



## **Political Developments in Maldives and Uncertainty of Democratization Process**

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Political developments in Maldives are leading to uncertainty over the process of democratization in the country. The uncertainty is the result of developments Maldives witnessed recently which include differences within ruling Progressive Party of Maldives (PPM) on various legislative decisions taken by the President of Maldives who belongs to the PPM; impasse in political dialogue between political parties; crackdown on media and the government handling of increasing radicalization. The issue brief will touch upon these developments and will look into the implications.

### **Differences on Legislative Decisions**

Differences within the PPM leadership particularly between the President of Maldives Mr. Abdulla Yameen and former ruler of Maldives and the President of PPM, Mr. Maumoon Abdul Gayoom surfaced publicly on issues relating to the leasing of islands for tourism proposes and on the issue of death penalty.

### **Amendments to Tourism Law**

The first issue is about the differences over the amendment of Tourism Law. In June, the PPM dominated Parliament approved changes to Tourism Law, which will give powers to the government to allocate islands for tourism purposes without a bidding process. Mr. Gayom

opposed the changes that were brought in to the Tourism Law on grounds that, “changes are contrary to the spirit of the party’s standing orders, which states that utilising the country’s natural resources equitably to ensure prosperity for the public is among the party’s main objectives”.<sup>i</sup> Before the vote in the parliament on amendments to the Tourism Law Mr. Gayoom, appealed to the parliamentarians of his party not to vote for the government sponsored amendments. However, the majority of parliamentarians belonging to the PPM, had voted in favour of the bill, in a clear violation of the party’s line proposed by the president of the party. The tourism bill was passed in Parliament (45 in favour and 19 against the Bill) on 29<sup>th</sup> June. The ruling PPM is holding 44 seats in the 85 member house. Mr. Gayoom ‘publicly criticized the parliamentary group of the party of violating the party discipline by not conforming to the party’s line on the amendment’.<sup>ii</sup> Meanwhile, the PPM Council expelled Mr. Gayoom’s son for voting against the changes for Tourism Law.

Mr. Gayoom in the past also objected to Mr. Yameen government’s decision to allow foreigners to own the land for indefinite period in Maldives. Opposition MDP accused the government of “trying to facilitate corruption through the bill”.<sup>iii</sup> MDP’s stand on the issue is based on the allegations of corruption it leveled against the President and the former Vice-president Mr. Ahmed Adeed in the past. The corruption scandal involving the Maldives Media and PR Corporation (MMPRC) over leasing of hotels, resorts and yacht marines through an agreement with Tourism Ministry came into surface last year. The amount of US 79 million was received by the MMPRC. There are allegations that, the then Tourism Minister Mr. Adeed and the President of Maldives benefited from money transaction that took place in leasing out the projects to companies. And ‘both the former VP and the President Yameen had been questioned by the Anti Corruption Commission (ACC) over a transaction, that a company involved in the MMPRC scandal had made to his personal account in the Islamic Bank’.<sup>iv</sup> Therefore, based on the above reasons both the MDP as well as the fraction supported by Mr. Gayoom in PPM opposed the amendments to the Tourism Law.

### Implementation of Death Sentence

Second issue is about the differences over the implementation of death sentence. The government’s support to execute the death sentence in a case related to the murder of a parliamentarian Dr Afrasheem Ali in 2012 by Mr. Hussain Humaam Ahmed as per the ruling of

Supreme Court (SC) on 24<sup>th</sup> June is opposed by many. If the sentence is carried out based on the judgment of the SC, it would be the first execution of death sentence in Maldives since 1953. The government of Maldives re-introduced the capital punishment in 2014. Maldives foreign minister Ms. Dunya Maumoon resigned on 5<sup>th</sup> July citing opposition to the death penalty, the government was planning to implement. In a statement she said, “the government’s policy on death penalty, decided on a hasty fashion, would be detrimental to the image and reputation of the Maldives and would be a significant obstacle in achieving President [Abdulla] Yameen’s foreign policy goals, and building a resilient Maldives.”<sup>v</sup> Meanwhile, two more death sentences were also upheld by the court.

