

PARLIAMENT WATCH – MALDIVES*

2010



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1) Introduction

The ratification of a new constitution on 7th August 2008 began Maldives' tumultuous process of transition from autocracy to democracy. The new constitution enshrined and guaranteed civil and personal liberties and established Maldives' first independent courts, state oversight bodies and guaranteed separation of powers.

Prior to the introduction of the new constitution, the all-powerful executive controlled the judiciary as well as the parliament. At the time, independent oversight mechanisms and institutions did not exist. The president at that time at different times held multiple cabinet posts including the portfolios for foreign affairs, defence, finance, and religious affairs.

On 28th October 2008, Mohamed Nasheed won Maldives' first multi-party presidential elections, bringing an end to the 30-year regime of Maumoon Abdul Gayoom. President Nasheed promised Maldivians the "Other Maldives," assuring development, prosperity, social security, economic stability and above all, democracy, human rights and good governance.

The executive planned to utilize the parliament's legislative functions – with limited success – to establish the legal framework to achieve the presidential election pledges, while the opposition employed parliamentary procedures, standing orders and processes to make the government accountable. The parliamentary floor is where battles are being fought; its procedures and process have become tools for achieving respective interests for both the executive and the opposition.

This report, produced under the South Asians for Human Rights' (SAHR) Parliament Watch project, aims to look into the functions of the parliament, its processes, transparency and accountability mechanisms, and scrutinize human rights and governance related bills/motions presented and passed by the Parliament of Maldives and will also set out a broad set of recommendations for improving the functioning of the Parliament.

The information for this report is gathered via records of parliamentary proceedings, information published on the Parliament's website, interviews with Members of Parliament (MPs) and through media publications.

2) Functions of the parliament

Maldives is a unitary state¹ with a presidential system of governance and the People's Majlis (parliament) functions as a unicameral legislature². 77 members were elected to the Majlis in May 2009 in the first-ever multi-party parliamentary elections in Maldives. The opposition Dhivehi Rayyithunge Party (DRP) controlled the Majlis via its majority of 29 seats and its coalition partner, People's Alliance's (PA) seven seats. The ruling Maldivian Democratic Party (MDP) won 25 seats, while the minority Dhivehi Qaamee

¹ Chapter 1, Article 2 of the Constitution of Maldives

² Chapter 3 of the Constitution of Maldives

Party (DQP) and Jumhooree Party (JP) won two and one seats respectively. Independent candidates won 13 seats³.

The functions of the parliament or the People's Majlis as per the third chapter, article 70 of the Constitution of Maldives are to: amend the constitution; passing and repealing legislation that do not contradict the tenets of Islam; scrutinize actions of the government and hold the government accountable; pass the annual budget and supplementary budget(s); handle all matters related to independent institutions and appointing persons to independent institutions; call for referendum on important matters relating to issues of public interest; and discharge other duties specified in the Constitution of Maldives.⁴

The constitution by design is intended to provide checks and balances where the Majlis acts as a check and balance over the executive⁵. The design has its pros and cons, though the vitriolic political environment is prone to political deadlock and impasse more often than not. This is mostly because Maldives has a presidential system of governance with extensive powers granted to the Majlis. This has led to conflicts between the executive and the opposition controlled Majlis.

The extensive statutory powers granted to the Majlis has enabled the legislative body to influence and affect executive functions via legislations, motions and parliamentary processes. This remains a major factor of contention creating tension within the Maldivian political sphere. While the executive views the Majlis as interfering in its functions the opposition controlled Majlis argue that the Majlis is within its constitutional limits in scrutinizing executive policies and actions to make the government accountable.

As at December 2010, the composition of the parliament has changed substantially from the initial make-up stated above due to opposition and independent Members of Parliament (MPs) crossovers to the ruling MDP. The current composition of the Majlis stands at: DRP and its coalition partner PA (27 and seven MPs respectively), MDP (33 MPs), DQP (one MP), JP (one MP) and eight independent MPs.

