



## Information Brief on the Maldives

Date: 29 July 2012 No: 6

### THE ALL-PARTY TALKS

After assuming Presidency on 7 February 2012, Dr Mohamed Waheed set-up the All-Party Talks as a forum where all major political parties could discuss, in a candid fashion, ways of overcoming the immediate challenges faced by the new Administration. Some of the challenges were:

1. Former President Nasheed raised some serious questions about the legitimacy of Dr Waheed's presidency;
2. During the demonstrations on 8 February, MDP supporters caused large-scale violence and destruction across the country;
3. Serious allegations about police violence in controlling the MDP protest on 8 February;
4. The People's Majlis (Parliament) was not in session, and could not be convened to debate urgent issues affecting the State. The MDP had vowed not to allow President Waheed to open Parliament until an early election date was announced.

To address these challenges, President Waheed took the following steps:

1. Set up a Commission of National Inquiry (CoNI) to investigate the issues that former President Nasheed had raised. Its composition and mandate was subsequently revised to meet the concerns of Nasheed and the Commonwealth. The CoNI is

expected to report its finding by the end of August, 2012. The Government is fully committed to CoNI process, and is determined not to allow anything that could pre-empt or influence the outcome of CoNI's finding.

2. Police, in coordination with the independent Prosecutor General, investigated the cases of violence and destruction committed by MDP supporters on 8 February 2012. Charges have also been filed before Magistrates Courts in respective islands where the offences were committed. And more serious charges have been filed before the Criminal Court in Male'. Most of these charges are under Law Number 10/91 (Prevention of Terrorism Act)
3. As for the alleged police violence in controlling the protests of 8 February, the government has requested the independent Human Rights Commission and the Police Integrity Commission to investigate these allegations, and they are indeed, carrying out the investigations. One senior police officer, Staff Sargent Ali Ahmed, has been charged in the Criminal Court, Male'. The first hearing was held on 17 July 2012 and second hearing is scheduled for 18 September 2012. Sargent Ali Ahmed is charged under section 2(a) and (e) of Law Number 17/2010 which carries 3-7 year jail sentence.
4. As for the MDP's threat to disrupt the Parliament, President Waheed

setup the All-Party Talks, with Mr Ahmed Mujuthaba as the convenor, assisted by a UN mediation expert. Before appointing Mr Mujuthaba, the President shared his name with the MDP, but did not receive a response.

The Primary purpose of the All-Party Talks was to allow peaceful opening of the Parliament. Several meetings were held, but without success. To get a breakthrough, President Waheed, and Indian Foreign Secretary Mr Ranjan Mathai also attended the Talks. Despite all efforts, the MDP did not allow to hold a peaceful opening of the Parliament on 1 March. After several attempts by the Government to address the concerns of the MDP, the state opening of the Parliament was held on 19 March, amid violence inside and outside the Majlis by MPs belonging to the MDP.

After the Parliament was opened on 19 March, the convenor of All-Party Talks, Mr Mujuthaba proposed to end the Talks. However, the Speaker of the Parliament, Hon Abdulla Shahid, realising the fluid nature of the political situation in the country, urged Mr Mujuthaba to continue with the Talks so that there would be two parallel tracks for holding national dialogue; the Parliament and the All-Party Talks. If one track fails, the other would still be open.

Following the violent disruptions by the MDP MPs during the opening of the Parliament, some political parties in the Coalition Government (namely Peoples Progressive Party (PPM), Peoples' Alliance (PA), and Adhaalath Party (AP) pulled out of Talks. These parties, however,

returned to the Talks following repeated calls by President Waheed.

### ***Agenda of the Talks***

After several rounds of discussions, the participants agreed to the following agenda for the Talks:

The parties attending the All-Party Talks also agreed to the following order of discussion.

#### *Agenda item 1: Discussion on resolving the on-going disruption and violence*

- The role of political parties.
- The role of NGO's.
- The role of media.
- The role of government.
- The role of the police.
- The role of other bodies or actors.
- Peaceful protests and assemblies (constitutional right).
- Possible symbolic gestures to reduce tension.

#### *Agenda item 2: Discussion on assessing the State Budget*

- Current accumulated deficit.
- Forecast deficit for 2012.

