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Issue Brief

The 2018 Maldivian Presidential Elections: Two-horse Race between Development And Reforms

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S*ummary*

Presidential Elections in the Maldives are due on September 23, 2018. Suppression of the opposition, the declaration of an emergency in February 2018 and the spreading of rumour by Defence Minister Adam Shareef in social media regarding the “plot of destabilising the country” have all given rise to suspicion among the civil society and opposition parties as well as the international community about the possibility of the elections being disrupted. However, given the manner in which President Abdullah Yameen is campaigning for the forthcoming elections, it is unlikely that elections will be postponed. Nonetheless, large scale election related fraud and rigging are anticipated.

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Two-Horse Race: Yameen versus Solih

The contest in these elections is between President Abdulla Yameen Abdul Gayoom of the Progressive Party of Maldives (PPM) and Ibrahim Mohamed Solih (Ibu) of the Maldivian Democratic Party (MDP) who is also the candidate of the United Opposition.¹

It should be noted here that, in the previous Presidential elections held in 2013, Yameen won by a narrow margin with the help of the Jumhoori Party (JP) and the Adalath Party (AP). These two parties have since withdrawn support to Yameen and joined hands with the MDP. Since the 2015 *May Day* protest by the MDP and the AP, when around 7000 protesters gathered in Male, Yameen has used the state machinery to suppress the opposition and bar all prominent opposition leaders from the presidential contest by arresting them on false charges.² Amendments have also been made in the Constitution to prevent these leaders from contesting the elections even if they were to be released. These constitutional changes include: reset of the age limit to 30 to 65 years, respectively, for the Presidency and the Vice Presidency;³ and, the amendment to the Prison and Parole Act passed two weeks after the conviction of Mohamed Nasheed in 2015.⁴

¹ Independent candidate Hussain Naseer and his running mate Sheikh Nasrulla Mushtafa filed their nominations for the Presidential race, but their application was rejected by the Election Commission of Maldives citing incomplete information.

² MDP leader and former President Mohamed Nasheed was arrested on February 22, 2015 on terror charges and awarded a sentence of 13 years; AP leader Sheikh Imran Abdulla was arrested on terror charges and awarded 12 years imprisonment; JP leader Gasim Ibrahim was arrested on bribery charges. President Yameen even got arrested on false charges his own party members who opposed or criticised his policies including Maoumoon Abdul Gayoom.

³ The amendment was reportedly brought in June 2015 to replace the then Vice President Dr. Mohamed Jameel Ahmed with the President’s loyalist Ahmed Adeeb. The amendment barred JP leader Gassim Ibrahim from contesting in the 2018 Presidential Elections.

⁴ The 2015 amendment to the Prison and Parole act removes an inmate’s right to membership in a political party. It is believed that the amendment was brought to separate Mohamed Nasheed from the MDP.

Despite the arrest of all opposition leaders on charges of terrorism and bribery, the popularity of the opposition coalition led by the MDP has not declined. People voted in favour of the MDP in the 2017 local council elections. Despite being in self-exile, Nasheed has earned popular support to take on Yameen in the forthcoming elections.⁵ Maumoon Abdul Gayoom, the founder of the PPM who was behind Yameen's victory in 2013, has also extended his support to the joint opposition and Mohamed Nasheed. Nasheed also enjoys tremendous support from the international community including the West, India and Sri Lanka. Given all this, Nasheed has come to be seen as the main threat to Yameen's quest for re-election. Therefore, Yameen has left no stone unturned to prevent Nasheed from contesting in the elections with the support of the Supreme Court and the Election Commission.

