



## **Pre Presidential Election Developments in Maldives: Is Free and Fair Elections Possible under the Present Political Conditions?**

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The forthcoming Presidential Elections in Maldives which are scheduled for 23<sup>rd</sup> September 2018 has led to various political moves by the opposition coalition the Maldives United Opposition (MUO) led by the Maldives Democratic party (MDP) and well as the ruling People's Party of Maldives (PPM) led by President Yameen to consolidate their political interests in the future. The pre election developments in Maldives have put the country's democratic future in uncertainty due to various internal factors which are discussed below. In this context, external actors' response to pre election developments in Maldives is also looked at.

### **Selection of Presidential Candidates**

Mr. Nasheed and Mr. Abdulla Yameen were chosen as presidential candidates by their respective political parties the MDP and the PPM.

MDP's primary was held on 31st May 2018. The Election Commission (EC) as well as the state machinery such as the police have tried to stop the primary proceedings. The EC objected to the primary conducted by the MDP on grounds that Nasheed is ineligible to contest the next presidential elections as he is convicted on terrorism charges.

Election process is marred with irregularities as the EC is clearly supporting the PPM point of view led by the President Mr. Yameen, in conducting election procedures. The EC ordered the police to investigate the MDP's "illegal primary" and take action on those who conducted the primary. The EC also warned the MDP that the party will be dissolved if it allows Nasheed to run for presidency'.

Despite hurdles to conduct the primary, Mr. Nasheed's candidature for presidency garnered around 43,922 votes at the primary and the party placed 'over 218 ballot boxes and polling stations in Sri Lanka, India, Malaysia and the UK'.<sup>2</sup> During the process the police have

arrested around 22 party members to stop the primary. The MDP defended its conduct of primary on grounds that “the Political Parties Act clearly stipulates that internal elections will be conducted according to the constitutions of individuals Parties as formulated by the parties’ governing councils”.<sup>3</sup> Therefore, the EC does not have a mandate to interfere in internal matters of the party.

For long state institutions under the present administration have systematically used state resources against the opposition parties and tried to consolidate the power position of Mr.Yameen. In this context, the role of EC has come into focus in recent weeks after the announcement of presidential elections. Various statements by the EC indicate that it is working on a mandate given by the ruling coalition. For example, regarding upcoming party congress of MDP and Jumhoori party (JP) in late June 2018, which will decide on mandate for next five years, the EC warned the parties not allow law offenders in congresses in a clear reference to opposition leaders facing terrorism charges. The biased role of EC was reported in Transparency Maldives’ report which mentioned that, opposition parties were denied state finances and often the ‘EC slapped the parties with huge fines over various alleged violations, without giving the parties a chance to speak in their defence’.<sup>4</sup> In contrast the ruling party members have been provided with benefits of using state resources for campaign, travel and a place for organising public meetings.

Meanwhile, the PPM’s council, faction led by Mr.Yammen, unanimously chose Yameen as the next Presidential candidate on 22<sup>nd</sup> May. The party defended the decision on grounds that he ‘would not allow any other religion except Islam to be established in this country and very determined to maintain the country’s sovereignty’.<sup>5</sup> The decision to grant ticket to Mr. Yameen was criticised by supporters of former ruler of Maldives Mr. Gayoom, who also belongs to PPM. Since Mr. Gayoom is sentenced to a 19 month jail term for obstructing justice, the possibility of challenge to Mr. Yameen’s candidature within the party is remote. PPM faction led by Gayoom is supporting the Maldives United Oposition (MUO).

### **What are the possible options?**

Pre election developments indicate that opposition parties under one umbrella the MUO will have to fight a long battle to restore the rights taken away by the State. Political parties in Maldives, particularly Mr. Yameen led PPM government missed opportunities to engage in a constructive political dialogue to change the political status quo and instead opted to pursue the same path of authoritarianism to control the State power. Intransigent positions taken on UN facilitated political dialogue and non-implementation of Supreme Court (SC) order of 1<sup>st</sup> February 2018 are few examples. In the past, government opposed pre-conditions set by the opposition MDP such as release of all political prisoners, for initiating a political dialogue. Therefore, the talks never materialised as expected by external actors. Maldives decision to opt out of Commonwealth also left few choices to persuade the Government of Maldives to pursue an inclusive political policy.

Amidst this background, the 1<sup>st</sup> February 2018 ruling of the SC of Maldives was noteworthy as it asked the Government of Maldives to release political prisoners and ordered a re-trial.

