



The CMAG Recommendations on Maldives: Possible Outcome?

*Dr. M. Samatha**

Recently the Commonwealth Ministerial Action Group (CMAG) has asked the Maldives government to initiate a political dialogue with the opposition parties to find a solution to the continuing political stalemate. The recommendations by CMAG on 24th February were significant as it has given the government a stipulated time to act on Commonwealth body recommendations. The recommendations were delivered amidst high profile meetings the government witnessed in and out of Maldives since the beginning of this year. These meetings helped to review the ground situation. Some of these high profile meetings were also facilitated by the government to study the ground situation.

For instance, a delegation of the European Parliament visited Maldives on 7th February and the talks focused on strengthening bilateral relations; a delegation of All Party British –Maldives Parliamentary group visited Maldives on 14th February. David Amess, the Conservative who led the delegation, criticized foreign politicians ‘who do not understand the history of a great country and dismissed calls for financial sanctions and even a tourist boycott’.¹ The Maldives Democratic Party (MDP) alleged that the ‘statement by the delegation manipulated facts about current political situation’. The CMAG Mission visited Maldives from 6th to 8th February to study the political situation. According to the members of the mission, ‘the purpose of the three-day CMAG mission is to reach out to

Maldives in a "positive way" and to develop first-hand understanding of the situation on the ground'.²

A ministerial delegation led by the Minister of Foreign Affairs of Maldives, Ms Dunya Maumoon met the Commonwealth Secretary General, Mr Kamalesh Sharma in London on 11th February. The meeting was used 'to brief the Commonwealth body about political developments in Maldives'. On 20th February, United Nations Assistant Secretary General, H.E. Mr. Miroslav Jenča and Mr. Shin Umezu, Acting Chief of Asia and the Pacific Division at the Department of Political Affairs of the United Nations, visited Maldives on an invitation extended by the Government'. Mr. Jenča 'welcomed the President's invitation for political party talks and expressed the readiness of the United Nations to continue the facilitation of the process, depending on the developments on the ground and the willingness of the parties'.³

The Commonwealth Ministerial Action Group (CMAG) meeting, which was held on 24th February, was significant as it set a timeframe for the government to arrive at an understanding with the opposition parties on matters pertaining to the consolidation of democratic institutions. The Government of Maldives also "invited the Commonwealth Secretary-General to appoint an eminent Statesperson as a Special Envoy for the Maldives to help the country in accelerating its democratization processes'. Briefly the recommendations by the CMAG are as follows:⁴

a) An inclusive, purposeful, time-bound and forward-looking political dialogue, initiated by the Government and with the constructive participation of representatives of all political parties, b) enable the release of political leaders under detention or custody and the return of those from outside the country, so that all political leaders can contribute to political life in Maldives, c) prevent the ongoing use of anti-terrorism or other legislation to stifle national political debate and address concerns raised regarding due process in judicial cases involving political figures; d) swift action should be taken on the separation of powers and independence of the judiciary, e) promote freedom and space for civil society, f) the Commonwealth Secretariat will continue to offer all possible support to

Maldives to implement its plans to address its human capacity and other technical assistance needs, particularly in order to advance the legislation and other elements of the legal framework.

Progress in all these recommendations would be reviewed at the next meeting of CMAG in April 2016. The recommendations covered the overall issues faced by Maldives internally which also included issues the opposition has been demanding for long time. If one looks at the progress made on the proposed recommendations so far, there is little progress.

When it comes to the first and second recommendation of CMAG, the government has been mulling over a political dialogue for quite some time. For example, the President's office had sent an invitation to the political parties on 15th February, which 'appealed for constructive political talks'.⁵ By the first week of March, two rounds of political parties' talks were held. In these talks, except 'the Maldives Democratic Party (MDP) and Adhaalath Party (AP), all the other political parties, such as the Progressive Party of Maldives (PPM), Maldives Development Alliance, the Jumhooree Party (JP) and the Dhivehi Rayyithunge Party (DRP) participated in the dialogue'.⁶

Following the CMAG recommendations, the Government of Maldives, on 7th March invited the opposition MDP for "exclusive direct talks with the Government, if the party wishes to explore possible options for leniency on the issue of former President Nasheed's prison sentence."⁷ However, the MDP and the AP have set pre-conditions to participate in the talks, such as the release of 'political leaders who have been unlawfully arrested, subjected to politically motivated trials and sentenced with long-term imprisonment'.⁸ In response to the invitation, the MDP said that, 'exclusive invitation to the MDP by the Government was a deliberate attempt to mislead the international community'.⁹ The main apprehension by the opposition MDP to join the talks was that, in June 2015, the government went back on its promise of releasing political prisoners after getting support for constitutional amendments and for the impeachment of the then vice-president Jameel.