Yameen refused to abide by the Supreme Court ruling of February 1, 2018, to release Mohamed Nasheed along with other political prisoners. He got the two judges who gave the ruling arrested on bribery cases and appointed a new judge who issued a stay on the previous order of February. He also declared an emergency to stop Parliament from holding its opening session of the year 2018. It should be noted here that in the 2014 Parliamentary elections PPM formed the government with the help of JP, AP and Maldives Democratic Alliance (MDA). Even after JP and AP withdrew their support, PPM along with its ally MDA enjoyed a majority in Parliament. But after Maumoon Abdul Gayoom split from Yameen, 12 PPM MPs joined the opposition, which shifted the balance in Parliament towards the opposition. However, Yameen disqualified the 12 MPs from the PPM and, by adopting Anti-Defection Bill, unseated them so that the PPM led coalition was able to retain a majority in Parliament.⁶ Subsequently, when the Supreme Court ordered the reinstatement of these 12 MPs, Yameen, fearing that this would enable the impeachment motion against him to be passed, declared an emergency, rushed through an amendment to the Judicature Act, and appointed his own man as judge of the Supreme Court. These moves scuttled the opposition plan to get a majority in parliament and impeach Yameen.

The MDP and the other opposition parties criticised the rebuttal of the Supreme Court ruling of the February 1, 2018 as illegal⁷ and decided to field Mohamed Nasheed as their common Presidential candidate. The MDP in its party primary unanimously nominated Nasheed as the Presidential candidate. However, the election commission threatened to dissolve the MDP if its presidential primary was conducted with Nasheed as a candidate. It pointed out that the government has

⁵ Nasheed, who was jailed in 2015, was allowed to go to Britain for medical treatment under international pressure. After reaching the UK, Nasheed met Prime Minister David Cameron and sought and attained political asylum. He is currently living in Sri Lanka.

⁶ According to the Anti-Defection bill, an MP loses his/her seat if s/he changes or leaves the party on which ticket s/he won the elections or if the party expels him or her. The bill was passed on March 13, 2018 but it was put into effect retroactively from July 13, 2017.

⁷ Both the Anti-Defection Bill and the amendment to the Judicature act were passed in Parliament without quorum as the opposition MPs boycotted the session.

refused to accept the February 1 Supreme court rulings, citing Article 109 (f) of the constitution according to which presidential candidates should not be “convicted of a criminal offence and sentenced to a term of more than twelve months, unless a period of three years has elapsed since his release, or pardon for the offence for which he was sentenced.”⁸ Nasheed consequently renounced his party ticket and urged it to choose a replacement candidate. Accordingly, MDP’s governing statutes were amended to authorise either the congress or national council to appoint a replacement. MDP’s congress then unanimously nominated Ibrahim Solih, Member of Parliament from Hinnavaru, MDP’s Parliamentary group leader since 2011, and leader of the joint parliamentary group since the opposition coalition was formed in March 2017, as the opposition Presidential candidate.

Many MDP members were unhappy with Nasheed’s decision. But the fact remains that had Nasheed applied for joint opposition candidature, his application would have been rejected by the Election Commission. This would have ensured an unopposed Yameen victory. Hence, despite the initial disappointment among some MDP cadres and voters, people have accepted and welcomed Ibrahim Solih wherever he has campaigned. Despite ideological differences among political parties within the joint opposition, all have extended support to Solih. Reportedly, even the only PPM ally at present, MDA, is secretly supporting the joint opposition candidate.

Contest Between Reform and Development

According to the MDP’s manifesto, the opposition coalition is planning to form a national unity government to provide transitional justice and bring overall reform in the political system, judiciary and the security services including a whistle-blower protection law. In this regard, an interim national unity government would be formed to make the necessary changes to switch to a Parliamentary system. The opposition candidate has also pledged to introduce a decentralised system by creating island councils that are empowered to raise finances and determine their respective island’s affairs, as well as a progressive income tax law.⁹ Solih has assured that, if elected, his government would not only continue the ongoing projects but also initiate new projects to develop tourism, housing facilities, employment opportunities and to protect the heritage and Islamic identity of the country without placing an excess burden on the economy. Special emphasis has also been given to the education

⁸ “Government’s Response to the Views adopted by the Human Rights Committee concerning Communications by former President Mohamed Nasheed,” Statement Issued by the Ministry of Foreign Affairs, Republic of Maldives, April 16, 2018, at <https://www.foreign.gov.mv/index.php/en/mediacentre/statements/4415-government%E2%80%99s-response-to-the-views-adopted-by-the-human-rights-committee-concerning-communications-by-former-president-mohamed-nasheed>.

