

Internal Developments in Maldives and India-Maldives Relations

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First multiparty elections in 2008 and the resultant formation of the first democratic government led by Mohammed Nasheed was welcomed by the international community. The country adopted a new Constitution in the same year and the government embarked upon various judicial, electoral and economic reforms. However, the consolidation of opposition forces in parliamentary elections held in 2009 led by the former ruler of Maldives, Mohammed Gayoom - through political alliances, led to tensions between the President (executive) and the Majlis (Parliament). Decisions taken at the executive level were not accepted by the Majlis. Opposition mobilised public opinion around decisions such as the contract given to the Indian company GMR to develop the international airport and removal of Criminal Court Chief Justice Abdulla Mohamed without the consent of the Majlis. Anti-India rhetoric was also used to garner public opinion. Resignation of the then President Nasheed under these conditions in 2012 and formation of a “unity Government”, led by the then Vice President Mohammed Waheed could not stop the political tensions till the second presidential elections in 2013.

The multiparty elections provided an opportunity for various political forces to articulate their vision for the country and put forward various demands. Nonetheless, the Maldives case proved that the second multiparty presidential elections held in 2013 presented more challenges in consolidating the democratic institutions in the country. The outcome of the election itself proved that the electoral system could be used to unite against any changes in the political system. The opposition forces led by the current President Abdulla Yameen formed the government with the help of the Jumhooree Party (JP) led by Quasim Ibrahim in the second round to secure more than fifty percent mark to win the election. He defeated Nasheed who won the first round with the help of the JP. The PPM during the elections campaigned on a platform of threat to religion and sovereignty of the country from external forces. The

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Supreme Court (SC) also helped the PPM and its allies by ‘rescheduling and intervening in electoral process and by removing the election commissioner in the country’s first *suo moto* case’.¹ In subsequent parliamentary elections held in March 2014 the PPM with the help of the JP and the Maldives Democratic Alliance (MDA) dominated the parliament. Out of 85 seats in Majlis, the MDP secured 26 seats, the PPM 33, the JP 15 and the MDA won 5 seats.

Centralisation of Power since 2014

After coming to power the ruling coalition- the PPM, reduced the SC bench from seven to five in December 2014 through an amendment to the Judicature Act. The President also acquired the power to appoint the members of the Judicial Service Commission (JSC) and in turn, the power to influence the SC and High Court (HC) justices. The Auditor General’s Act was passed to give power to the President to appoint the Auditor General. The government also introduced a Special Economic Zone (SEZ) Act in 2014 to attract foreign investments and the Act provided for 99 years lease for foreign holding of land.

The government also systematically used the judiciary to target opposition leaders. The case in point was the arrest of the ex-president Nasheed on terrorism charges on 22 February 2015 and the subsequent sentence of thirteen years of imprisonment for his role in arresting the Criminal Court Chief Justice in 2012. The arrest led to global condemnation. The International Court of Justice (ICJ) termed the trial as against international standards of fair trial including the international convention on civil and political rights, to which Maldives acceded in 2006. Apart from the ICJ, in October 2015 the UN Working Group report on arbitrary detention stated that ‘the arrest was against international law’.² The concern expressed by the international community including India over the arrest and imprisonment of the former president was not taken positively by the Maldives government and equated with threat to the sovereignty of the country and interference in internal affairs. It issued a statement which stated, “...the Government of Maldives will not take instructions from a foreign government on any issue in governing the country”.³

The government under Yameen not only targeted opposition leaders but also the PPM leaders who were perceived as a threat to his authority over the party. After Nasheed, the former defence minister Mohammed Nazim of PPM was arrested on terrorism charges in 2015. The Adhaalath Party President, Sheikh Imran Abdulla was also arrested on terrorism charges after the party

organised a demonstration in May 2015 against the government. Former Vice President Jameel Ahmed of the ruling coalition was impeached on treachery charges. The Vice President, Abdulla Adeen of the PPM was arrested on treason charges and imprisoned on terrorism charges after a blast in a boat carrying the President in September 2015. The JP was expelled from the ruling coalition. Its leader's business ventures such as the Villa Group, two lagoons and three islands were seized and the company was slapped with a fine of US\$90.4 million.⁴

