

P. Sahadevan

CHALLENGES TO POLITICAL ORDER IN MALDIVES

In November 1988 Maldives drew international attention and evoked serious security concerns of small states when a group of sea-born mercenaries (numbering about 400 men) invaded Male with the aim of overthrowing the government of Maumoon Abdul Gayoom. India's swift response to President Gayoom's request for military assistance had ensured the survival of his regime. Ironically, this was not the first abortive attempt to usurp power from Gayoom in an undemocratic way. In April 1980 nine British mercenaries, who had arrived in Male in two batches via Sri Lanka, tried to do the same. Again, in 1983, Gayoom declared to have discovered a plot against him. Among all three coup attempts, the one in November 1988 was so serious and powerful that the Maldivian government, in the absence of a strong army, had to seek India's military assistance to foil it.¹

Importantly, none of the coup attempts had the backing or even blessings of any foreign government. Rather, they were wholly engineered by the expatriate Maldivians themselves. For the 1980

P. Sahadevan, Ph.D., is Associate Professor in the South Asian Studies Division of the School of International Studies, Jawaharlal Nehru University, New Delhi, India.

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1. For internal security duties, Maldives has just a paramilitary force *viz* the National Security Service (NSS) consisting of about 1,500 numbers (the number of personnel at the time of the 1988 coup was merely 350). With its poor training and the lack of sophisticated arms and equipment at its disposal, the capability of the NSS is limited to the level of maintaining local law and order. Its power to respond to even a minor challenge posed to the country's security by armed gangsters or a group of mercenaries is abysmally low.

coups the mercenaries were allegedly hired by Amir Ibrahim Nasir, the former President of Maldives (1968-78), who was residing in Singapore after relinquishing his power in 1978. It was apparent that Nasir was trying to return to power, which he was forced to relinquish on charges of corruption, manipulation and misuse of authority. Similarly, the mercenaries of the 1988 coup were recruited by a Sri Lanka-based Maldivian businessman, Abdullah Luthufi, who was believed to have been acting at the behest of some of the disgruntled power elite of Maldives.

It is, thus, quite evident that coups were symptomatic of power struggle in Maldives. The questions pertinent here are: why did the disgruntled power elite choose to adopt undemocratic means to attain power? Do the Maldivian political structure and processes remain a constant source of political disgruntlement of the elite?

Sources of Political Discontent

Broadly, three factors are responsible for the spread of political discontent among a section of the political elite. First, the concentration of political and economic forces in Male has the consequence of the atolls getting increasingly marginalised in the contest for power.² Second, the narrow base of the decision-making structure in the country. Third, the presence of an oligarchical streak in Maldives' democratic political system.

Male, the country's only urban centre, is the home of intellectual, commercial and political elite. Around one-fourth of the country's population (numbering 60, 105 people in 1992) live in

2. It is necessary to keep in mind the peculiar geo-physical features and administrative divisions of the country. Maldives is strung like a coral chain of 1,190 islands amidst the Indian Ocean. The islands are grouped into 26 natural atolls (rings of coral islands with each ring encircling a lagoon) which are again divided for administrative purposes into 19 units with Male, the national capital, forming a separate division. Only 202 out of the total islands are inhabited by about 2.38 lakhs (in mid-1994) people.

Male alone which has an area of less than two sq. kms. Over the years, the government has concentrated its development activities more in the national capital, leading to a growing inter-atoll disparity in every sphere of socio-economic life. For instance, with 69 per cent of the total population being rural in 1992, only about 33 per cent of the total rural population had access to service facilities like water as against cent per cent among the urban population in 1988-91. With regard to sanitation, the rural population (4 per cent) lags far behind the urban population (95 per cent).³ Even some of the social indicators such as infant mortality rate and the level of income show better conditions of the urban population than the rural. Many rural schools lack adequate facilities and suffer from a chronic shortage of trained teachers. Such a lopsided distribution of resources has caused a sense of relative deprivation among the people of the far flung atolls.

