the Ministry of Tourism, Government of Maldives, “tourist arrivals to the Maldives recorded a considerable decline during the month of January 2015 by a negative 7.8 per cent. This was the fourth consecutive month when a negative growth was recorded in tourist arrivals to the country.”<sup>10</sup> China is the leading market to the Maldives. However, due to the political crisis, tourist arrivals from ‘China started slowing down during mid-2014 and January 2015 and it was recorded as the worst performance month for the Chinese market to the Maldives so far, with a strong negative growth of 33.1 per cent.’

### **Current Political Situation**

In this context, the arrest and subsequent jail sentence of 13 years to the former President of Maldives, Mr. Mohammed Nasheed on terrorism charges in February magnifies domestic political fissures and vindictive politics in the island nation. Mr. Nasheed was arrested on 22 February 2015 on terrorism charges for his alleged role in illegal detention of former Criminal Court Chief Judge, Abdulla Mohammed in 2012, when he was holding the office of the President. The arrest warrant issued by the criminal court stated, “terrorism charges brought

against the subject and fears that he may not attend the Court or go into hiding” in order to evade arrest.<sup>11</sup> Till then, there had been no mention of terrorism charges against Mr. Nasheed. The government defended the action by stating that ‘the arrest was as per the normal legal procedure’. This position was questioned by the MDP on the ground that the trial was aimed at disqualifying Mr. Nasheed from contesting future elections.

The new political alliance between the MDP and JP, which supported the candidature of the current President in 2013 elections, became an irritant for the government. The MDP and the JP signed an agreement on 4<sup>th</sup> February 2015 to “execute all necessary actions in upholding the constitution of the republic of Maldives, to defend the spirit of the constitution and rule of law.”<sup>12</sup> The MDP has been demanding that the Maldives political system should be turned into a parliamentary system.

The arrest led to global concern about the safety of the former President and the democratisation process in the country. The current political crisis in Maldives is also a reminder of the political crisis of 2012, when Mr. Nasheed had to take shelter in the Indian High Commission in Male due to a threat to his life.

India expressed concern over developments in Maldives and pressed that it is ‘important for the Maldivian government to uphold democratic norms and institutions.’<sup>13</sup> In response to the international concerns, the Foreign Minister of Maldives said that, ‘the Government will uphold the Constitution of the country and the Government of President Abdulla Yameen will not take instructions from a foreign government on any issue in governing the country and called upon the international partners to recognise the defining principle of the international system, which is to refrain from acts and signals that could undermine the sovereignty of independent States.’<sup>14</sup> This statement reflected that the Government of Maldives is firm in its decision and does not want the international community to interfere in the internal politics of the country.

### **India-Maldives Relations in Current Context**

In a statement, the Indian government said that India is ‘concerned at the recent developments in the Maldives, including the arrest and manhandling of former President Nasheed and urged all concerned to calm the situation and resolve their differences within the constitutional and legal framework of Maldives. The Government of India also reiterated its commitment to support the people and the Government of Maldives in their quest for peace, development, prosperity and democracy.’<sup>15</sup>

The Maldives Foreign Minister in her statement said that “it was confident that India would not intervene in country’s local politics.”<sup>16</sup> The fact that India, in the past, helped the former President in 1998 to tackle the political crisis, the statement may not gone down well with the Indian establishment. India’s attempt to advice an amicable solution to the political crisis could not yield expected results. This might have influenced the decision to cancel Prime Minister’s visit to Maldives in March 2015.

Maldives is an important strategic neighbour to India. India’s bilateral assistance to Maldives has been instrumental in promoting capacity building, training, and emergency assistance, which cannot be ignored. India and Maldives signed a trade agreement in 1981, which provides for export of essential commodities, such as rice, sugar and dal. Currently, India-Maldives bilateral trade stands at Rs. 700 crores (nearly \$ 7 billion).<sup>17</sup> The Trilateral Maritime Agreement, which is in place, is an important agreement signed to keep the Indian Ocean safe from external threats.

The regional economic and political integration can be possible only through constant engagement and support at regional and international levels. For instance, SAARC goals, such as developing Blue Economy (Ocean economy) and peace and stability in the region cannot be achieved without the support of Island states. The influence of extra regional powers for economic and political benefits periodically hampers the regional integration and is also a cause for internal political tensions. Therefore, this aspect has to be addressed in a more holistic way through bilateral engagement.



## Conclusion

The arrest of former President has raised a number of questions regarding the challenges a country faces in democratic transition. The question is whether the elections are often the only sign of democracy. The meaning of democracy can be fulfilled when people feel “part of the political processes through which decisions that directly affect their livelihood are made.”<sup>18</sup> And reconciling political differences on important national matters is another way of pushing democracy. These features are lacking in Maldives politics.

The challenge before the international community was to defend the democratic norms and institutions in place. Given the political history of Maldives where political interests dominate over democratic principles, it is a challenging task. Increasingly, the amendments to the constitution and judiciary have been used for political patronage. If this continues, the hope for democracy, which was generated through the holding of the first general elections, will fade away. The geo-strategic position of Maldives in the Indian Ocean is also an important aspect when dealing with the country, which the international community is aware of. Therefore, safeguarding fragile democracy is a tough task given the complex social and political setup of Maldives. The Maldivian polity will have to strive harder to regain the lost ground.

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*Disclaimer: Views expressed are of author and do not reflect the views of the Council.*

## End Notes

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