3) *Role of Parliament in the democratic transition and governance*

The role of the Majlis in the democratic transition and governance is of paramount importance in Maldives because of the legislative body's comprehensive constitutional mandate. The role of the Majlis is more pronounced because Maldives is currently undergoing a massive overhaul of its governance systems and structures since the inception of the new constitution in October 2008.

The Constitution of the Maldives set time limits for key governance milestones for the democratic transition. The constitution provided for an interim period of two years to conduct presidential, parliamentary and local council elections with interim institutions and positions such as the Interim Supreme Court, Interim Elections Commission, Interim

³ Section 11, Report on Domestic Observation of Parliamentary Elections, Transparency Maldives

⁴ Chapter 3, Article 1 and 2 of the Constitution of Maldives

⁵ *ibid*

Judicial Services Commission, Interim Anti Corruption Commission, Interim Prosecutor General, and an Auditor General.

The Majlis missed constitutional deadlines for the parliamentary and local council elections when legislation needed to conduct the election were not passed by the parliament within the stipulated time frame. In addition, many functions of state institutions were disrupted due to the Majlis' inability to pass relevant legislation and make related decisions in the specified timeframe, including failure to appoint an Auditor General and passage of legislation relating to the judiciary. The parliamentary election slated for February 2009 was delayed to May 2009 and the local election set for June 2009 was delayed to February 2011⁶.

Appointment of commissioners to the Human Rights Commission, post of Auditor General, and Supreme Court went past the constitutional deadline when different political factions within the Majlis failed to reach consensus. An Auditor General is yet to be appointed despite the passage of a year since the previous Auditor General was voted out by Parliament in March 2010.⁷

In addition, critical bills relating to the functioning of the judiciary, economy and general governance of Maldives remain at committee stage. The bills include the Evidence Act, Penal Code, Drug Bill and Civil Procedure Code. Friction between the parliament and the executive caused over 13 protests.

Parliaments' role in acting as the check and balance for the independent institutions has been called into question when many perceived parliamentary action as "too little too late". This is mostly because the parliament's Independent Institutions Committee is yet to investigate and bring the Judicial Service Commission (JSC) to task, especially with mounting complaints against the JSC.⁸

4) Areas of concern

The year 2010 was a tumultuous and decisive year for Maldives' fledgling democracy. Key events that relate to the parliament with regard to governance and human rights include arrest and detention of MPs, indictment of six MPs on charges of corruption and acts against the state, the resignation of the cabinet en masse, passage of the bill on Parliamentary Privileges and Benefits, forced closure of supreme court, re-appointment of the judiciary and politicization of the state media.

The interim period of two years specified in the Constitution of Maldives ended on 8 August 2010. The interim period drew to a close in an atmosphere of political deadlock where the whole cabinet resigned over "scorched earth" tactics of the Majlis. Soon after, six MPs were charged of corruption and acts against the state. Several protests

⁶ Local council elections scheduled for February 5, 2011. Minivan News. October 17th 2010. <http://minivannews.com/politics/local-council-elections-scheduled-for-february-5-2011-12378>

⁷ Transparency Maldives urges parliament to expedite the appointment of Auditor General. Minivan News. October 12th 2010 <http://minivannews.com/politics/transparency-maldives-urges-parliament-to-expedite-the-appointment-of-auditor-general-12249>

⁸ See introduction of International Commission of Jurists' report on Maldives (October 2010)

were staged, some turning violent. It is during such an atmosphere that the two-year interim Supreme Court had to be re-instated.

Constitutional meltdown was averted when the Supreme Court bench was nominated by President Nasheed and approved by the Parliament after 8 August 2010.

4.1 Resignation of the cabinet en masse

The cabinet of Maldives resigned en masse on 29 June 2010 as they were unable to fulfil their constitutional duties because the parliament was obstructing their duties. The cabinet resignation occurred just a day before a no-confidence motion against the Minister of Education Dr. Musthafa Lutfy was scheduled for.⁹ The President re-instated the cabinet on 7 July 2010, awaiting parliamentary approval¹⁰.