Therefore, this time around, the MDP seems to be taking a cautious step in responding to the government appeal.

Within Maldives, there is a mixed response to the recommendations. For example, based on the human rights record within Maldives, the Commonwealth Human Rights Initiative (CHRI) expressed concern that CMAG did not take any formal action against the Maldives. Meanwhile, the parliament of Maldives 'rejected a resolution calling for a debate on the implementation of CMAG recommendations'.¹⁰ Political parties also differ on the international involvement in all party dialogue. On the issue of release of political leaders, the government position has been that, 'the laws will not be set aside for some individuals and the present government made it a priority to uphold the law despite international pressure'.¹¹ The position taken very well sums up the government intention of continuing with the political trials. Given the intransigent position of political parties, the political party dialogue may not materialize in near future.

On the question of anti-terrorism laws being used for political gains, on the part of the government, there seems to be a restricted approach. For instance, in the second week of March, the Parliament amended the Anti-Terrorism Act. The Amendment restricted public announcement of names of the banned terrorists' organizations in the country. Many fear that 'the list may include dissent groups against the government'. Even though the Government of Maldives is collaborating with the EU and the UN on judicial reforms, particularly in capacity building, continuation of contentious anti-terrorism laws, which can be used on dissent groups, may curtail the efforts to bring transparency to the judicial process.

Despite the CMAG recommendations, the intransigent positions taken by the government and opposition remain the same on issues mentioned in the recommendations. But the question is what happens if the political dialogue fails to materialize within a stipulated time. The possible outcome is difficult to speculate given the fact that it is an internal political matter of Maldives and the government and opposition will have to find a way out of the crisis. This might take time. Even though the government offered possible

options for leniency on Mr. Nasheed's prison sentence, the government did not spell out, what are the possible options from the government. Whether it will reduce the sentence or grant full pardon or will allow Nasheed's and other party leaders arrested on terrorism charges, participation in 2018 elections is not clear. Given the charges against the political leaders, unless the domestic laws are changed, the participation in elections is not possible.

Since the Commonwealth body emphasizes on negotiations to solve the problems, the time given for political dialogue will have to be taken seriously by the government, as the delay may have some other ramifications such as suspension or limited economic sanctions by the Commonwealth. However, would India agree, to such a position is the question given the fact that Maldives is India's neighbour and both the Maldives opposition parties and the Government have time to time expressed interest in continuous engagement with India at various levels. For instance, in an interview to Hindu, the ex President Mr. Nasheed said that, his party believes in India-First Policy, i.e. "not to have defence exercises with other countries, not to conduct our domestic policy in a way that creates fear in India, not to give a base to the Chinese, or indeed anyone to create strategic infrastructure, like deep- water ports and airports."¹² In a scenario where India and Maldives are keen to expand their bilateral relationship 'in areas of defence, trade and economy', there seems to be a less possibility of India supporting any stern action by the Commonwealth body on Maldives. May be India considers the political crisis as an internal problem, which have to solved internally or through international facilitation rather than intervention.

This stand was evident through a recent statement by the President of Maldives who said that, 'India and Pakistan were responsible for not putting the Maldives in the formal agenda of Commonwealth'.¹³ This shows that India prevailed upon the CMAG to give time for the Maldives government to act on recommendations. As the decision to include in formal agenda would have affected its foreign aid flow, it came as a big relief for the government.