⁹ “Campaign trail: I excluded Nasheed, I excluded Gasim,” *Maldives Independent*, September 8, 2018, at <https://maldivesindependent.com/politics/campaign-trail-i-excluded-nasheed-i-excluded-gasim-140916>

sector, health sector, environment protection, agriculture sector, fishermen community and women's rights, and issue of corruption as well as *Jazeera* (island) development with added focus on blue economy.¹⁰The opposition candidate has made a crucial pledge to repeal the constitutional amendment that authorises foreign ownership of land if an investment exceeds US \$ 1 billion. On the issue of foreign policy, the opposition presidential candidate has pledged to repair ties with India, Sri Lanka, Qatar and Iran and restore relations with China and Saudi Arabia.¹¹

Some of the promises mentioned above were initiated during Nasheed's Presidency, but were discontinued under the Yameen government. It should be noted that the MDP's current allies (JP, AP and Maumoon Reform Movement) were against its policies at that time. However, currently, they have not objected to some of Solih's promises which are basically MDP pledges rather than part of the joint opposition's manifesto.¹² President Yameen is exploiting differences within the joint opposition on some crucial issues, such as the system of government and approach to Islam, and is vehemently campaigning that the victory of the "cocktail coalition" will bring political instability as they will not be able to maintain unity.

Development, Islam and interference of the international community have been the main themes in Yameen's election campaign; and infrastructure development since the Yameen administration assumed power is the highlight. Yameen's campaign trips are also tending to coincide with official ceremonies to inaugurate newly built infrastructure. Yameen claims that the country has never seen such large scale developmental activities ever. It is claimed that President Yameen had achieved 90 percent of his campaign pledges in 2013; and 100 percent of the promises made in the education sector. It is also pointed out by the PPM that more than 2800 projects were carried out across 30 constituencies, with MVR 8.8 billion spent on developmental projects and 70000 jobs created, a claim that is being disputed by the opposition.¹³The Opposition has pointed out that developmental activities have indebted the country and spread the economic burden on everyone. Further, some of the facilities such as housing facilities have not reached everyone. While the

¹⁰ "Campaign trail: tuition-free college," *Maldives Independent*, September 7, 2018, at <https://maldivesindependent.com/politics/campaign-trail-tuition-free-college-140897>. Zalif, Zunana, "Solih pours pledges for citizens at Saturday's opposition gathering," *Raajje*, September 8, 2018, <https://raajje.mv/en/news/40294>

¹¹ "Campaign Trail: Cocktail Coalition," *Maldives Independent*, August 28, 2018, at <https://maldivesindependent.com/politics/campaign-trail-cocktail-coalition-140610>

¹² MDP, AP and Maumoon Reform movement have separately disclosed their manifesto. It was argued that based on these manifestos, a common joint opposition manifesto would be released, but as of now nothing has been announced. While all the Manifestos are echoing the commitment to bring economic and institutional reforms, the allies have major difference on the political system. While the MDP manifesto talks about the shift to a Parliamentary system, all other manifestos favour the continuation of the Executive Presidency.

¹³ Rehan, Mohamed, "PPM PG leader claims Pres Yameen will win by 80% votes," *Avas*, September 5, 2018, at <https://avas.mv/en/53713>. "Campaign Trail: Show me the Money," *Maldives Independent*, August 27, 2018, at <https://maldivesindependent.com/politics/campaign-trail-show-me-the-money-140566>

government has concentrated its economic measures in the Male region, islands are being neglected. The Opposition has also criticised the Yameen administration for the large scale corruption behind each and every developmental project. Yameen however, blames the three years of the MDP government for amassing the debt which he has inherited.

While the opposition is criticising the government for making the country indebted to China, Yameen has blamed the opposition for facilitating Western countries and India to interfere in internal affairs and undermine sovereignty and independence. The state-funded Public Service Media, *PSM*, reported that “there was an agreement between the US and opposition parties to trim down the size of the Maldives military in order to eliminate China’s power in the Indian Ocean. In return of which US agreed to help bring the opposition in power and convinced Nasheed to drop out in favour of Solih.”¹⁴ The report however, has been denied by the US embassy. Subramanian Swamy’s tweet following his meeting with Mohamed Nasheed in Sri Lanka that “India should invade Maldives if rigging of election takes place” has also been used against the opposition coalition.