Added to this is a sense of discrimination in power sharing at the Centre. Since its independence, Maldives highest political office, the Presidency, has been held by only two leaders - Amir Ibrahim Nasir (1968-78) and Maumoon Abdul Gayoom (since 1978). Both of them had their political base in Male. Even ministerial positions have mostly been available to political elite of Male, whereas the members of the Citizens' *Majlis* (Parliament) representing the atolls find themselves discharging merely ceremonial duties without much say in the management of the state apparatus. This is more so because the Constitution itself vests overarching powers in the President (see below). With the forces of modernisation permeating the society and more educated youth having been exposed to "an external milieu imparting a set of values with divergent interpretation and meaning on the substance of democracy and development in Maldives", a large section of population have begun

3 United Nations Development Programme (UNDP), *Human Development Report 1994* (New Delhi : Published for the UNDP by Oxford University Press, 1994), Table 10, p. 149.

shedding their traditional indifference to Male-centred political development.⁴

Possibly, the sense of economic and political deprivation has been growing high in Addu atoll, the second highest populated atoll where the British had, until 1976, maintained an air base in the strategically important Gan island (which is about 240 miles off Diego Garcia). The Adduans are known for their centrifugal tendencies. During the British rule, in 1959, they declared their independence (the Addu atoll was called the Suvadiva Republic) under the leadership of Afif Didi. They did so in connivance with the British to challenge the domination of the Male-based regime over the southern atolls. And, finally, it was the British help which thwarted the Addu atoll's attempts at becoming an independent state. Since then there has always been an uneasy relationship between the north and the south, and the Adduans are only keen to achieve a dominant control over the decision-making structures. Thus, it was not surprising that the ring leader of the abortive 1988 coup was an Adduan.

Also, the decision making structures are narrow in the sense that only a close-knit political elite with kinship and familial connection continue to have easy access to them. Only a handful of the families in the capital dominate the country's economy, politics and social structure. Power passes from one member to another of the same or extended family. Acquisition of power is "a right by birth rather than achievement".⁵ This has been the case for a long time, even during the Sultanate period. Since there is no political party in the island, only informal coterie and a personalised politics are built upon a network of family ties. President Gayoom is the head of one such coterie representing the interests of the Endherimage and Kolige

4 Urmila Phadnis, "Maldives' Challenges", *The Hindustan Times* (New Delhi), 28 February 1990.

5 Urmila Phadnis and Ela Dutt Luithui, *Maldives : Winds of Change in an Atoll State* (New Delhi : South Asian Publishers, 1985), p. 36.

families.⁶ Until recently, he had in his cabinet two of his wife's brothers; both of them held, from time to time, powerful portfolios such as Atoll Administration, Trade and Industry, Defence, and Fisheries. Both of them amassed wealth. Public outcry forced Gayoom to set up an investigation against Ilyas Ibrahim (one of his brothers-in-law) but he was later cleared of corruption charges and the President re-appointed him to the cabinet. Despite Gayoom's untarnished personal image as an uncorrupted, development-oriented and progressive ruler, young and educated Maldivians have been restive on the matter of entrenched privileges enjoyed by the elite who dominate the island's politics.

Another source of political discontent of the Maldivian elite emerges from the nature of the political system itself, which can be characterised as 'democratic oligarchy'. It is democratic in the sense that the Constitution (1968) provides for a legislature (Citizens' *Majlis*) which comprises, at present, of 48 members - 40 of them are elected directly from the 19 atolls and Male in equal number (two each) on the basis of universal adult suffrage, and eight members nominated by the President for a five year term.⁷ Although the Citizens' *Majlis* is provided with powers to enact ordinary legislation, certain important laws on matters concerning the amendment of the Constitution, financial activities of the state (changing the currency of the country), the protection of the rights of the administration or the citizens, and the lease of any part of the territory of Maldives to a foreign source for a period exceeding five years are made only in the Citizens' Special *Majlis*.⁸ It comprises of all the ministers, members of the Citizens' *Majlis*, 40 elected