Commonwealth body handling of present crisis and its continuous engagement with the present government in Maldives cannot be looked at in isolation. In the past, the Commonwealth observer group endorsed the Presidential elections which were held in 2013, despite the opposition allegation that they were not free and fair elections. In 2012 the Commonwealth findings suggested that Nasheed's resignation in 2012 as President was not illegal. At that time, the CMAG included Maldives in its 'formal agenda' by suspending its membership from the CMAG and had given time to the then government of Mr. Waheed to hold early elections. After the Presidential elections in 2013, the Maldives was taken back to the group. Since then, concerns expressed by the Commonwealth are related to procedures followed to suppress the opposition leaders and parties; objections were also raised regarding the judicial process and human rights record and the body also stressed upon separation of powers.

The time given for the government indicates that the Commonwealth body is expecting a constructive dialogue on internal political matters within Maldives before embarking on possible actions such as suspension from Commonwealth or any form of sanctions. The government will have to submit a report on the progress on recommendations in April. It is an opportune time for the government to find a middle ground on contentious issues.

** Dr M. Samatha is a Research Fellow at Indian Council of World Affairs, New Delhi
The Views expressed are that of the Researcher and not of the Council.*

End Notes:

¹ Philip Sherwell, "British MPs Praise Maldives' Democracy after Indian Ocean Country Funds Fact-Finding Visit", 21st Feb 2016, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/maldives/12166924/British-MPs-praise-Maldives-democracy-after-Indian-Ocean-country-funds-fact-finding-visit.html>.

² Naafiz Ali, "Commonwealth Body Team in Maldives to Assess Political Situation", 6th February 2016, <http://www.haveeru.com.mv/maldivescommonwealth/66205>

³ "UN Assistant Secretary-General for Political Affairs Miroslav Jenča Concludes Visit to Maldives", 22 February 2016, <http://www.un.org/undpa/speeches-statement/22022016/Maldives>

⁴ "Extraordinary Meeting of the Commonwealth Ministerial Action Group Concluding Statement", 24 February 2016,

<http://thecommonwealth.org/media/news/extraordinary-meeting-commonwealth-ministerial-action-group-concluding-statement#sthash.7ANv6n7X.dpuf>

⁵ “Invitation for Political Party Talks Sent out to PPM, MDA, JP, MDP and Adhaalath”, 15th February 2016, <http://www.presidencymaldives.gov.mv/Index.aspx?lid=11&dcid=16433>

⁶ Ramakrishnan. T, “Opposition Party Rejects Maldives Government's Offer for "Exclusive Meeting", 7 March 2016, *Hindu*, <http://www.thehindu.com/news/international/mdp-rejects-maldives-governments-offer-for-exclusive-meeting/article8324090.ece>

⁷ “Government Invites Opposition MDP for Exclusive Direct Talks with the Government”, 7th March 2016, <http://foreign.gov.mv/v2/en/media-center/news/article/1727>

⁸ “MDP and Adhaalath Party Will Not Agree to Talks Unless Political Leaders are Free and Condemns Deliberate Misleading of the Public and the International Community by the Government”, 24th February 2016, <http://mdp.org.mv/archives/72224>.

⁹ “MDP Calls upon the Government to Establish Conducive Environment for Political Dialogue by Releasing Political Prisoners”, 8th March 2016, <http://mdp.org.mv/archives/72283>.

¹⁰ Yameen Mohamed and Ali Naafiz, “ Maldives Parliament Rejects Debate on Commonwealth Body Proposals”, 29 February 2016, <http://www.haveeru.com.mv/news/66917>

¹¹ “Statement by Minister Dunya at the High Level Segment of the 31st Session of the UN Human Rights Council”, 1 March 2016, <http://foreign.gov.mv/v2/en/media-center/news/article/1715>

¹² Menon Parvathi, “Maldives is Sitting on a Time Bomb”, 4th March 2016, *Hindu*, <http://www.thehindu.com/opinion/interview/interview-with-nasheed-mohamed/article8310022.ece>

¹³ Rashhed Zaheena, “Yameen Thanks India, Pakistan’s Defence of Maldives at Commonwealth”, 2nd March 2016, *Maldivesindependent*, <http://maldivesindependent.com/politics/yameen-thanks-india-pakistans-defence-of-maldives-at-commonwealth-122549>