



**Statement by the Government of Maldives
to the Teleconference Meeting of the CMAG
11 September 2012**

The Maldives was placed on the CMAG agenda on 22 February 2012. According to the Concluding Statement of the CMAG released on the same day, the Maldives was placed on the formal agenda because the Group felt that 'questions . . . remain about the precise circumstances of the change of government'. In addition, the Commonwealth Secretary General has informed the Government that the Maldives was placed on the CMAG agenda because 'the CMAG [can] consider situations that may amount to unconstitutional transfer of power, and that the former President of Maldives . . . had claimed that he had been made to resign on 7 February under duress'.

The Government established the Commission of National Inquiry (CoNI) on 21 February 2012 to inquire and determine whether the resignation of President Nasheed was obtained under duress, as claimed by him, and whether the transfer of power was illegal. In collaboration with the Commonwealth, the Government expanded the mandate and composition of the CoNI in order to meet the demands of former President Nasheed. The expanded CoNI included a senior judge from Singapore as the Co-Chair, a nominee from former President Nasheed, and two internationally renowned legal personalities as advisors (nominated by the Commonwealth and United Nations). Former President Nasheed declared publicly that he accepts the CoNI as an independent and impartial body.

The CoNI has now completed its inquiry and released its Report to the public on 30 August 2012. In its findings, the CoNI has said unequivocally that the 'change of President in the Republic of Maldives on 7 February 2012 was legal and constitutional', and that the 'resignation of President Nasheed was voluntary and of his own free will'.

As Your Excellencies would agree, the initial reasons for placing the Maldives on the formal agenda of the CMAG no longer exist. Even Mr Nasheed is on record (press conference of 31 August 2012; reported in Haveeru¹) in calling for removing the Maldives from the CMAG agenda. That is because there is simply no justification for keeping the Maldives on the agenda. First of all, the CoNI Report, produced through

¹ See <http://www.haveeru.com.mv/dhivehi/news/126487>



a process approved by the Commonwealth, has declared that there is no question whatsoever about the legality of President Nasheed's resignation, or the assumption of office by President Waheed. The CoNI's findings have been welcomed and accepted (though with some caveats) by Mr Nasheed, who was previously regarded by some as the aggrieved party. Nonetheless, the international legal advisors recruited by the Commonwealth and the United Nations, have hailed the CoNI Report as an exemplary piece of work. The observations of the Advisors are attached for Your Excellencies' perusal.

Second, the Government takes the findings of the Report very seriously. As Your Excellencies would be aware, the Report also said very clearly that there were 'acts of police brutality on 6, 7 and 8 February 2012 that must be investigated'. The relevant authorities of the Maldives, the Police Integrity Commission (PIC), which is an independent State body established by the Parliament, and the Human Rights Commission (HRC), an independent constitutional body, have investigated the accusations while CoNI's inquiry was going on. These two Commissions have released their reports, and are expected to send the cases to the independent Prosecutor General, in the coming days, to file charges against the accused police officers. Prior to that, and in response to the CoNI Report, the PIC and the HRC to speed up their investigations of allegations of police brutality.

Third, the situation in the Maldives is calm despite some serious efforts by the opposition to create unrest. Just after the release of the Report, President Waheed convened a meeting of the leaders of all major political parties (including the Chairperson of President Nasheed's party, the MDP) to discuss the way forward in bringing political stability into the country and creating a conducive environment where political discourse could be held in a more orderly fashion. Unlike the previous All-Party Talks, the current round of discussions, which is held in the name of *Leaders' Dialogue* is more focused, and is limited to parties represented in the Parliament. The next meeting is expected to be held in the next few days, and would cover more practical issues including the enacting of critically important legislations to ensure that the Presidential elections scheduled for next year is free and fair.

Fourth, the Government of Maldives is working on a comprehensive programme to strengthen the justice sector in the Maldives, with the technical support of some external partners, including the Commonwealth Secretariat and the Canadian Government. The Government is particularly interested to expand the Maldives's cooperation with the Commonwealth, similar to the one that the country had prior to the 2008 elections, to strengthen the institutional infrastructure of the State, and



cultivating democratic values in the society.

Fifth, it is unfortunate, but true, that there is a certain stigma attached to a country when it is placed on the CMAG agenda. The Maldives, which is one of the smallest countries in the Commonwealth, is experiencing difficulties in finalising foreign investment projects, and in some cases, concessional loan financing, as well as a drop in tourist arrivals into the country from important tourist markets as a result of the country being on the CMAG agenda. As a small economy, almost entirely dependent on tourism and investment, the contractions in these two sectors are having detrimental impacts on the Maldives.

The Government wishes to reiterate that the Maldives was placed on the CMAG agenda unjustifiably. Notwithstanding that, however, the Government extended full cooperation to the Commonwealth. The fact, however, remains that the Maldives has suffered economically and politically after being placed on the CMAG agenda. It is therefore time that the Maldives is removed from the formal agenda of the CMAG and allow the Government to focus on what it is expected to do; cultivating and nurturing democracy in the Maldivian society. After all, in democracies, Governments are answerable to the people.

7 September 2012