Few United Nations human rights experts “urged the Government of Maldives to halt the execution of Hussain Humaam Ahmed, and to re-try him in compliance with international standards. They further called on the Maldivian authorities to uphold the unofficial moratorium on capital punishment in force for the last six decades”.<sup>vi</sup> The European Union (EU), also called on the government of Maldives to stop the execution because the EU believes that, “the death penalty is a cruel and inhumane punishment, which fails to deter criminal behavior and which represents a grave denial of human dignity and integrity. Any miscarriage of justice – which is inevitable in any legal system – is irreversible”.<sup>vii</sup> Meanwhile, Humam’s father filed a petition on 11<sup>th</sup> July 2016, at the UN Human Rights Committee (UN HRC) arguing that the trial had violated the International Covenant on Civil and Political Rights (ICCPR), to which Maldives is a signatory. He ‘also mentioned in his petition that, the decision to execute Hummam denies his family the right to engage in mediation with the victim’s family and seek clemency, which is the right under Islamic Sharia Law’.<sup>viii</sup> In this context, Maldives government downplayed UN HRC request and an official communication of 12<sup>th</sup> July 2016, not to execute Humaam while his case is under the consideration by the Committee insisting that it was just a “communication”.<sup>ix</sup>

While addressing the media on differences regarding the implementation of the death sentence, the President of the Maldives said that, “we are not enforcing the death penalty in the Maldives because it is easy for the President. The President decided to take this step because the President and the Cabinet believe it is [necessary] for the interest and safety of the whole society. This, too, is a problem that poses major challenges and draws criticism internationally for this government. Nevertheless, the resolve of this government will not change”.<sup>x</sup>

## Differences over the Future Candidate for 2018 Presidential Elections

Differences within PPM on the above mentioned issues are also the result of power struggle between the former ruler of Maldives Mr. Gayoom and the current President of Maldives Mr. Abdulla Yameen. The main issue which prompted the divide within the PPM was Mr. Gayoom's refusal to nominate Mr. Yameen as Presidential candidate for 2018 elections. Mr Gayoom has been insisting to follow the constitution of PPM while selecting a candidate for the election. Because, 'the PPM Constitution does allow incumbent presidents to have the party ticket without a primary, if there are no contenders and the party must hold a congress if another candidate wants the ticket'. The former Home Minister Umer Naseer expressed his willingness to contest for the post of President. He resigned from the post on June 21<sup>st</sup>. There are reports that, majority members of PPM's Council had petitioned to Gayoom to nominate Yameen without a primary, including the former foreign minister and daughter of Gayoom, Ms. Dunya Mamoon. Even though Mr. Gayoom refuted the reports that any petition was sent to him, the reports clearly indicate that choosing a candidate for Presidential elections of 2018 may split the PPM in future. Few other developments also indicate this possibility.

For example, in the last week of June, Mr. Gayoom sought to take control of the party by ordering the Secretary General of the party to take his permission before calling meetings of executive and other committees. Since the major constitutional changes have been brought in without informing the party President, he had proposed measures to reform the party. Some of the measures proposed are: 'strengthening the administration of the party; making party's main office the only authority that issues various instructions to the party's branches and members; formation of an advisory council to give advice to the PPM Council and President; measuring the progress in promises made in the PPM manifesto'.<sup>xi</sup> The PPM will hold a Council in November 2017 to decide on the Presidential candidate. Meanwhile, three MPs of the PPM also filed a law suit against Gayoom to regain the control of the party.

On differences within PPM, Mr. Yameen said that, 'after he assumed power as President three vice presidents, three defence ministers and about 10 ministers have left. He said there is a need to solve the differences through dialogue and if the differences persist this would be a gift for the opposition'. He also said that, 'given the international criticism Maldives has been facing for long, it is important for the party to unite'. However, according to news reports, the President

had turned down the request made by Gayoom for talks to resolve the problems.<sup>xii</sup> This may be because, he is in control of the party. For example, voting on Tourism Law amendment in which most of the PPM parliamentarians endorsed the views of Mr. Yameen point out that he is in control of the parliamentary group of the party. In the past Mr. Gayoom ruled Maldives for thirty years with an iron hand. After the defeat in 2008 first democratic elections, Gayoom served as leader of the opposition Dhivehi Rayyithunge Party (DRP) until January 2010. Due to differences with DRP leadership, he formed Progressive Party of Maldives (PPM) in 2011. Since then he is serving as the President of the party. Amidst these developments, Mr. Gayoom chose not attend the Independence Day celebrations that were held on 26<sup>th</sup> July 2016.