The Opposition has also been criticised for allegedly compromising Islamic culture and values. While some clerics have extended support to President Yameen, Islamic scholars and the AP (an Islamist party) are with the joint opposition despite Yameen’s castigation of the MDP’s secular approach.¹⁵

Misuse of State Machinery

While Solih has gained popular support because of populist pledges and an unblemished reputation, it will not be an easy ride for him. One major challenge confronting him arises from the Election Commission and Supreme Court not maintaining their autonomy vis-a-vis the government.

The Election Commission has been widely criticised for a fraudulent voter’s registration process, which has allegedly disenfranchised a large number of voters. It reportedly cancelled the re-registration of 5626 people who had applied. *Transparency Maldives* has received several complaints in this regard, including “allegations that the ruling party scrutinised the re-registration forms of civil servants and selectively submitted forms of their supporters for re-registration,

¹⁴ “Maldives State Media Refuses to Retract News on Fake US Cable,” *Maldives Independent*, September 6, 2018, at <https://maldivesindependent.com/politics/maldives-state-media-refuses-to-retract-news-on-fake-us-cable-140855>

¹⁵ Rehan, Mohamed, “Dr. Shaheem advises against clerics inciting political discord,” *Avas*, September 5, 2018, at <https://avas.mv/en/53714>

thereby denying the suffrage of possible opposition supporters.”¹⁶ Secondly, many citizens have said that their expired identification cards were renewed without their knowledge.¹⁷ For its part, the MDP has alleged that the President’s campaign office has gained full access to the Election Commission’s database to manipulate the re-registration process.¹⁸ It has also been alleged that ruling party cadres are being hired by the Election Commission as officials in charge of polling stations for the Election Day.¹⁹

In addition to the judiciary and the election commission, the Maldives Police Service has been used to obstruct the opposition campaign by arresting cadres who put up banners and flags. It has also been alleged that the police has refused to take action against those who have vandalised the Opposition campaign office.²⁰ The police have shut down MDP offices and meeting halls and removed opposition flags and banners in several islands ahead of President Yameen’s visit to such places for his official campaign. For their part, the Police say that they have removed flags and banners because of court orders to prevent unrest.²¹ It should be noted that one day after opposition coalition’s successful mega rally in Male on September 9, 2018, the Police stated that it has information about plans to create violence on the Election Day and warned that severe action would be taken “against instigators of such violence and anyone found to be in cohorts [sic] with instigators of such violence”.²² The Opposition believes that the Police chief’s statement was aimed at terrorising voters and derailing the election process.²³ Maldives police has also reportedly initiated investigation on Solih for allegedly “telling lies about the police”.²⁴

¹⁶ “Allegation of Voter Registration Fraud must be addressed for a credible election,” Press Statement, *Transparency Maldives*, August 16, 2018, at transparency.mv/v16/wp-content/uploads/2018/08/Press-statement-on-voter-registration-issues_EN.pdf

¹⁷ Ibid.

¹⁸ Zalif, Zunana, “Re-registration information is being passed to the President’s campaign office: Opposition coalition,” *Raajje*, August 23, 2018, at <https://raajje.mv/en/news/39317>

¹⁹ “Maldives Election Body Denies hiring ruling Party activists,” *Maldives Independent*, September 8, 2018, at <https://maldivesindependent.com/politics/maldives-election-body-denies-hiring-ruling-party-activists-140929>.