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6. A.V. Varghese, "Situation in the Maldives : A Period of Big Changes", *The Decan Herald* (Bangalore), 29 June 1990.
 7. The original strength of the Citizens' *Majlis* given in the Constitution was 54 members.
 8. Hellmuth Hecker, "The Maldives", in Albert P. Blaustein and Gisbert H. Flanz, eds., *Constitutions of the Countries of the World* (New York, Oceans Publications, Inc., 1972), p. 10.

members (two each from 19 atolls and two from Male) and eight nominated by the President. Within such a democratic framework, there is an oligarchical element. It is evident in the mode of election and powers and functions of the President; the absence of political parties, and the limited rights guaranteed to the people under the Constitution.

The President is not elected by a popular vote. According to the Constitution, the Citizens' *Majlis* chooses by secret ballot a single candidate, who is then presented to the country for a popular verdict at a referendum. If the candidate fails to secure a majority vote, another candidate is proposed for a national endorsement at a fresh referendum. This mode of election has led to the monopolisation of the highest office by a few individuals who wield absolute power and control over the ministers and some of the members of the Citizens' *Majlis*. To a President, getting re-elected in Parliament, in the event of a contest, is not a difficult proposition because the ministers (who are Members of the *Majlis*) and eight nominated members are surely loyal to him. Moreover, at the first instance, a candidate outside the power structure or without political clout may not be able to even enter the fray. If at all he became successful on this count, and his opponent is the sitting President, the possibility of his subjection to harassment at the hands of a powerful opponent is not ruled out. The first Presidential incumbent, Ibrahim Nasir, who was unanimously nominated by Parliament for two terms, did not stand for a third term. In 1978, his successor, Gayoom's candidature was supported by Nasir himself. Gayoom was the *Majlis* unanimous choice for three terms (1978, 1983 and 1988), but his nomination for the fourth consecutive term was decided after a vote on 23 August 1993. Although he secured 28 votes against 18 for his opponent, Illyas Ibrahim (his brother-in-law), his real majority was considered wafer-thin in view of the fact that eight members of *Majlis* were his

nominees.⁹ After the vote, Ibrahim was accused of attempting to influence the members of the *Majlis*, as the Constitution forbids such an act or any campaigning in the election. Ibrahim quit the country, but was tried *in absentia* and sentenced to jail for 15 years, which usually meant banishment to a lonely island.

The President, who is elected for five years, enjoys overarching powers under the Constitution. He is the supreme head of the State (Art. 23) and the supreme authority to ratify bills passed by the Citizens' *Majlis* (Art. 28). He enjoys unlimited discretionary powers to make temporary orders during emergency (Art. 37). He can nominate one or more Vice Presidents if he wishes (Art. 47). He nominates and terminates the appointment of ministers (Art. 52), who are "loyal" to the President alone.¹⁰ The President is, by and large, well guarded by the Constitution. His removal from office is possible, but there are many ways to escape from ouster. Constitutionally, he can be removed on the charges proved by *Shariath* that he has forfeited any of the necessary qualifications specified in the Constitution for his election, that he is guilty of an act for which punishment has been defined in *Shariath*, and that he has opposed or personally violated any of the principles of the Constitution (Article 50). But, during the trial of charges, the President has a room for manoeuvre. He can influence the opinions of the members of the Citizens' *Majlis*, who play a pivotal role in the entire exercise, as well as the body appointed for the conduct of trial. The procedure is that any charge against the President should be presented to the *Shariath* for trial only after securing the support of the two-thirds members in the Citizens' *Majlis*. Then, a three

9. Far Eastern Economic Review, *Asia 1994 Yearbook* (Hong Kong: South China Morning Post, 1994), p. 169.

10. Under Article 54 of the Constitution, every minister shall stake the following oath before the President: "I swear by Allah that I shall respect the Religion of Islam and the Constitution of Maldives and to be loyal to the President of the Republic and to safeguard the rights of the citizens and that I shall discharge the duties connected with the portfolio assigned to me diligently and faithfully". Hecker, n.8, p. 8.

member body appointed for the administration of justice conducts the trial. Even in the matter of constitution of this body, the President plays a larger role - the Citizens' *Majlis* and he nominate one member each, and then they jointly nominate the third member. Should they disagree on the choice of person for the joint nomination, the President's nominee will be accepted. Furthermore, the body for the conduct of prosecution trial will have six nominees of the President and the other six members are to be elected from the Citizens' *Majlis*.¹¹ The President, thus, controls the entire constitutional machinery, including the ones which are meant to control his authority and functions.