In that scenario, the EU, US and the UN repeatedly asked the 'government of Maldives to ensure due process in freedom from political persecutions and expressed concern over the deteriorating democratic norms'.⁵ The EU in particular took a tough stand and asked 'its member states to introduce targeted sanctions on individuals such as freezing of assets and travel ban'.⁶ International concern on political arrests was addressed partially by the government by employing tactics such as involving the opposition in constitutional amendment process. For example, in 2015 the government successfully convinced the MDP to support legislative changes by promising that it will release Nasheed and also lift charges against political activists. It was able to impeach the then vice-president Jameel and pass amendments to the Constitution to pave the way for the controversial Foreign Ownership of Land Bill that provided land for foreign investors for infinite period as long as the investor met the criteria such as USD 1 billion investment and capability of reclaiming 70 percent of the land from sea. The bill replaced the provision in the Constitution that 'prohibits foreigners from owning land'.⁷ The support extended to the PPM in parliament by the MDP was a blow to its credibility as a party that stood for democratic rights and the foreign ownership of land bill, many argued, could put the security of the IOR at risk.⁸ The PPM leader Gayoom criticised, '...the passing of the bill may impinge on the sovereignty of the nation'.⁹

Maldives also witnessed increasing radicalisation, and curb on media, freedom of movement and speech in recent years. In September 2014, around 300 people marched on the streets of Male holding black flags of the Islamic State and videos appeared in the social media threatening the President. The government, in this scenario introduced a new Anti Terror Law in October 2015, which gave wide powers to police and judiciary 'to declare any group as a terrorist organisation, to monitor the movement of alleged suspects, to issue a 'MoniCon' Warrant and jail term for those who travel to foreign lands to join wars'.¹⁰ The Human Rights Watchdog appealed for the review of the law. According to the Maldives opposition, '...there are over 200 Maldivians who travelled to Syria to join the IS'.¹¹

The fallout of these policies by the government was the declaration of a state of emergency in November 2015 citing security reasons. The emergency was lifted within a week after international outcry and ‘the opposition allegation that it is settling the political scores and possible impact on tourism’.¹² The EU and Australia issued a travel advisory after the declaration of emergency and the US and Sri Lanka cautioned that it might lead to regional instability.

Formation of Maldives United Opposition (MUO)

Amidst this background, the formation of the MUO in June 2016 gave a fillip to the opposition campaign against the government. The JP, the AP and the MDP came together along with Gayoom fraction of PPM leaders. The MUO was formed after Nasheed was granted political refugee status in Britain and it vowed to fight the next presidential elections to defeat the current regime. The consolidation of opposition forces under one platform was a positive development but it did not deter the government from pursuing its discriminatory policies due to the parliamentary majority retained by the PPM through providing monetary and other benefits to parliamentarians. The Anti-Defamation and Freedom of Expression Bill was passed in August 2016 to criminalise defamation. Media freedom was curtailed and journalists belonging to *Maldives Independent*, *Raajje TV* and *Haveeru* were threatened on a number of occasions and premises were searched by the police. The Raajje TV was slapped a fine of USD 100,000 by the regulatory Maldives Broadcast Commission (MBC) for repeatedly airing critical views on the government. The Al Jazeera documentary, *Stealing Paradise* ‘had thrown a light on US 1.5 billion money laundering, theft and bribery involving government ministers and the President and the documentary pointed out that the President received US one million’.¹³ The Anti-Corruption Watchdog (ACW) also questioned the President regarding a scandal involving leasing of islands and lagoons by the Tourism Ministry. The government also brought in the eighth amendment to the Tourism Law in June 2016 ‘that gave powers to the Tourism Ministry and the President to lease islands, lagoons and land without a bidding process’.¹⁴ The government also extended its support to death penalty.

Role of Commonwealth and the UN

Meanwhile, the Commonwealth Ministerial Action Group (CMAG) in February 2016 made a number of recommendations to break the political stalemate.

The CMAG asked the government of Maldives ‘to initiate an inclusive, purposeful, time-bound political dialogue with participation of all political parties; release of political leaders under detention or custody and the return of those from outside the country; prevention of use of anti-terrorism or other legislation to stifle national political debate, and to address concerns raised regarding due process in judicial cases involving political figures and asked to ensure the separation of powers and independence of the judiciary in Maldives’.¹⁵ The political dialogue as a tool to end the political crisis as recommended by the CMAG as well as the UN did not materialise as the government and the opposition took intransigent positions throughout. The opposition boycotted the talks and set pre-conditions such as release of political prisoners and lifting of terrorism charges by the government on President Nasheed. From the outset the role of Commonwealth and the UN was perceived differently by the opposition and the government. The opposition expected tough action against the government of Maldives. The government wanted to buy time to avoid action by the Commonwealth as it could have an impact on its economic engagement with the countries in the group. The President of Maldives even ‘thanked India and Pakistan for prevailing upon the CMAG to give time to the government’.¹⁶ After the inclusion of Maldives by the CMAG in its formal agenda in September 2016, the government decided to opt out of the Commonwealth rather than act upon the recommendations to end the political crisis.