Parliament later approved just five out of the 12 ministers on 22 November 2010, following a prolonged and heated legal wrangling in courts¹¹.

4.2 Arrest and detention of MPs

Two MPs were arrested on the day following the cabinet resignation for alleged vote buying within the Majlis. The arrested MPs were the leader of the opposition Republican Partry Gasim Ibrahim and the leader of the opposition People's Alliance Abdullah Yameen. Parliament was brought to a standstill and work that needed to be completed in time before the conclusion of the interim period were stalled¹².

The MPs' release was ordered by the Supreme Court on 11 July 2010. The Deputy leader of the People's Alliance and Deputy Speaker of Parliament Ahmed Nazim and Mohamed Musthafa were also arrested, but released shortly. These events resulted in political unrest which led to damage of public property and bodily harm to protesters and riot police. The Human Rights Commission of the Maldives and civil society organizations condemned the political unrest¹³.

The leader of the Peoples Alliance Abdullah Yameen was arrested again and detained against his will on 14th July 2010 but was released following a court order a week later.

⁹ President's speech on the resignation of the cabinet. Minivan News. June 29th 2010
<http://minivannews.com/politics/presidents-speech-on-the-resignation-of-cabinet-8739>

¹⁰ President reinstates cabinet, awaits parliament's consent. Minivan News. July 7th 2010
<http://minivannews.com/politics/president-reinstates-cabinet-awaits-parliaments-consent-9134>

¹¹ Parliament only approves 5 out of 12 ministerial appointees. Minivan News. November 22nd 2010
<http://minivannews.com/politics/parliament-only-approves-5-out-of-12-ministerial-appointees-13530>

¹² Parliament is corrupt, alleges government. Minivan News. June 30th 2010
<http://minivannews.com/politics/parliament-is-corrupt-says-government-8761>

¹³ HRCM condemns political unrest. Minivan News. July 16th 2010 <http://minivannews.com/news-in-brief/hrcm-condemns-political-unrest-9456>

During the political unrest, political parties also protested in front of judges' residences prompting the Civil Court to urge for protection of dignity of courts¹⁴.

4.3 Closure of the Supreme Court and re-appointment of the judiciary

A constitutional meltdown was feared when the Parliament failed to pass the Judges bill before the end of the interim period – 8th August 2010 – specified in the constitution. This led to closure of the Supreme Court and confiscation of its keys by the Maldives National Defence Force on orders from the President.

The meltdown was averted when the Parliament passed the Judges Act on 10 August 2010 and the Supreme Court bench was appointed on the same day. The President nominated the names of the judges subject to Parliamentary approval.

4.4 Bill on parliamentary privileges and benefits

The passage of the bill on Parliamentary privileges and benefits was also an issue of public concern. The bill was passed by the Parliament towards the end of the conclusion of the third session of the Parliament. Civil society and public outcry culminated in the President refusing to ratify the bill and sending it to the Parliament for reconsideration¹⁵.

The bill contained several contentious provisions. Chief among them was that MPs can be arrested only upon obtaining consent from the Speaker of the Parliament, pension amounting upwards of 15% of the total salary after a first term in Parliament and medical insurance for immediate family from Association of South East Asian Nations (ASEAN) countries. The salaries of Maldivian MPs are on par with highly developed and well off countries such as Sweden¹⁶.

4.5 Politicization of state media

The President ratified the Maldives Broadcasting Corporation (MBC) Act on 6th April 2010. As per the Act, the purpose of the MBC Act is to free state media from political influence¹⁷.