²⁰ “Maldives police deny obstructing opposition campaign,” *Maldives Independent*, August 23, 2018, at <https://maldivesindependent.com/politics/maldives-police-deny-obstructing-opposition-campaign-140432>

²¹ “Police Close Opposition Meeting halls before President’s visit,” *Maldivse Independent*, September 2, 2018, at <https://maldivesindependent.com/politics/police-close-opposition-meeting-halls-before-presidents-visit-140737>

²² “Police warns action against violence created with intent to disrupt Presidential Elections,” *PSM News*, September 10, 2018, at <https://psmnews.mv/en/38630>

²³ “Maldives Police Warn of Dangerous Act on Election Day,” *Maldives Independent*, September 10, 2018, at <https://maldivesindependent.com/crime-2/maldives-police-warn-of-dangerous-act-on-election-day-140998>

²⁴ “Maldives Police Investigating Opposition Presidential Candidate,” *Maldives Independent*, September 11, 2018, at <https://maldivesindependent.com/crime-2/maldives-police-investigating-opposition-presidential-candidate-141023>

So far, the election campaign has been mostly peaceful except some cases of vandalism of campaign offices of both sides. But the possibility of large scale rigging and violence on the election day cannot be ruled out. Even though foreign election observers are not banned, a strict visa regime has been introduced by Maldives Immigration for visitors wishing to monitor or cover the elections.²⁵ Given this, only a limited number of monitors are expected to cover the election.

International Community's Approach towards Maldives

The international community including Western countries, India, United Nations and Human Rights Organisations have repeatedly urged the Maldivian Government to facilitate free and fair elections by restoring democracy, independence of judiciary and other independent bodies, freedom of media and improving the overall human rights situation in the country. The European Union (EU) has adopted a framework for targeted restrictive measures against Maldives if the situation does not improve.²⁶ India has also “urged the Government of the Maldives to allow all institutions, including the Supreme Court and the Parliament, to function in a free and independent manner” and “create the necessary conditions for the participation of all political forces in the Presidential Elections”.²⁷ The US has threatened to consider appropriate measures against those Maldivians who “undermine democracy, the rule of law, and a free and fair electoral process”.²⁸ But these statements seem to have had limited impact on the Yameen government. The only option for the international community now is to monitor and assess the fairness of the elections. However, the EU and the UN have refused to send observers saying that the environment is not conducive.²⁹ Maldivian civil society and the opposition have urged the international community to continue to engage with the government on the situation without

²⁵ Sharma, Niharika, “International Parties Require EC authorization and Business Visa to Observe Elections,” *Embassy of the Republic of Maldives*, New Delhi, August 30, 2018, at <https://www.maldivesembassy.in/international-parties-require-ec-authorization-and-business-visa-to-observe-elections/>

²⁶ “Maldives: EU adopts a framework for targeted sanctions,” *Press Release*, European Council of the European Union, July 16, 2018, at www.councilium.europa.eu/en/press/press-release/2018/07/16/maldives-eu-adopts-a-framework-for-targeted-sanctions/

²⁷ “Press Release on the Political Situation in the Maldives,” *Press Release*, Ministry of External affairs, Government of India, June 14, 2018, at <https://www.mea.gov.in/press-release.htm?dtl/29977/press-release-on-the-political-situation-in-the-maldives>. “PM Narendra Modi calls for easing of political crackdown in Maldives,” *The Times of India*, August 12, 2018, at <https://timesofindia.indiatimes.com/india/pm-narendra-modi-calls-for-easing-of-political-crackdown-in-maldives/articleshow/65378751.cms>

²⁸ “Need for Free and Fair Election in Maldives,” *Press Statement* by Heather Nauert, Department Spokesperson, US Department of State, September 6, 2018, at <https://www.state.gov/r/pa/prs/ps/2018/09/285754.htm>

²⁹ “EU and Un ‘not interested’ in observing Maldives election,” *Maldives Independent*, August 27, 2018, at <https://maldivesindependent.com/politics/eu-and-un-not-interested-in-observing-maldives-election-140587>

undermining the country's sovereignty and independence, since the anti-government constituency has little space to engage in a meaningful dialogue with the government.

Conclusion

The forthcoming presidential election is a contest between Yameen's pledge to bring about a transformational change with mega-projects and Solih's pledge to end presidential tyranny, injustice and corruption by bringing changes to the constitution and implementing institutional reforms. It is to be seen whether the Maldivian people's free choice prevails over the misuse of state machinery by the Yameen government.

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