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Maldivian Democratic Party

H.Sharaashaa, 1st Floor, Sosun Magu, Male' 20059, Maldives

Tel: (960) 334 0044, Fax: (960) 332 2960

E-mail: secretariat@mdp.org.mv

www.mdp.org.mv

Consultative Talks to Resolve Political Tension and Strengthen the Maldives Democratic System

Government of Maldives and Maldivian Democratic Party

1 July 2015

Proposed Agenda by the Government for Consultative Talks

1. Seek solutions within the legal framework to encourage development of national solidarity through political reconciliation and reducing political tensions.
2. Determine measures needed to further improve the constitutional, legislative and judicial systems in the Maldives, based on past national experience and in line with international standards and norms.
3. Work towards the development of the nation and citizenry through encouragement of cooperation and collaboration amongst the different political parties in the country in achieving economic and social progress.

Proposals put forth by the MDP in Response to Government's Invitation for Consultative Talks

1. Basic structure for the Talks (Paper 1)
2. Issues on which discussions are to be based:
 - a. Political Reconciliation. (Paper 2)
 - b. System of executive administration and judicial reform. (Paper 3)
 - c. Matters related to national development. (Paper 4)

Paper 1

Basic Structure of the Talks

1. Basic Structure of the Talks:

- a. Talks with the government should be held jointly with the four political parties, namely, the Maldivian Democratic Party (MDP), the People's Progressive Party (PPM), Adhaalath Party (AP) and the Jumhooree Party (JP), sitting across the same table.
- b. Each Party shall have full discretion in appointing the Party's representative/representatives to the Talks.
- c. Talks should be held in 3 phases, with predetermined procedures for each phase, and shall proceed accordingly.
- d. Proposed basic phases for the Talks :

- i. Political Reconciliation

All matters included for discussion under political reconciliation should be concluded and implemented within a period of 2 weeks from the start of the Talks.

- ii. Administrative and Judicial Reforms

Discussions on a timeline for implementation of measures proposed under administrative and judicial reforms should be concluded within 2 weeks from the beginning of the Talks.

- iii. Matters Related to National Development

A timeline to implement measures proposed for deliberation under national development should be concluded within 2 weeks from the beginning of the Talks.

- e. Assessing the success of Talks

- i. Reaching agreement on the order of the phases for the Talks

- ii. Reaching agreement on the proposals submitted in phase one, and implementation of agreed measures.
- iii. Reaching agreement on the major matters proposed for discussion in phase 2 and concur on a timeline to implement matters that have been agreed upon.

2. Proposed order of discussion following agreement on the basic structure of the Talks

- a. Political Reconciliation
- b. Administrative and Judicial Reforms
- c. Matters on National Development

3. Assessing the progress of Talks to move from one phase to the next.

- a. Remaining engaged in the Talks will be based on the progress achieved on matters specified under the proposed basic structure for the Talks stated in 1(d) of this paper. Progressing from one phase to the next will depend on the success achieved in the preceding phase.

4. Public disclosure of information on the Talks

- a. A Committee, comprising representatives from the government and participating political parties, shall be set up to disseminate information to the public regarding the Talks.
- b. All information relating to the Talks shall only be disseminated via news conferences held and news statements issued by this Committee.
- c. In order to keep the public as widely informed as possible it is desirable that an information brief is given at the conclusion of every consultative meeting.

Paper – 2

Proposed Measures for Easing the Prevailing Political Tensions and Ideological Differences within the Legal Framework and Promote National Harmony through Political Reconciliation

1. With a view to reducing the intensity of the allegations that the charges levied on those persons who were serving in an elected position in a political party or a politically appointed post at the time of their arrest, and who are currently on trial or serving a sentence, were motivated by political or personal vendetta; law enforcement agencies to use their discretionary powers granted by law to transfer such persons to house arrest. While the above is to be inclusive of all persons in similar circumstances, specific note is made of MDP President and former president of the Maldives, Mohamed Nasheed; former Minister, Col. (Rtd). Mohamed Nazim; former Minister Tholhath Ibrahim Kaleyfaanu; and former Deputy Speaker of the Pelople’s Majlis, Ahmed Nazim.
2. To release and withdraw charges against all the Maldivian citizens who have been arrested, are being investigated or charged; or are in the process of being charged in relation to their participation and involvement in the protests; withdraw the charges and release all those who find themselves in the situation described in No. 1. Included for release amongst these are; President of Adhaalath Party, Sheikh Imran Abdullah; MDP Chairperson Ali Waheed; Deputy Leader of Jumhooree Party and former Minister Ameen Ibrahim; Member of People’s Majlis Brig. Gen. (Rtd) Ibrahim Didi; Council Member of Jumhooree Party, Sabah Rasheed; current and former members of the People’s Majlis; and those in elected posts of political parties.
3. Taking into consideration the potential harm to the Maldives economy and safeguard citizens from having to suffer potential harm, cease actions taken against or are said to be taken against businessmen that are seen to be taken based on political or personal reasons, revoke such actions taken to date and to ensure that in situations where action may be necessary, such actions are taken in a fair and impartial manner for all.
4. Cease the threats to the job security of Island/Atoll Councillors, civil servants and employees of state enterprises for their participation in protests and political activities; refrain from implementing warnings given for participation in political activities; stop issuing such warnings; and restore the employment and due benefits of all those whose employment status had been compromised or terminated under circumstances in which such motives are suspected.
5. Government to endeavour to make public the information gathered by the Maldives and foreign investigative agencies regarding the murder of the Member of People’s Majlis for Ugoofaaruu Constituency and moderate religious scholar, Dr. Afrasheem Ali and the