Local Council Elections: A Setback to Ruling Coalition

The local council election results of May 2017 gave an indication that policies pursued by the government may not be acceptable to the people and that the opposition coalition was able to mobilise people on an anti government platform despite living in exile. The MUO won more than 300 seats while the PPM won 191 seats and its coalition partner the MDA won 18 seats. That was a major boost to the opposition, as the PPM conceded defeat. Continuation of political attacks on journalists and opposition leaders, and attack on freedom of speech were reasons that can be attributed to the defeat of the PPM fraction led by President Yameen. For instance, blogger Yameen Rasheed was brutally killed in April 2017 for his critical writing on government polices and his views against Islamic radicalisation. The government also refused the call by the UN to release the former defence minister Nazim in January 2017.

Rather than working on political resolution of differences the government seems to be tightening its grip on the opposition and parliamentarians by restricting freedom of speech and movement. The government locked down the Parliament in July 2017 after the MUO submitted a no confidence motion against the Speaker of the Parliament. The Local Government Authority (LGA) decided to ban local councils from meeting with foreign diplomats and organisations without special permission from the government. The LGA defended the decision on the pretext, ‘...informal meetings between local council and foreign entities could undermine the Maldives’ status as a unitary state under the Constitution’.¹⁷ In line with the decision, the government suspended three councillors for meeting India’s Ambassador to Maldives, in December 2017. The decision was widely condemned by diplomats from US, Australia and UK. The decision by the government can also be seen in the context of ‘MDP leader’s frequent visit to Sri Lanka to hold meetings with opposition leaders, which was objected by PPM leadership’.¹⁸

Economic and Foreign Policy Decisions

Maldives’ economy is primarily dependent on tourism. During the last five years, 2012 to 2016, ‘tourism has contributed more than 22 percent to national GDP, followed by transportation and communication, wholesale and retail and construction and manufacturing’.¹⁹ China ‘remained as the top market for tourism to Maldives since 2015. For example, 324,326 tourists arrived from China in 2016 and has a market share of 25.2 percent followed by Germany, UK, Italy and India’.²⁰

Some developments with regard to the economic policy of the government indicate that the upcoming presidential election in 2018 is influencing many policy decisions at the economic front. The government after coming to power has embarked upon various infrastructure projects and has taken measures to attract foreign investment particularly from China and the UAE. China funded important flagship projects of the government of Maldives such as the China-Maldives Friendship Bridge Project (US 200 million), the Expansion and Upgrading of Velana International Airport Project and the social housing projects in Hulhumale. Maldives and China also concluded a Free Trade Agreement (FTA) in December 2017. According to the ruling PPM it was a major achievement and could improve trade with China. The lack of transparency in passing the agreement in parliament was questioned by the MUO and it alleged, ‘...it will undermine the sovereignty of the region as the country owes more than 70% of its debt to China’.²¹ The opposition also spoke against the possible deal to sell a Faafu atoll to Saudi Arabia.

The Asian region has been an important trade partner for Maldives for long, but the trend is shifting towards the Middle East. The Maldives trade (imports and exports) data by WTO (2009-14) indicate that the UAE has increased its share considerably and ‘it is emerging as an important export destination for Maldives. For example, UAE’s share in exports increased from zero percent in 2009 to 0.5 percent in 2014, (total exports in 2014 stood at US \$ 144.8 million)’.²² Maldives also increased its imports considerably from the Middle East during the same period, from 15.7 per cent 23.7 percent (total imports in 2014 stood at USD 1,992.7 million).

According to the IMF, the public and external debt of Maldives is increasing sharply. This might push the economy into chaos if not addressed at the earliest. According to its assessment, the large infrastructure projects are adding to the public debt and external financing risks, and the ‘total public debt in 2016 was estimated at about US\$2.8 billion (65.7 percent of GDP) in Maldives’.²³ The external debt ratio is also increasing sharply and ‘the total external repayments are estimated to be US\$1.4 billion over 2016-2021’.²⁴ Major creditors of Maldives, both bilateral and multilateral, include China, Saudi Arabia, Abu Dhabi and the OPEC.