However, when the Parliament appointed members to the board of the MBC, the government alleged that the Parliament planned to control the state media. This conflict

¹⁴ Respect the dignity of the courts, urges Civil Court. Minivan News. July 22nd 2010
<http://minivannews.com/society/respect-the-dignity-of-the-courts-urges-civil-court-9703>

¹⁵ President rejects controversial parliamentary privileges bill. Minivan News. January 17th 2011
<http://minivannews.com/politics/president-rejects-controversial-parliamentary-privileges-bill-15156>

¹⁶ Privileges bill will see Maldivian MPs earning on par with Sweden. Minivan News. January 11th 2011
<http://minivannews.com/politics/privileges-bill-will-see-maldivian-mps-earning-on-par-with-sweden-14997>

¹⁷ Looming tug-of-war between parliament and executive over state broadcaster. Minivan News. July 12th 2010
<http://minivannews.com/politics/looming-tug-of-war-between-parliament-and-executive-over-state-broadcaster-9283>

arose when the MBC board was appointed by the Parliament with none of the members proposed by the President making it to the MBC board¹⁸.

The President then corporatized the state media which was named Maldives National Broadcasting Corporation (MNBC). The argument by the executive was that MNBC is formed under Presidential decree and hence the assets of a company formed under Presidential prerogatives cannot be transferred to another without consent from the company itself.

The matter is currently at court.¹⁹

5) *First, second and third sessions of Parliament at a glance*

The Maldivian Parliament conducts three sessions per year. The first session of the 17th parliament of Maldives for the year 2010 lasted from 1 March to 4 May. The second and third sessions lasted from 7 June to 30 August and 3 October to 31 December respectively. The following are summary tables of legislation and motions presented to and passed by the Majlis, the number of sittings and the total time spent in Majlis sittings segregated to the three sessions of parliament for the year 2010.

4.1 *First session of Parliament at a glance*

Duration: 1 March to 4 May 2010²⁰

Number of sittings held	28 sittings
Total time spent in sittings	109 hours and 39 minutes
No. of motions put forward	16
No. of motions passed	15
No. of bills presented	11
No. of bills passed	06

Name of bill	Passage date
Bill on taxation	3 March 2010
Maldives Broadcasting Corporation bill	6 April 2010
Bill on procedures for change of government	6 April 2010
Amendment to Land Transportation Act (Law 5/2009)	12 April 2010
Decentralization bill	25 April 2010
Local Council Elections Act	4 May 2010

¹⁸ DQP accuses government of seizing state media. Minivan News. August 19th 2010
<http://minivannews.com/politics/dqp-accuses-government-of-seizing-state-media-10468>

¹⁹ MBC to take MNBC issue to court. Minivan News. August 29th 2010
<http://minivannews.com/news-in-brief/mbc-to-take-mnbc-issue-to-court-10714>

²⁰ Parliament of Maldives <http://www.majlis.gov.mv>

4.2 Second session of Parliament at a glance

Duration: 7 June to 30 August 2010²¹

Number of sittings held	36 sittings
Total time spent in sittings	97 hours and 23 minutes
No. of motions put forward	26
No. of motions passed	20
No. of bills presented	18
No. of bills passed	15

Name of bill	Passage date
Bill on providing financial assistance to the disabled	22 June 2010
Bill on administrative capitals of atolls	23 June 2010
First amendment to Public Finance Act (3/2006)	28 June 2010
Local council elections bill	12 July 2010
Second amendment to Civil Service Act (5/2007)	25 July 2010
Bill on banning acts contrary to generally accepted social standards	14 July 2010
Tobacco control bill	2 August 2010
Broadcasting bill	3 August 2010
Judges bill	10 August 2010
First amendment to judges bill	10 August 2010
Bill on banning threatening, possession of dangerous and sharp objects	19 August 2010
Bill on banning gang offences	19 August 2010
Bill on repealing some acts and chapters of acts	24 August 2010
Tourist goods and services tax bill	26 August 2010
Second amendment to Tourism Act (2/2009)	26 August 2010
Second amendment to Decentralization Act (7/2010)	29 August 2010

4.3 Third session of Parliament at a glance

Duration: 3 October to 31 December 2010²²

Number of sittings held	31 sittings
Total time spent in sittings	93 hours
No. of motions put forward	19
No. of motions passed	14
No. of bills presented	10
No. of bills passed	9