### **Differences on issues related to Media Freedom, Tackling Terrorism and Political Dialogue**

Apart from the differences within PPM, conflict of views also exists between the government and civil society and between the government and opposition on issues such as media freedom, growing terrorism and political dialogue. This section briefly touches upon these issues.

#### Crackdown on Media freedom

Crackdown on media freedom is an issue of international concern in Maldives. Criticism of government policies or the reports of corruption by government is handled with coercion. For instance, in June 2016 the *Channel News Maldives*, website has been forced to shut down after it reported the misuse of state resources by the first lady. “The Maldives’ oldest and only print newspaper, *Haveeru*, was shuttered in April by a court ruling that split its ownership. A second critical news site, *Addu Live*, has also been blocked”.<sup>xiii</sup> The Reporters without Borders had appealed to the Commonwealth to react on the issue ‘so that Maldives does not end up with a political system that only has room for pro-government views.’<sup>xiv</sup>

Judiciary has also been used to put pressure on the media. For instance, ‘after *Haveeru* was shut down amid an ownership dispute, the paper’s journalists and staff had quit en masse and launched the *Mihaaru* newspaper in mid-May’.<sup>xv</sup> However, the civil court has barred former staff of the newspaper *Haveeru* from working at any other media organisation or media-related business until February 2018. This order evoked much criticism by the media as well as civil

society groups. The ‘civil court has also threatened to hold Attorney General Mohamed Anil in contempt after his office decided to appeal against the judgment.’<sup>xvi</sup>

The government is also trying to pass the defamation bill, which the media believes would curtail the freedom of speech by the press as well as an individual having an opinion against the government polices. According to the draft of the ‘Defamation and Freedom of Expression Act’ ‘the media must report objectively on speeches and addresses with comments from all relevant parties. Failure to contact an individual to obtain a comment to which the news refers to is indefensible in court and this particular clause would prove a major challenge for television and radio stations during live broadcasts.’<sup>xvii</sup> The proposed bill also prescribed fine of MVR 2 million and jail term of three to six months. If the bill is passed, it would curtail the freedom of the press and only the pro government media would be able to function. The government’s push to introduce the bill can also be seen in the context of gaining public opinion in favour of Mr. Yameen’s candidature for 2018 presidential elections and the print, television and online media which are coming in the way for mobilizing public opinion against the government are suppressed. Journalists took out a silent march on 26<sup>th</sup> July 2016 (Independence Day of Maldives) against the defamation bill.

### Tackling growing Terrorism

Another issue is differences of opinion on growing Islamic radicalization in the country. In June 2016 the government of Maldives came out with a State Policy to tackle terrorism and violent extremism. The policy paper acknowledged that, “one of the biggest threats to the people and the national security of the Maldives emanates from the dangers posed by the violent extremism and terrorism”.<sup>xviii</sup> The paper also proposed various measures the government is planning to undertake, such as formulation of national counter terrorism strategy, national security legislation and development of campaigns to increase public awareness of terrorism and violent extremism. The policy paper was submitted to the Parliament for further discussion. In the past, Maldives endorsed the UN and Commonwealth efforts at tackling terrorism and have also joined the Islamic Military Alliance to fight terrorism, which was initiated by Saudi Arabia.

To tackle the problem the government passed the new Anti-Terror Law in October 2015. The Law was criticized by the opposition on ground that it can be used against the opposition

leaders. Because some of the clauses of the Law had given powers to the government to arrests individuals 'who gives a speech that authorities believe encourages terrorism can be prosecuted, along with any media that report on such speeches. Authorities can hold suspects for 96 hours for questioning without a court hearing'.<sup>xix</sup> The government established the National Counter Terrorism Centre (NCTC) under the Ministry of Defense and National Security on 25<sup>th</sup> February 2016, "to act as the national focal point on all counter-terrorism and anti-terrorism efforts".<sup>xx</sup> The Law also criminalized travelling abroad with the intent of joining an extremist group or fighting in a foreign war. The 'first charges under the law were raised in June 2016 against three Maldivians arrested from the Turkey-Syria border'.<sup>xxi</sup> However, the government and opposition differ on the number of Maldivians fighting for the IS and who have left the country. Maldives United Opposition had put the number above 300, the government on the other hand admitted that there are around 40 Maldivians fighting for the IS in Syria. In June 2016, the former Home Minister Umer Naseer even said that the statement by the MDP on the number of people fighting for the IS had 'revealed that the party had strong connections to those going on jihad and therefore the government would seek to get MDP help to address the issue'. He also questioned the Maldives united opposition support to ex President Ahmed Adeed whom the MDP accused of inciting gang violence and encouraging extremists' elements in Maldives'.<sup>xxii</sup>