India’s Response to Internal Developments

India- Maldives relations has come under focus given the political and economic developments in Maldives and its emerging foreign policy direction. Relations with India have crucial strategic, military and economic importance for Maldives. The 1,190 island nation sits on crucial sea lanes of communication in the IOR and India has been maintaining friendly relations since Maldives’ independence. India’s help to Maldives in 1988 to deter a coup against the government of Abdulla Gayoom by sending military forces, and the support extended to the first democratic government in Maldives are examples.

India figured prominently in the internal political debates of Maldives in the last few years and political parties opposed to consolidation of democracy in the country used anti-India rhetoric to thwart any attempt at political and economic reform. Opposition to the Indian company GMR to develop the Male international airport and its ouster from the island was one such example. The project became a victim of the internal competitive politics of Maldives. For instance, the alliance of political parties established the ‘Reclaiming Maldivian Airport to Maldivians’.²⁵ The PPM also mobilised public opinion against the project. The former President Mohamed Nasheed had warned that scrapping the deal could hurt ties with neighbouring India. India and

Maldives relations hit a low for some time due to the controversy. India was of the opinion, ‘...as GMR represents the single largest foreign direct investment in the history of Maldives, termination of contract with the company sent a negative signal to foreign investors and international community and it asked the Government of Maldives to protect Indian interests in Maldives’.²⁶

In another instance, India brokered a peace deal after President Nasheed took refuge in the Indian embassy in Male in 2012 to evade arrest. After the political crisis that unfolded after the arrests of former President Nasheed, India responded cautiously to developments and issued a statement saying, ‘...the Maldives government and opposition should resolve their differences within constitutional and legal framework’.²⁷ Though the statement avoided a strong condemnation of events, the prime minister’s decision to cancel his visit to Male in March 2015 sent a message that India expects a peaceful handling of the political crisis. After the declaration of emergency in Maldives, the Indian prime minister underscored the importance of ‘stable and inclusive democracy and judicial independence’.²⁸

The government and Maldives’ opposition parties look up to India for support and expect a particular role that should play in support of their interests. This is evident in various statements given by the President of Maldives and the MDP leader Nasheed to media and in public meetings. India welcomed the Maldives government’s decision to give permission to Nasheed to travel to UK for medical treatment. Nasheed often insisted in his statements and interviews that his party believes in India First Policy and after the formation of the MUO in London in June 2016, he expected India’s recognition and assistance. However, India did not make its position public on the MUO formation, much to the disappointment of the opposition leader. In that context, the MDP said, ‘India’s silence on political developments is troubling and they expect India to provide greater support to reinstating democracy in the Island’.²⁹ India also did not seem to be in favour of imposing sanctions on Maldives as demanded by the opposition and wanted to solve the crisis through bilateral and Commonwealth mechanisms. Maldives opting out of Commonwealth had left few choices in influencing the government of Maldives to end the political crisis. The MDP leader’s travel to India in August 2017 to attend a think tank conference was projected as a ‘signal to the Maldives Government that India is engaged’.³⁰

The Maldives government expects India not to intervene in the political matters of the country and the statement given after signing of the FTA with China by the President of Maldives specifies the same. He said, ‘Maldivians would never tolerate any outside influence into internal affairs of the country

and condemned in the strongest terms, the actions of some who call for the involvement of foreign parties in nation's internal matters'.³¹ The government's complaint against the 'opposition is also linked to religion and protection of Islam and it accused the opposition of defaming the country in the international arena and violating the rights of the whole nation'.³² Whereas the opposition leader Nasheed maintained that 'his party would not want any outside intervention in the country including India'.³³

Despite the turbulent political atmosphere in Maldives India continued its development and economic assistance at the bilateral level. The India-Maldives-Sri Lanka Trilateral Maritime Cooperation is in place and during the visit of the President Yameen to India in April 2016, both the governments signed 'six agreements/MOUs, covering exchange of information on taxes, avoidance of double taxation, tourism promotion, Orbit Frequency Coordination of "South Asia Satellite" proposed at 48°E, conservation and restoration of ancient mosques and joint research and exploratory surveys in Maldives and an action plan for defence cooperation'.³⁴ Cooperation continued in health and education sectors, institutional cooperation, at SAARC level and in disaster management. The Indian Minister of State for External Affairs M.J. Akbar visited Maldives during February 21-22, 2017 as a Special Envoy of the Prime Minister. President Yameen conveyed his 'appreciation for the consistent support of India and reiterated the high priority attached by his Government to India in keeping with their "India First" policy'.³⁵ The India-Maldives Joint Commission meeting took place in October 2015 after a gap of fifteen years. The annual India-Maldives Joint Military exercises named 'Ekuverin' continued. For instance, joint military exercises were held in Karnataka in December 2017.³⁶ India welcomed the visit of the Maldives president to China and on the matter of Maldives signing an FTA, India expects that 'as a close and friendly neighbour Maldives will be sensitive to India's concerns in keeping with its India First policy'.³⁷