With overarching powers vested in the President under the Constitution, he can function in a manner to evolve a highly centralised government structure under which political dissent is considered as an offense. In March 1975, perceiving a threat to his authority, President Nasir invoked emergency powers and dismissed and later banished Prime Minister Ahmad Zaki to a remote atoll. Besides, he abolished the office of Prime Minister after securing an amendment to the Constitution by a Citizens Specials *Majlis*. Nasir manipulated the Constitution to such an extent that the Parliament virtually remained under his thumb.

Although the Gayoom government restored Parliamentary privileges, the legislature has not become autonomous *vis-a-vis* the executive. This is because power is fundamentally tilted towards the executive under the Constitution. A total revamping of the Constitution can alone change the pattern of relationship between the executive and legislature, separate powers between the police and judiciary, and demarcate powers and functions between the President and the Ministers' *Majlis*.

The absence of a party system in Maldives also adds to the oligarchical character of the political system. It is true that the

11 Hecker, n.8, p.6.

Constitution does not put any bar in forming a political party. At the same time it does not guarantee anyone the full right to do the same. Most of the obstacles in this regard come from Article 38 of the Penal Code which treats as punishable offense any "spoken or written words or signs" arousing anti-government feelings. A proper political climate cannot be created for the birth of political parties in the atoll state as long as this clause of the Penal Code remains in force. After all, freedom of expression, even against the government, is a fundamental necessity for an effective functioning of a political group. In any democratic set up, an opposition party cannot be expected to be pro-government. And, in party politics the government is subjected to constant scrutiny and criticism by the Opposition.

With the right to freedom of expression being very much restricted, the people's fear of governmental authority seems legitimate. Peculiarly the constitutionally sanctioned rights of the citizens are many (covering articles 5-21), but their enjoyment is restricted by the conditions imposed by either the *Shariath* or other laws. The State's encroachment into every right of the citizens is allowed in a manner that it is the former which determines the extent to which the latter can enjoy freedom in the country. The Maldivian Executive is so powerful and, at the same time, the judiciary is so fragile that the ordinary citizens do not have any effective recourse to law against any unjust penalisation. Article 20 of the Constitution vaguely prescribes that the citizens can appeal to the "higher authority" in the event of their unjust punishment. This higher authority is the President, and not any court of law.

More than the general masses, it is the opposition political elite who are highly disgruntled with the present political system. Their sense of political deprivation is strong and a segment of the educated population, exposed to an external milieu and democratic ideals may even emerge to serve a potential support base for such political elite. The repeated attempts to dislodge the government in an

undemocratic way illustrated the failure of the existing political framework to accommodate the growing desire of a section of the political elite for power and authority.

Overcoming Challenges: The International Support

The domestic roots of the November 1988 coup were completely ignored in any perspective given either by the Maldivian government or international observers. It is more appropriate to term the incident as an attempt to create political disorder and instability, than what President Gayoom perceived as a "dangerous conspiracy aimed at subverting the sovereignty, territorial integrity and the political independence of Maldives and undermine peace and stability in our (South Asia) region".¹² One can well say, to an extent, that the sovereignty of Maldives was threatened because the incident involved an armed aggression of foreign mercenaries. But the principal objective behind such an action and the nature of challenges that accrued from it cannot be overemphasized.