#### *Agenda item 3: Discussion on reforming and strengthening independent institutions and independent posts*

- How to secure meaningful independence to State institutions and to the leaders of these institutions?
- Are there any amendment needed to the relevant articles of Constitution?
- Are the independent institution's organic laws completed? Do they need to be revised?

- What are other possible reforms need to strengthen the independent state institutions?

*Agenda item 4: Discussion on identifying the Laws to be amended and new Laws to be enacted*

Laws listed for possible revisions are:

- Election Commission Act.
- Prosecutor General's Act.
- Laws relating to the Judiciary:
  - Judicial Service Commission Act.
  - Judges Act.
  - Courts Act.
- Police Act.
- Defence Force Act.
- Other Acts.

List of Bills for possible enactment:

- Political Parties Act.
- Bill on Wiretapping (to ensure privacy as per Article 24 of Constitution).
- Bill defining the powers of the President under Article 115 of the Constitution.
- Prisons Act.
- Criminal Procedure Act.
- Privatization Act.
- Financial Reserves Act (to address issues raised by Article 250 of Constitution).
- Penal Code.
- Evidence Act.
- New Act on Anti-Corruption.
- Other Acts or Codes.

*Agenda item 5: Discussion on possible amendments to the Constitution*

- Amendments related to reforming Judiciary.
- Amendments related to reforming the Defence Force.

- Amendments related to reforming the Police.
- Amendments relating to holding early Presidential elections (in relation to Agenda Item 6).

*Agenda item 6: Discussion on determining a date for an early presidential election*

- Questions relating to this agenda item were:
  - Why and why not hold early elections?
  - Financial cost of holding an early election
  - Securing free, fair and transparent elections, whenever elections are held.

As agreed by the participants, the Talks were held at Bandos Island Resort from May 31 to June 2, 2012. However, despite a 16-hour marathon session, the parties could not agree on Agenda Item 1. The MDP failed to give assurance that it would refrain from violent activities and street demonstrations. As a result, the Talks could not proceed to other agenda items.

### ***New Proposals about the Talks***

On 26 July, the Convenor of All-Party Talks, Mr Mujuthaba and UN Resident Coordinator Mr Andrew Cox met with President Waheed and conveyed that former President Nasheed was willing to stop the street demonstrations if 1) Talks are resumed at the highest level, and 2) discussion of CoNI's possible outcomes are included on the agenda of the Talks.

The Government studied the proposal and on 27 July, it conveyed the following response:

1. The All-Party Talks should take place only in the Maldives;
2. All nine political parties which have been involved in the Talks thus far, should take part in the Talks;
3. Participation in the Talks should be at the level of deputy leaders and above ;
4. The previously agreed agenda of the Talks should remain, and no discussion of CoNI's possible outcomes or anything that would influence its outcomes could be discussed at the Talks; and
5. MDP should give a written undertaking not to continue with the street demonstrations, and observe that for a period of time, before the All-Party Talks could resume.
7. The previously agreed agenda of All-Party Talks should not be changed;
8. Mr Mujuthaba to announce a date (after meeting Mr Nasheed and after conveying the Government's stand on the issue) for the reconvening of the Talks, if the MDP agrees to cease its demonstrations.

The Government is of the view that the All-Party Talks should be a more inclusive process, where all political parties should be given the chance to contribute to in bringing political stability to the country. Moreover, the existing agenda of the Talks was arrived at after several meetings, and with the agreement of the MDP, and therefore it should not be abandoned. On the other hand, the Parliamentary process provides sufficient flexibility to discuss wide-ranging issues, and the MDP could use that forum to highlight any new issues that it wishes to discuss.

On 28 July, following a meeting between Mr Mujuthaba, Mr Andrew Cox and Mr. Nasheed, the following were proposed to the Government by the MDP:

1. Only political parties represented in the Parliament could attend the All-Party Talks;
2. The MDP will cease street demonstrations after the Talks commence; and
3. CoNI's possible outcomes should be included on the Agenda
4. On 29 July, the Government made a counter proposal, which was as follows:
5. Talks among the political parties should proceed on two-track; the Parliamentary process, and the All-Party Talks;
6. MDP and other political parties should refrain from protests and demonstrations;