Specifically it asked for the release of former President Mr. Nasheed of MDP, JP leader Mr. Gasim Ibrahim and MP Ahmed Faris Maumoon along with six other political opponents. The ruling generated a ray of hope for the opposition coalition, which has been battling government's policy for quite some time from outside the country. But for the government, the ruling was a huge set back as it will amount to allowing political opponents into the country, which may lead to participation of political opponents in the electoral process. The statement by President Yameen on 29<sup>th</sup> May 2018 that "the ruling on February 1 ordering the release of nine political detainees was an unforgivable act of defiance" left no room for compromise in the near future.<sup>6</sup> Imposition of emergency from 5<sup>th</sup> February to 22<sup>nd</sup> March 2018 helped in taking control of state institutions and subsequent arrest of former ruler Gayoom and SC judges who delivered the ruling ensured that there is no credible opposition to Yameen's candidacy at the next election.

In this scenario what are the options the opposition is planning to pursue to win the next election?

Since the constitutional and legal changes ensured that the detainees under terrorism, bribery and other acts can't contest in the next election the MDP leader Mr. Nasheed proposed few options to deal with the situation. These were:

- If Jumhooree Party leader Gasim Ibrahim, who has fled Maldives while serving a three-year jail term on bribery convictions, is allowed to contest in the elections, Nasheed, who is in exile after being sentenced to 13 years in prison on controversial terrorism charges, should be the opposition candidate with Ibrahim as the running mate.
- If Ibrahim cannot contest, Nasheed should be the opposition candidate with a running mate from Jumhooree Party.
- If Nasheed cannot contest, Ibrahim should be the opposition candidate with a running mate from MDP.
- And if Nasheed and Ibrahim cannot contest in the elections, the opposition candidate should be from MDP with a Jumhooree Party running mate.<sup>7</sup>

Meanwhile, within the MDP, support for parliamentary group leader Mr. Mahloof said Ibu is building up in case Mr. Nasheed is not able to contest elections.

Presently, the MUO seems to be united on political issues affecting Maldives. Whether this unity will help in choosing a common candidate is the question? The recent proposal by the JP leader Gasim Ibrahim on common candidate casts doubts on a united platform. He proposed that, 'JP as well as MDP should propose a person that is not being investigated by the police, or someone that has a case filed away by the PG (prosecutor general) or has a conviction from a court or has held dual citizenship at any point.'<sup>8</sup> This stand taken clearly disqualifies Mr. Nasheed from standing for presidential elections.

The local council elections which were held in May 2017 in which the ruling PPM lost to MDP, provided an indication that the opposition is in a better position to win presidential elections. If the opposition comes to power based on free and fair and transparent elections this year, it will try to change the constitutional and various provisions introduced by the present government that targeted political opponents such as Anti Terrorism Act.

## External Response to Pre-election Developments

In light of the above scenario, the role of external actors in persuading/pressurising Maldives government to change its position on allowing political leaders facing charges to contest next presidential elections comes in to focus.

External actors' such as UN, Western Countries have been critical of developments in Maldives and often asked the government to restore democratic institutions and processes. After the action taken on MDP primary by State authorities, on 31<sup>st</sup> May 2018, ambassadors from the EU, UK, US, Canada, France, Germany, Netherlands and Italy among others have issued a Joint Statement 'on deteriorating situation in Maldives in relation to the pre-election processes and urged to demonstrate genuine commitment to a credible, transparent, and inclusive election process.'<sup>9</sup>

The Government of Maldives statement in response to the joint statement blamed the opposition for the prevailing conditions in Maldives and noted that "attempts to undermine the Constitution and the laws of the land and to hoodwink the people and hype pre-election political rhetoric cannot be considered as responsible political activities and thus will not have any place in the current political landscape of the country".<sup>10</sup>

The statement also mentioned about the past multi party elections held in free and fair manner since 2008, "which the international and local observers have declared as free, fair and credible...therefore there is no room for the presidential elections scheduled for September this year to be an exception.". However, the statement ignored the fact that in the past elections, opposition candidates were allowed to participate in elections and in present scenario the Government of Maldives since 2014 ensured that all the main opposition leaders are in jail or in exile.