### Impasse in Political Party Talks

Senior Advisor for Asia and the Pacific at the United Nations Department of Political Affairs Mr. Tamrat Samuel, was in Maldives (18<sup>th</sup> to 21<sup>st</sup> July) to continue the facilitation of Political Party dialogue process. The visit was a follow up to the visit in April 2016. During his stay, Mr. Samuel met with President Abdulla Yameen Abdul Gayoom, senior government officials, political party representatives and civil society representatives. He urged all "concerned Maldivian parties to show maximum flexibility and commitment to compromise in order to overcome outstanding differences and address vital matters of national importance".<sup>xxiii</sup>

UN's willingness to facilitate the political party talks may not materialize in near future, given the developments within PPM which are explained above and also the position taken by the Maldives United Opposition (MUO) on talks. The MUO is demanding the release of all political prisoners before the commencements of talks. Recently, 'the spokesperson of the MUO was sentenced to four months and 24 days in prison after the criminal court found him guilty of obstructing police officers during an opposition protest in April 2016'.<sup>xxiv</sup>

To put pressure on the government, the MUO held its first rally on 21<sup>st</sup> July in Male. While addressing the gathering, Mr. Nasheed in his pre recorded speech said that, ‘the newly formed opposition alliance will bring incumbent President Abdulla Yameen’s, autocratic regime to a premature end to pave the way for an interim government’.<sup>xxv</sup> Since the opposition in exile’s main objective is to replace the current regime before the 2018 presidential elections or by participating in presidential elections of 2018, there appears to be a little scope for dialogue between the parties.

Mr. Yameen in his Independence Day speech in Male on 26<sup>th</sup> July 2016 said that, “there are traitors who are jealous and want to disrupt the country’s peace, beauty, and development”. He also compared the current situation to the incident of 3 November 1988, in which a group of Tamil militants tried to take over the government in Male. In this context he said “history repeats itself and the same work done day and night by a group of Maldivians in self-exile who have sought protection from a foreign state: boycotting Maldivian tourism; obstructing investments and foreign assistance the Maldives receives; imposing sanctions on Maldivian citizens; inviting foreign influence on Maldivian independence and selfhood; stopping the adherence to Islamic principles”.<sup>xxvi</sup>

## **Conclusion**

Maldives celebrated its 51<sup>st</sup> independence day on 26<sup>th</sup> July 2016. Political developments within Maldives indicate that the country is moving towards an authoritarian rule. Consolidation of power by the present regime using the state institutions is continuing despite the concerns expressed by the international community. For example, responding to the current situation in Maldives and the steps that UK ‘has taken and is willing to take to persuade the Maldives Government to change its current trajectory’ in the House of Commons, the Minister of State, Foreign and Commonwealth Office, Mr Hugo Swire on 13<sup>th</sup> July said that, “the UK is extremely concerned and would strongly encourage the Government of the Maldives to engage constructively with both the United Nations and the Commonwealth envoys and to implement all of the recent recommendations of the Commonwealth Ministerial Action Group. It is crucial that concrete progress is delivered by CMAG’s September meeting. We are also considering bilateral action, including exclusion orders against senior members of the Government and the judiciary”.<sup>xxvii</sup> Independence Day message by the US ambassador to Maldives Atul Keshap also touches upon the rule of law, human rights, democracy and fundamental rights.

The government of Maldives actions are leading to uncertainty over the political dialogue between political parties and democratization process in the country. The implementation of recommendations by the Commonwealth Ministerial Action Group (CMAG) by September also seems to be a remote possibility. In this scenario, the government and the political parties will have to display political will and engage in a dialogue to change the present political scenario which would be beneficial to the Maldives in economic, security and political terms in the long run. And this would also avoid any possible international action.

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Disclaimer: The views expressed are that of the Researcher and not of the Council.

### **Endnotes:**

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