²¹ Parliament of Maldives <http://www.majlis.gov.mv>

²² Parliament of Maldives <http://www.majlis.gov.mv>

Name of bill	Passage date
Courts bill	4 October 2010
Copyrights bill	6 October 2010
Bill on banking	28 December 2010
Bill on Parliamentary privileges and benefits	28 December 2010
National university bill	28 December 2010
Bill on controlling Thalassaemia	28 December 2010
Bill on interpretation	28 December 2010
Bill on preserving Divehi language	28 December 2010
Trade tax bill	30 December 2010

Total no. of sittings held for the year 2010 is 95 and the total time MPs spent in sittings is 300 hours and 2 minutes

6) Accessibility, transparency and accountability of parliamentary processes

6.1 Calendar of sessions and business of parliament

The calendar of Majlis was announced by the Secretary General and endorsed as per the parliamentary regulations. If required, the Majlis calendar is amended as per the Rules and Procedures of Majlis, though on contentious issues, the Speaker of Majlis consults parliamentary group leaders to reach an agreement. Calendar of business, inclusive of details of agenda items is published online via the Majlis²³ official website days ahead of a sitting. MPs are informed via regular post of the calendar, and there have been complaints that some MPs have not been informed of changes to the calendar in a timely manner.

The documents mentioned above are uploaded online and are available to the media and public with internet access. The Majlis website is updated regularly.

The sittings of Majlis are aired live on television and are accessible to almost all the islands of Maldives²⁴. Persons wishing to access the Majlis during sessions are allowed to sit in the gallery designated for the public. Committee meetings are also accessible to the public and records of all meetings, as well as details of voting, are published online on the Majlis website.²⁵ The Majlis regulations allow for secret sittings and committee meetings. The business of Majlis is relatively transparent and accessible to those wishing to access the information, though the hansards and voting records can be needlessly lengthy and difficult to digest due to the manner in which the information is presented. In addition, at the time of writing this report, the Majlis website is not user friendly making it difficult to locate information as the website lacks a search function and due to the way the website is structured.

²³ Parliament of Maldives <http://www.majlis.gov.mv>

²⁴ Article 22 of Majlis Rules of Procedure

²⁵ ibid

6.2 Record of business conducted

The attendance of MPs is maintained throughout the sitting. However, MPs are free to leave and come in as they please, and the proceedings are not affected if the legal quorum of 25% of the total number of 77 MPs is present²⁶. However, for the passage of a bill or a motion that requires the public to act upon, a simple majority of the whole parliament is required.²⁷

It is the norm for business of standing committees and temporary committees to be conducted concurrently during sessions of parliament. Live feeds of the sittings of parliament are available at committee rooms within the parliament and MPs usually suspend committee work to vote if a vote is to be taken in parliament. The Maldivian parliament employs an electronic voting system and the results of voting are uploaded to the Majlis website.

MPs are not paid depending on the sessions they attend, and no disincentives exist for absenteeism except for media scrutiny and constituents pressure. Only seven MPs attended all the sittings of Majlis, while 23 MPs were absent for ten or more sittings of the 95 sittings of the Peoples Majlis.²⁸

The parliament keeps a record of attendance as well as leave of MPs. The reports are uploaded to the official website.

6.3 Papers placed on the table of parliament

Submitted bills are made available on the parliamentary website, though the timelines of making available different versions of the bill is inconsistent as the document undergoes changes between presentation to and acceptance by Majlis and during committee stage and in sittings. However, it is possible to get a bill via the Majlis secretariat with a formal or an informal request. The Majlis secretariat is tasked with providing MPs with copies of bills and motions prior to their debate and discussion.

Bills presented to Majlis do not require gazetting. Bills are only required to be gazetted after ratification by the president. Any MP, regardless of affiliation, can present a bill or motion. There is no prior requirement - including discussion with opposition parties - to be fulfilled in submitting a bill. The bill or motion is then voted to be accepted or not. An accepted bill can be sent to a standing committee or a temporary committee for research or for further consideration before the bill is allowed on the Majlis floor for second and (or) third readings. All business – oral and written – of Majlis is conducted in the official Maldivian language Divehi.