The post-1988 coup period witnessed a serious search by Maldives for an international protection of its security. It alerted international opinions on the vulnerability of small states by exposing its experience at every possible fora - the United Nations, the Commonwealth and the SAARC. Concurrently, the Maldivian leadership has sought to develop a sound security policy based on a multilateral-cum-bilateral approach.

It must be noted that although President Gayoom made a general appeal to many countries (including the United States, the United Kingdom, Pakistan, Sri Lanka, Malaysia and Singapore) for help to foil the coup in 1988, he sought military assistance only from

12. Address by His Excellency Mr. Maumoon Abdul Gayoom, President of the Republic of Maldives at the Opening Session of the Fourth SAARC Summit Meeting, Islamabad, 29 December 1988, pp. 4-5 (pamphlet).

India.¹³ Two questions may be asked here: Why did not the President make a general international appeal for military help? Why did he choose to seek India's military assistance and at the same time, prefer to send out a general appeal to other countries?

The answer primarily lies in the tenets of the Maldivian foreign and security policy. For the Maldivian President, an appeal to the extra-regional powers (the United States was in a position to send troops from its base in Diego Garcia) for military help would mean opening the Pandora's box of their involvement in the region which the atoll state's foreign policy seeks to disapprove. But what determined his decision to seek India's military assistance were such factors as mutual understanding and goodwill which existed in Indo-Maldivian relations, India's power potentiality and geographical proximity, and a common South Asian identity which both the countries share. At the same time, Gayoom did not want to put all his eggs in the Indian basket. By seeking international political and moral support through his general appeal he sought to drive home the point that he was not depending on India alone, but the entire international community to foil the coup.

This approach has largely evolved out of fear that a bilateral, institutionalized arrangement with India to ensure the atoll island's security would introduce elements of dependence in Indo-Maldivian relations. The Maldivian leadership feels that a dependent relationship within an institutional framework like friendship treaty would militate against the basic spirit of Maldivian foreign policy and its idea of promoting its national identity. This is because the mentor power will probably seek to use its leverage for getting the weaker state to behave internationally in a manner suitable to its preference. This is especially in view of the fact that dependence on

13. This point was specifically clarified in view of the media reports that the President had asked military assistance from the United States and the United Kingdom as well. *The Hindu* (Madras), 7 November 1988.

external security assistance tends to become a perpetual affair at least in the case of small countries like Maldives where the resource mobilization capacity is extremely limited to achieve a completely indigenous defence preparedness.

This apprehension is reflected in the statement of the Maldivian Foreign Minister Fathulla Jameel at the UN General Assembly on 25 September 1989. He noted that bilateral security arrangements in the international system have not evolved to a level of maturity whereby the interest of the weaker partner can be guaranteed. He further stated that the socio-political identity of the weaker states and the principles of sovereign equality were not strong enough to be impervious to possible vicissitudes of "unequal relationship"¹⁴. In view of such implications, President Gayoom ruled out any defence treaty with India. He said that such a treaty was not necessary as there was complete understanding with India and as direct communication channels between the two countries existed.¹⁵

Alternately, Maldives considered the multilateral framework as the most feasible mode of sound security mechanism for the weakest members of the United Nations. As such, it initiated a resolution in the UN General Assembly, in August 1989, seeking the world body to adopt appropriate measures to protect the security of small states. The resolution (44/51), which was adopted unanimously on 8 December 1989, recognised the vulnerability of small states to external threats and acts of interference in their internal affairs, and appealed to "the relevant regional and international organisations to provide assistance when requested by small states for the strengthening of their security in accordance with the purposes and principles of the Charter". It also urged "the Secretary-General to pay special attention to monitoring the security situation of small states" and to "explore ways and means, within the United Nations and in

14 IDSA, *News Review on South Asia, 1989*, p. 1080.

15 *Amrita Bazar Patrika* (Calcutta), 16 January 1990.

accordance with the Charter, of preserving the security of small states".¹⁶

At the same time, counting on India going to the atoll island's rescue in the event of any threat to its security, the Maldivian leadership maintained that the international obligation to provide security to small states would not prevent them from seeking bilateral assistance. President Gayoom made it clear that he would not hesitate to ask India for military help again, should foreign mercenaries attempt to invade his country.¹⁷ The inference that could be drawn from this statement and the country's initiative at the United Nations is: while preferring to seek India's security assistance on a case-by-case basis and not under a bilateral arrangement through a treaty, the atoll island entrusts the overall responsibility of ensuring its security to the United Nations. It considers India as a source of contingency security assistance.