International actors it seems, are contemplating measures to persuade the Government of Maldives and as of now have not taken any harsh measures (at least in the public domain) that can or may change Maldives Government's stand pertaining to release of political opponents. In this context, the recent denial of entry to India by Maldives PPM leader MP Ahmed Nihan was 'interpreted as targeted sanctions against the Maldives Government's officials by India'.<sup>11</sup> This development took place after Maldives refusal to renew the contract of two ALH helicopters gifted by India to Maldives which are placed in strategically important Addu and Laamu atolls. Indian Government has not commented on these developments so far. However, India advised the Government of Maldives on 14 June 2018 to "restore the credibility of the electoral and political process by immediately releasing political prisoners including former President Gayoom and Chief Justice Abdulla Saeed and create the necessary conditions for the participation of all political forces in the Presidential Elections".<sup>12</sup>

The US was dismayed over the sentence given to Gayoom and the SC judges, the US remarked that the "outcome casts serious doubt on the commitment of the Government of Maldives to the rule of law and calls into question its willingness to permit a free and fair presidential election in September that reflects the will of the Maldivian people".<sup>13</sup> The British Ambassador to Maldives, Mr. James Dauris also tweeted in response to the sentence saying, "it's

in everyone's interests in #Maldives that the #rule of law should prevail".<sup>14</sup> China has not commented on the pre election developments so far.

Sri Lanka and Japan are yet to comment on election related developments in Maldives. As far as Pakistan's stand on the Maldives situation is concerned it maintained that it "does not support any move by foreign states to interfere in the internal affairs of Maldives and influence its upcoming elections".<sup>15</sup> China's role in Maldives has been a contested election issue between the Government of Maldives and opposition. Recent remarks by Mr. Nasheed they 'would have to renegotiate China's projects/loans', gave an indication of opposition's possible priorities if they are able to form a government.<sup>16</sup> According to the MDP, government's repayment to China alone in 2020 will be \$ 750 million. The MDP congress scheduled for late June will provide insight in to party's agenda of dealing with China's loans/projects if they come into power. In response to Nasheed's remarks, China responded by saying "such remarks are totally nonsense... the China-Maldives cooperation conforms to the Maldives' demand for and level of development, which attaches no political strings at all, not to mention any debt trap".<sup>17</sup>

However, internal developments indicate that international pressure has not brought the required results, including EU's proposal to impose "targeted measures if the situation does not improve in Maldives".<sup>18</sup> Imposing fines on media and closing down of media houses continues unabated such as Raajje Tv. Moreover, the government accused the Villa group owned by JP leader Gasim Ibrahim, of bribing SC judges Chief Justice Abdulla Saeed and Justice Ali Hameed by offering properties in Malaysia for the 1st February ruling<sup>19</sup>. JP leader Mr. Gasim's son, Siyed Gasim is also in jail on bribery charges. Therefore, in the absence of credible opposition leaders the next Presidential elections cannot be called free and fair.

It seems that presently the Government of Maldives will continue to pursue till the presidential elections in September its electoral politics with the help of EC despite the consistent concern expressed by international and domestic actors. Presently, to counter the international criticism of government's handling of political opponents, the PPM's faction led by Mr. Yameen's is focusing on development work done under his administration in terms of increasing social benefits such as housing, education, health, fisheries, job security and economic growth. Maldives witnessed growth rate of 6.7 percent in 2017 and Maldives President's speech on various occasions' highlighted government's projects such as housing project (HIYA' ('Shelter') which is expected to 'provide housing to more than 160,000 people residing in the Maldives; 25-storey 'Dharumavantha Hospital' and 76,000 new jobs that have been created for youth. In the tourism industry according to the government, in the next five years 1.6 billion USD will be invested, through 40 foreign investments registered in the year 2017.<sup>20</sup>

## Conclusion

Pre-election developments in Maldives as mentioned above suggest that both the ruling party the PPM led by Mr. Yameen as well as the MUO are relentless in their stand on political prisoners and their participation in elections. The government of Maldives has been responding to external actors concern regarding free and fair elections but on the ground that there are no concrete measures taken to conduct transparent elections with the participation of opposition leaders.



Complaints regarding the role of EC are not entertained and taken into consideration and there is a possibility of disqualification of leaders by the EC on various grounds including from the legal angle. Candidates for presidency would open on July 15 and candidates will have a ten day period to submit their papers to the EC. In this context, final decisions over the eligibility of presidential candidates will have to be determined by the full bench of the Supreme Court and given the control the government has on the judiciary, the ruling may go in favour of the EC or the government. If this scenario emerges, it remains to be seen, how external and domestic actors will respond.