The comments and recommendations of the committee on bills and motions depend largely on the make-up of the committee and are decided with a majority vote. There is no provision to include the minority recommendations in a committee report. This has resulted in friction between parties in the Majlis.

²⁶ Article 37, Parliamentary Rules of Procedure

²⁷ Article 87 b, Constitution of the Republic of Maldives

²⁸ Details of attendance, Parliament of Maldives <http://www.majlis.gov.mv>

6.4 Declaration of financial and criminal antecedents and entitlements of MPs

The Constitution of Maldives mandates MPs to submit an annual statement of all property and monies owned, as well as business interests and liabilities²⁹. The statement should also include details of any other employment and obligations. The statutory requirement, however, does not extend to spouses and dependent children.³⁰

MPs were required to provide the Majlis secretariat with statements of financial interests and liabilities in October 2010. According to the Majlis, the statements will be made public once the Economic Committee of Parliament decides on a procedure to publicize the declaration of financial and other interests. Transparency Maldives and the Maldivian Democracy Network, both advocacy NGOs working in the governance sector, have been unable to obtain the declarations of financial and other interests of MPs from Majlis. Failure of disclosing MPs' financial interests and liabilities voids the objective of declaring interests as stated in the Constitution of Maldives.

As this is the first time that MPs are required to submit details of financial interests and liabilities, it remains to be seen how incomplete and untrue information is dealt with. As the information is not yet in the public domain, it is not yet known which MPs submitted the information and which MPs did not.

MPs in Maldives are not awarded monies for constituency development and details of financial remuneration and other benefits are not easily accessible. However, media scrutiny of the annual budget resulted in making the salaries, allowances and other benefits of MPs public.

6.5 Functioning of Parliamentary Committees

The website of Majlis does not provide sufficient information of parliamentary committee proceedings, and the information that is available can be inconsistent from week to week. Names of standing committees are listed on the website. A person wishing to obtain information on committees has to read extensive Hansards to find out if bills/motions have been sent to committees and who the members are. The Majlis secretariat, however, does provide details upon contacting them via phone.

The committee sittings though not televised are by default accessible to the public. Members of media agencies, NGOs and the general public can observe committee sittings. Minutes of meetings and reports for committee sittings are recorded, but are not consistently made available on the Majlis website. Committees can be closed to the public and media upon decision of the committee itself to proceed as a secret meeting.

The committee reports and recommendations are routinely discussed on the Majlis floor.

²⁹ Article 76, chapter 3, Constitution of Maldives

³⁰ See article 56, Parliamentary Rules and Procedures

6.6 Integrity Mechanisms

The Parliamentary Rules and Procedures adopted by the Majlis during the first session of parliament include a code of conduct for MPs³¹. Apart from the oath of office that MPs are compelled to take upon being elected to the post of an MP, MPs are not required to take any other integrity pledge. It is important to note that 12 MPs have signed Transparency Maldives' Integrity Pledge as a commitment to work for a parliament free from corruption and maintain personal integrity in all instances³².

The Parliamentary Rules of Procedure states that MPs can only accept gifts on a procedure set out by the parliaments' General Committee, though no such procedure has been made public. MPs do not have post-employment restrictions, though conflict of interest policies are set out in the Parliamentary Rules of Procedure. The conflict of interest policy has not been invoked in parliamentary proceedings with at least 13 MPs owning lucrative resorts or shares of resorts and many more shareholders of large businesses sitting in and voting on legislation that directly affect their income and businesses.

No disincentives exist to ensure that legislators adhere to the code of conduct, and no action has been taken against an MP for violating the code of conduct, apart from expulsion of the member from the Majlis floor for causing disruptions of Majlis proceedings and violence on the Majlis floor.

6.7 Capacity and resources

The Parliament of Maldives, Majlis, has the sole authority to decide the state budget as per Article 70 of the Constitution of Maldives. The budget presented by the Minister of Finance and Treasury to Majlis is sent to the temporary Budget Committee for scrutiny. Once the report of the committee is presented, the floor is open for debate and proposals. Parties and individual members bring amendments to the annual budget after voting for individual proposals. The resources of Majlis as well as all other institutions of Maldives are decided by the Majlis.