disappearance of Minivan News reporter Ahmed Rilwan; undertake an independent investigation of these cases by the Government and allow for the participation of suitable civil society organizations in conducting such an independent investigation.

6. Investigate, as specified in No.5, the threatening messages sent to members of civil society organizations, independent commissions, Majlis members, journalists and others to spread fear; make efforts to seek a suitable solution to ease the existing unease between the message senders and recipients of the messages; identify an amicably sustainable avenue for achieving goodwill, establish peace and friendship through reconciliation between the parties.

Paper 3

System of Government and the Judiciary

1. Transitioning to a Parliamentary System of Government

Since the promulgation of the new Constitution in 2008, two presidential elections have been held – in 2008 and in 2013. In both the elections, it was the party which came second in the first round that had the opportunity to form a government, through a coalition. Coalitions are foreign to both the presidential system and to the Maldivian Constitution. Consequently, the coalition formed by MDP in 2008 disintegrated. Similarly, the coalition established by PPM in 2013 has also now unraveled.

No government formed through a coalition can continue to exist without having to pay a price for its disintegration. The coalition governments that were formed in 2008 and 2013 through alliances were based solely on the distribution of appointments to the Cabinet Council as well as to other political posts of the state and government to members of the coalition. It may be noted that the dismissal or removal of coalition members from such posts does not impact the status of, or cause any loss, to the government. Following the formation of the coalition government, the primary objective of each and every member of the coalition is to increase and consolidate its political power base as much as possible through the acquisition and distribution of state resources among its supporters. It is understood that this is a basic characteristic of all political parties. When a coalition is put together on this basis while the government is formed solely in the name of one single party, it is the people who are most intensely subjected to its adverse impacts. Neither the Constitution nor the presidential system of governance described therein provides any remedies for this situation. Consequently, it is the civil society that must bear the brunt of the consequences emanating from the political impasse that is spread across the nation.

One thing that is clearly evident from the outcomes of the various elections that have been held under the present Constitution is that Maldivians do not wish to be ruled by a dictator or establish a similarly inclined regime. It is unlikely that this current ideological premise of Maldivians will change in the foreseeable future. Indeed, Maldivians have not forgotten the 21-year rule of Ibrahim Nasir Rannabadeyri Kilegefaanu or the 30-year rule of President Maumoon Abdul Gayoom. Over the years, Maldivians have come to realise that granting huge majorities and unbridled power to any ruler is not in their best interests. Based on the experiences gained from the past two elections, it is unlikely that another change of

government within the present system will produce any sustainable stability for the Maldivians.

The Maldives Democratic Party believes it is evident that any government trying to rule without a majority support of the people will face numerous difficulties in governance. Hence, the Maldives Democratic Party is proposing to change the Maldives governance system to a parliamentary form, in which the government will always enjoy majority support in the Majlis. In order to achieve a smooth transfer to a parliamentary system, the Maldives Democratic Party proposes the following:

- a. Government to be formed by the party or parties having a majority in the current 18th session of the People's Majlis. The current President, Yameen Abdul Gayoom to remain as the Head of State and the People's Majlis to appoint a Prime Minister.
- b. A further change that is being proposed is the introduction of National List members in the People's Majlis. The National List will comprise the Leader of every political party that has secured a seat in the Majlis in the election, plus an additional member for every 10 seats secured by a party contesting the election.

2. Strengthening the Decentralisation System

- a. Amend the Local Government Act with the advice of and in collaboration with the Local Councils and the Local Government Authority, and institute effective implementation of the Act. In the meantime, until such time as the Act is amended and ratified, to restore fully those powers and privileges of the Local Councils that have been removed from them through amendments to the Decentralisation Act to date.
- b. Local Councils to have full ownership of all land within its jurisdiction and to have full discretion in executing all matters related to such land.
- c. Powers to grant licenses and permits for tourism activities and other industrial work to be designated as being under the ambit of the Council.
- d. Responsibility for the provision of primary health care to be handed over to the Councils.