India's military assistance and, for that matter, international protection can essentially be expected to prevent external threat to the Maldivian security emerging in any form, including the involvement of external forces in the country's domestic politics. This would mean that challenges to political order arising entirely from an interplay of domestic political forces in Maldives cannot be tackled all the time with external military support. No country prefers to get directly involved in the maintenance of law and order in Maldives. In the long run, it is not even good for Maldives to depend on external support to maintain its political order. Since the root cause for the challenges to political order lies in the political disgruntlement of the political elite, it is necessary to address their grievances in the wider interest of enduring peace and order in the atoll state.

16 United Nations, *General Assembly Resolution*, 44th Session, 78th Plenary Session, pp. 232-3.

17 JDSA, *News Review on South Asia*, 1989, p. 1080.

A Need for Constitutional Reform

This raises the question of democratisation of the polity, a long-standing demand of a large section of the political forces in Maldives. Their aspiration for constitutional reform has not yet evolved itself into an institutionalised form of a greater movement for democracy, but pro-democratic sentiments are getting frequently expressed in every possible way. In 1990, a group of dissidents floated a bimonthly Sangu (the Conchshell) which, along with another magazine Hukkuru (Friday), tried to rally the islanders against the government. Consequently, the Sangu was banned and its editor was charged with "encouraging certain elements to take the law into their own hands and to engage in unlawful acts which might endanger public places and property and result in civilian harm."¹⁸ Even the Indian Government was urged by the Opposition to play a role in bringing about a change in the present constitutional structure. "If India is truly interested in the Maldivian people as opposed to Mr. Gayoom and the interests he represents, it must exert pressure on the Maldivian Government to make constitutional changes within a set time and ask it to introduce immediate reform measures like the abolition of Article 38", said an Opposition leader, Mohammed Nasheel.¹⁹

President Gayoom has been sensitive to the growing pro-democratic sentiments in the country. As early as in the eighties, he admitted in principle the need for constitutional reform and promised to democratise the polity. This pledge was reiterated in the beginning of his every new term. For instance, after his victory in the 1993 election, the President declared that his new term would move the country towards "a better democracy". "I would like to

18 Reported in Varghese, n. 6.

19 *Ibid.* Article 38 of the Constitution says that "all powers vested in the President of the Republic are confined within the limit laid down in the *Shariath* and the law. He shall not exercise his powers in any way that contravene the *Shariath* and the Constitution" Hecker, n. 8, p. 6.

complete [the] transformation of the system. Everything is centralised now.... for many generations. I want to decentralise as much as possible", he said.²⁰ He has envisaged for a political framework which would provide the people with a wider choice of candidates to the post of President, create a system of direct election of the President, strengthen the position of Parliament and enhance the accountability of the government to the people.

However, the President's pledges have not been followed by any sincere and concrete measures. The suspicion is that the President himself is caught between two diametrically opposed political forces - the radical dissidents who are uncompromising in their demand for constitutional change, and the ruling conservative elite who seek to preserve their privileges under the present political set up. The latter group, which supports President Gayoom, sees the former as only a bunch of westernised, un-Islamic youth. Thus, for the Maldivian President, the task of consensus building among the power seekers in the island is daunting. Although it is necessary to prevent social convulsions stemming from constitutional reform, this itself cannot be the ground for any one to ignore the unmistakable air of expectation of democratic changes. Political restructuring is necessary for the promotion of peace and order in Maldives. At the same time, it should be ensured that such changes would not become a cause for political instability in the island and irresponsible to its development needs.

20 Reported in *The Asia 1994 Yearbook*, n. 9, p. 170.