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

## **Endnotes**

<sup>1</sup> "Electoral watchdog requests police to take action against MDP", 4<sup>th</sup> June 2018, <https://edition.mv/news/6115>

<sup>2</sup> "MDP votes in primary, despite police disruptions", 31<sup>st</sup> May 2018, <https://edition.mv/news/6079>

<sup>3</sup> "MDP Condemns Attempts by the Police and Elections Commission to Obstruct its Presidential Primary", 31<sup>st</sup> May 2018, <https://mdp.org.mv/archives/76701>

<sup>4</sup> Pre-Election Assessment |2018 Presidential Elections In The Maldives P.46, <http://transparency.mv/v16/wp-content/uploads/2018/05/Pre-Elections-2018-Print-ready-v2-27-may.pdf>

<sup>5</sup> PPM council formally approves President Yameen's re-election bid, 28 May 2018, <https://edition.mv/news/6017>

<sup>6</sup> February 1 ruling: "an unforgivable act", Prez Yameen claims, 29<sup>th</sup> May 2018, <https://edition.mv/news/6067>

<sup>7</sup> Agreement over opposition leaders' proposals, 9 January 2018, <https://maldivesindependent.com/politics/agreement-over-opposition-leaders-proposals-135024>

<sup>8</sup> Maldives independent, "MDP and Nasheed challenged to field 'clean pair' for presidential ticket", 10 June 2018, <https://maldivesindependent.com/politics/mdp-and-nasheed-challenged-to-field-clean-pair-for-presidential-ticket-138738>

<sup>9</sup> Delegation of the European Union to Sri Lanka and Maldives, "Joint local statement on the situation in Maldives", 31<sup>st</sup> May 2018, [https://eeas.europa.eu/delegations/sri-lanka/45647/joint-local-statement-situation-maldives\\_en](https://eeas.europa.eu/delegations/sri-lanka/45647/joint-local-statement-situation-maldives_en)

<sup>10</sup> Ministry of Foreign Affairs, Government of Maldives, "Government of Maldives is committed to hold free, fair and credible elections", 1<sup>st</sup> June 2018, <http://www.foreign.gov.mv/index.php/en/mediacentre/statements/4478-government-of-maldives-is-committed-to-hold-free,-fair-and-credible-elections>.

<sup>11</sup> Maldives Independent, "Bully' India silent on refusing entry to Maldives ruling party MP", 6<sup>th</sup> June 2018, <https://maldivesindependent.com/politics/bully-india-silent-on-refusing-entry-to-ruling-party-mpmaldives-parliament-leader-denied-entry-by-bully-india-138681>

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<sup>13</sup> US Mission to Maldives, Press Release, "Conviction of Maldives Supreme Court Justices and Former President", 14 June 2018, <https://mv.usmission.gov/conviction-of-maldives-supreme-court-justices-and-former-president/>

<sup>14</sup> British Ambassador to Maldives, James Douris, 13 June 2018, <https://twitter.com/JamesDauris/status/1007132108744200192>.

<sup>15</sup> Ministry of Foreign Affairs, Government of Pakistan, "Record of the Press Briefing by Spokesperson on 15 February 2018", <http://www.mofa.gov.pk/pr-details.php?mm=NTg5Mw,,>

<sup>16</sup> "Interview: Maldives' Nasheed vows to renegotiate China loans if opposition wins September poll", 4<sup>th</sup> June 2018, <https://in.reuters.com/article/maldives-china-debt/interview-maldives-nasheed-vows-to-renegotiate-china-loans-if-opposition-wins-september-poll-idINKCN1J0iPo>

<sup>17</sup> Ministry of Foreign Affairs of people's Republic of China, Regular Press Conference on 13 June 2018, [http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2511\\_665403/t1568643.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1568643.shtml)

<sup>18</sup> Delegation of the European Union to Sri Lanka and Maldives, "Maldives: Council adopts conclusions", 26 February 2018, [https://eeas.europa.eu/delegations/sri-lanka/40385/maldives-council-adopts-conclusions\\_en](https://eeas.europa.eu/delegations/sri-lanka/40385/maldives-council-adopts-conclusions_en)

<sup>19</sup> "Villa Group accused of bribing top judges", 5<sup>th</sup> June 2018, <https://maldivesindependent.com/crime-2/villa-group-accused-of-bribing-top-judges-138676>.

<sup>20</sup> The Presidency, Republic of Maldives, "Official Translation of the Presidential Address 2018", 21<sup>st</sup> February 2018, <http://www.presidencymaldives.gov.mv/Index.aspx?lid=12&dcid=18841>