In the last two presidential and parliamentary elections in Maldives, India figured prominently in election campaigns. The fear of possible intervention by India in Maldives is kept alive by political parties to suit their interests. This is evident in the recent debates in the Maldives media. In response to the article that appeared in *Vaguthu* criticising India's policy towards Maldives, President Yameen appealed for restraint in criticism towards India and asked not to engage in negativity towards India as 'India is the Maldives' closest friend and ally'.³⁸ He also said, 'Indian assistance formed an invaluable contribution to the Maldives', further adding that the

government was currently working towards a free trade agreement between Maldives and India.³⁹

Implications and Future Scenario

The above stand taken by India indicates that, it has responded very cautiously towards the internal developments and has laid stress on strengthening democracy and the rule of law in the country. India's response can be seen in the context of domestic, regional and global developments.

At the bilateral level, domestic developments in Maldives present a complex picture in terms of India's political engagement with the island nation and regional stability. India looked at it as an internal problem that should be solved domestically. There seems to be an ambiguity over the political alliance of MUO and its continuity before and after the elections, given the history of shifts in political alliances. The Commonwealth mechanism was useful in putting forward the stand of India as it asked for constructive engagement of all parties to solve their political differences. Maldives opting out of Commonwealth left few choices in terms of taking position on political matters for India. India is not in favour of international sanctions on India's backyard or any third party intervention.

Increasing Islamic radicalisation is a cause for concern. Islam is the only religion that is allowed to be practised in Maldives. The forthcoming presidential elections are also fuelling debate over the faith and protection of Islam from external influences. This might lead to more instability and attack on liberal views. India is mindful of the fact that religion is also being played out in enhancing its relations with extra regional powers.

Regional cooperation is a must for achieving required stability and peace as well as for Sustainable Developments Goals of the UN. Maldives is a member of SAARC and supported India's decision to cancel the scheduled SAARC Summit in Islamabad after attacks on Indian military establishment.

India's keen interest in playing a major role in the Indian Ocean and its security is also driving its policy towards Maldives. Even though the domestic developments in Maldives present a complex picture in terms of human rights record, respect for fundamental rights, and overall development of democratic governance in the country, it seems that strategic considerations have taken precedence over other issues for India. Maldives is a member of Small Island Developing States and is an important partner for implementation

of China's Maritime Silk Route, and the Belt and Road Initiative along with Sri Lanka. Even though the government of Maldives assured India that it will follow 'India First Policy' and its relations with other countries will not act against India's security interests, uncertainty remains over China's investments in the region. Moreover, there is ambiguity regarding the future use of ports and other infrastructure developed by China for military purposes, given the increasing financial dependency of Maldives on China as the loans taken for infrastructure projects are outright commercial loans. The signing of the FTA indicates that China's interests are consolidated in the region. Even after a government change in Maldives, there is no guarantee that the new government will reverse the policy towards extra regional powers. The opposition seems to be on a strong foot in present circumstances. However, how these parties reconcile their ideological differences in the future is the main question. Apart from China there are other players, who have significant presence in the Indian Ocean such as US. India believes that continuation of bilateral development assistance and cooperation in substantial areas will stabilise the relation and will also be helpful in minimising the effects of foreign policy decisions of Maldives.

Conclusion

Maldives is a case in point to prove that transition to democracy is not an easy process in states that faced autocratic rule or one man rule for many years. Consolidation of power through state institutions such as judiciary and police, and patronage given to individuals to remain in power become a barrier in transition and regular multiparty elections cannot break the barrier. Various internal developments in the country indicate that the forces opposed to democratic transition are using the same state institutions after coming to power to undermine the reform process needed for consolidating democracy; and political alliances have become a tool in the process.

In this context, India-Maldives relations will depend upon how much India can contribute to the framework of the economic development of Maldives, based on the country's specific needs and aspirations, as well as curtail the influence of extra regional powers. Maldives' case points out that continuation of bilateral relations also depends upon the expectations of the governments in power in India's neighbourhood. Moreover, there are many layers in bilateral relations, which have to be taken into account while formulating an approach towards the internal political developments in a country.

Notes :

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