The Majlis also recruits its own staff according to the Parliamentary Services Regulation adopted by the Majlis in the first session of parliament in 2010. As per the Parliamentary Services Regulation, the staff are hired through a competitive process, based on merit and performance. MPs have complained on various occasions that the lack of space available for parliamentary committee meetings.

The amount allocated for the Majlis for the year 2010 was Maldivian Rufiyaa (MVR) 124,452,186³³. This is approximately 1% (0.97422% precisely) of the state budget of MVR 12,774,900,000. Each MP is entitled to a monthly salary and allowances of MVR 62,500 (USD 4863.81). The total salaries of the MPs for the year 2010 amounts to no less than MVR 57,750,000, which is 46.4% of the whole budget allocated for the Parliament. On 29 December 2010, the Majlis voted to increase a MPs allowance by MVR 20,000 (USD 1568.63). The move resulted in demonstrations by concerned public and civil

³¹ See Chapter 16 of Parliamentary Rules and Procedures

³² Press release: Transparency Maldives (no: TM/9/10)

³³ State Budget 2010, Ministry of Finance and Treasury

society groups. The additional allowance of MVR 20,000 appears to be on hold after emergency motions were submitted by two MPs following public outrage³⁴.

6.8 Institutional Independence

The Constitution of Maldives stipulates that Maldives is a unitary state with a presidential system of governance. Though Maldives is governed by a presidential system, the constitution is designed for parliamentary supremacy, providing the parliament powers over the executive, the judiciary and independent institutions.

The Majlis is completely independent from the executive, and is convened or goes for recess according to the Constitution of Maldives and Rules of Procedure endorsed by the Majlis. The Speaker of Majlis convenes, temporarily prorogues and sends the parliament for recess. The Majlis can call for emergency sittings or extra sessions if and when required by the house. The parliament cannot be dissolved and an MP cannot be removed from his/her seat unless the MP loses the criteria for being eligible to contest the parliamentary elections in the first place³⁵.

The Speaker of Parliament sets the agenda and bills and motions are tabled on the agenda according to chapter 11 of the Majlis Rules and Procedures. The Parliamentary Services Regulation adopted by the Majlis in the first sitting of Majlis in 2010 dictates the hiring of staff. The administration and security is also determined by the Majlis Rules and Procedures and Parliamentary Services Regulation. This allows for the appointment of the Sergeant of Arms by the Majlis, who is in charge of the security of the Majlis.

6.9 Role of the Legislature

The executive as well as other state institutions are answerable to the legislature via the questioning of cabinet ministers, summoning of state ministers and persons holding state positions, inquiries through the Majlis standing and temporary committees. The Majlis also has power to impeach the president and take a vote of no confidence against cabinet ministers. These powers are granted to the Majlis by the Constitution of Maldives.

The Majlis also has the power of scrutiny over persons appointed to the Supreme Court, Elections Commission, Human Rights Commission of the Maldives, Anti Corruption Commission, Police Integrity Commission, Auditor General, Prosecutor General, cabinet ministers and some members of the Judicial Service Commission. The President proposes names to the Majlis and the Majlis endorses members to the above institutions. If the Majlis rejects a nomination, the President cannot appoint the rejected nominee to the position.

The Majlis decides the budget for all state institutions including the executive and the judiciary as well as the independent institutions. Only the MP who presented a piece of legislation to Majlis has the prerogative to withdraw the legislation, though Majlis can vote out any piece of legislation or a motion proposed by any party.

³⁴ Maldivian democracy network hits out at parliamentary privilege amendments. Minivan News. January 2nd, 2011 <http://minivannews.com/politics/maldivian-democracy-network-hits-out-at-parliamentary-privilege-amendments-14742>

³⁵ Chapter 3, Article 73 of the Constitution of Maldives

The legal system in Maldives is clearly lacking with key pieces of legislation relating to governance stagnating in Parliament. The main anti corruption and good governance legislations in Maldives include the Anti Corruption Commission Act and the Public Accounts Act. Key bills that are in Majlis that are crucial include Right to Information Bill, Penal Code Bill, Political Parties Bill and the Evidence Bill. The current legal framework is borrowed from the pre 2008 years, before the adoption of the new constitution with clauses in acts that contradict the new constitution struck off by the Majlis.