3. Foreign policy

- a. Ensure that the conduct of the Maldives foreign policy does not impact negatively on the peace and stability of the Indian Ocean region.
- b. Welcome the United Nations' Universal Periodic Review recommendations that do not contravene the principles of the Islamic faith, and create a framework to implement such recommendations.

4. Independent Commissions and civil society organizations

- a. Amend the Constitution to enable both the ruling party and opposition parties represented in the People's Majlis to have an equitable say in the composition, conduct and oversight of the Independent Commissions.

5. Strengthening the Judiciary

- a. Change the composition of the Judicial Service Commission (JSC). In this regard, a member of the JSC should not be serving in any post of the state or government; must possess specified educational standards and experience; it must be an institution that is formed with the consensus of all political parties represented in the Majlis.
- b. Complete investigation of all pending cases of complaints against judges.
- c. Facilitate opportunities for those judges without a tertiary qualification to obtain university education; define a university degree as the minimum educational qualification required of a judge.
- d. Implement the Penal Code with immediate effect.
- e. Ratify and implement the Evidence Act and Criminal Procedures Act.
- f. Restore the amendments brought to the laws by the Supreme Court.
- g. Amend the Constitution to ensure that the Supreme Court is not empowered to legislate.
- h. Declare the people to be the final custodians of the Constitution

- i. Establish the independence of the courts at all stages of the judicial hierarchy.
- j. Establish the independence of the Judicial Administration to ensure that it cannot be unduly influenced by any court.

Paper 4

Proposal for the encouragement of cooperation and collaboration amongst all parties of different political persuasions to work together for national development in achieving social and economic progress for the nation and the people of Maldives.

1. Introduce Personal Income Tax
2. Eliminate Import Duty Tax
3. Enforce the Fiscal Responsibility Act
4. Provide for laws that allow land ownership and sale of land
5. Demarcate clearly the mandate and the jurisdiction of the Local Councils
6. Retain the revenue earned locally by the island/atoll in that island/atoll.
7. Set a minimum wage.
8. Ensure the protection of rights provided to workers in the Maldives Constitution, the Employment Act and the International Labour Organisation (ILO).
9. Safeguard the rights of expatriate workers.
10. Initiate dialogue with those foreign companies which have an on-going case in an international arbitration court to achieve a mutually agreeable settlement.
11. Float the exchange rate regime
12. Draft and implement a law on public private partnership.
13. Continue the government corporatization program and corporatize services under the program through state enterprises; government to refrain from engaging in business; establish an action plan to expand and implement the privatization program.
14. Government should cease its involvement in any business activity.
15. Enforce the Arbitration Act; establish the Arbitration Tribunal; and expedite all business related cases held up in the judicial courts.

16. Regularly compile and release reports by the MMA, MIRA, Audit Office and Anti-Corruption Commission. In particular, information on the weekly revenues and expenses of the Government should be publicly made available.
17. GST threshold to be raised from MVR 1 million to MVR 2 million
18. Continue efforts to achieve holistic education and to implement single session schooling.
19. Retain the goal of students passing with five O'Levels at 60% ; ensure university admission for 40% of students who complete secondary education.
20. Continue the Second Chance Programme and the Skills Programme; create opportunities under the programme for youth to distance themselves from drug addiction and criminal environment; facilitate gainful employment and productive lifestyle for the youth.
21. Establish City/Atoll Police.
22. Transfer the undertaking of Environment Impact Assessments back to Environmental Protection Agency.
23. Resume the implementation of stalled projects such as housing.
24. Ensure that no harm is brought to the Environmentally Protected Areas under the guise of revenue generation.
25. Agree on measures to be taken in eliminating corruption.
26. Train 2000 doctors and nurses and establish tertiary hospitals in 3 different regions in the Maldives.
27. Implement Aasandha (healthcare system) in a transparent and equitable manner.
28. Agree on a policy to regulate and monitor the transport network system.
29. Open up the fishing industry to free competition so as to ensure a fair price for the fish caught by the fishermen.
30. Establish a comprehensive waste management program in Male'.
31. Implement projects to provide adequate housing for Male' residents; ensure that the building of the bridge and roads improvement under the Greater Male' Project are of good standard; and initiate projects to help provide for a dignified living standards for Male' residents.
32. Provide reliable electricity services to all islands without discrimination.

33. Establish water and sewerage services in all inhabited islands
34. Construct good quality roads in densely populated islands.
35. Expedite completion of Addu City Gan International Airport
36. Manage Addu City Port through public private partnership program.
37. Renovate the Addu City Convention Center along with the construction of a Convention Hotel as an integral part of the Convention Centre.
38. Develop Hanimaadhoo Airport as an international airport under a public private partnership program.
39. Initiate a Kuldudhuffushi Reclaimed Land Development Project to be implemented urgently.
40. Expand the guesthouse industry.