At least six of 77 MPs in Majlis have cases of corruption lodged against them in the courts. Except for one MP from the ruling party, the rest of the MPs are from the majority coalition parties.

7) Main issues

The main issues identified by the Parliament Watch project include:

Malicious political environment leading to impasse and deadlock with little or no effort on the part of MPs and political parties to negotiate and come to an understanding via dialogue;

The malicious political environment between MPs and political parties has led to impasse and deadlock within the parliament, wasting public resources which has led to erosion of public trust and confidence in the newly set-up democratic institutions in Maldives. There has been little effort by the political parties, MPs, executive, and the Parliament to engage in meaningful dialogue to solve most of the issues, instead, resorting to street protests, extra-legal threats and exercise of undue power.

The detention of an MP against his will by the government;

The detention of an opposition MP by the Maldives National Defence Force against his will further deteriorated the already critical political climate in July 2010.

Perceived or alleged legislative encroachment onto the powers of the executive;

The Majlis has defended its position on many of the issues that the executive has stated as encroachment by parliament onto constitutional authority of the executive. The parliament has maintained that it is within its legal mandate in holding the government accountable. This is the reason behind the en-masse resignation of the cabinet, the political turmoil that ensued and the loss of public confidence that followed.

Failure by parliament to pass legislations and conclude business pertaining to deadlines set in the constitution leading to constitutional meltdown;

The parliament failed to meet legislative deadlines in the constitution and failed to conclude related businesses of parliament in a timely manner. Prime examples include failure to pass the Judges Bill leaving Maldives' Supreme Court in limbo and the delay of the local council elections from June 2009 to February 2011 due to failure to endorse related legislation in the constitutional time frame.

Absence of a mechanism to cost legislation and analyze financial and governance impact of laws before passage;

The Parliamentary Procedures Regulation adopted on 2 March 2010 failed to set in place a pragmatic mechanism to cost legislation and analyze financial impact of laws before its passage. This has resulted in a strain on the budget with passage of laws such as the Disability Act and the Decentralization Act that require finance from the state budget.

Less or no connection with constituencies of MPs;

Few MPs take time off during four full months of parliamentary recess to visit their constituencies.

Failure of parliament to act as an effective oversight body for independent institutions;

Though Maldives is governed via a presidential system, the constitution of Maldives is geared towards parliamentary supremacy. The parliament is mandated by the constitution to hold the government, independent institutions and the Judiciary (via Judicial Service Commission) accountable. The parliament has so far been ineffective in bringing such institutions to task.

Speaker of Parliament is seen to be political with a bias towards the opposition;

The Speaker of Parliament Abdulla Shahid from the opposition DRP has a strong anti-government bias. Shahid actively travelled and campaigned for the opposition DRP in the local council elections. The Speakers' active involvement in partisan politics leaves room for doubt about his independence as the speaker of parliament.

8) Recommendations

1. Conduct financial and governance impact of legislation before passage of bills
2. Increase involvement of all target stakeholders of legislation and obtain their input when designing a bill to ensure that the legislation is well received and is tenable.
3. Prioritize bills of national interest. This can be achieved by holding discussions with the political party parliamentary committees and the Attorney Generals office.
4. Conduct education programs for the public on newly passed legislation.
5. Ensure that the gender perspective is addressed in the passage of bills.
6. Improve accessibility and consistency of the Parliamentary documents.
7. Increase Parliamentary committee efficiency by allocating deadlines for committee activities. For example, a committee evaluating a bill or a motion must conclude work to a pre-agreed time table.
8. Develop the capacity of the administrative and other staff at the Parliament Secretariat to ensure speedy and efficient functioning of the Parliament Secretariat and provide timely support to MPs.