1. Introduction
The right to form associations is a Constitutional right in the Maldives. Civil society play a vital role in strengthening public confidence in state institutions, social stability and improving tolerance within a free and democratic society.

Maldives is signatory to several international human rights treaty bodies, of which the article 20 of the UDHR prescribes that every person shall have the freedom to assembly and association. Freedom of expression is closely linked to the freedoms to assembly and association. The articles 19, 21 and 22 of the ICCPR oblige states to provide for these freedoms through the establishment of legal mechanisms and procedures.

This paper will look at the Constitutional provision in the Maldives to freedom of association, and the legal system that ensures the implementation of this right. As such, the gaps in the existing legislation will be explored and recommendations made in order to close these gaps and move forward in conforming to international obligations and standards for an open democratic system of governance.

2. Freedom of Association is a Constitutional Right
Article 30 of the Constitution stipulates that every person shall have the freedom to form associations. Furthermore article 27 of the Constitution specifies that every person shall have the right to freely form opinions and express these opinions and thoughts through speech or pen or other means in such a way that it does not disagree with a tenet of Islam.

The freedom of association was specified in the Constitution of 1997, before the amendment of the Constitution in 2008. Although the Constitution of 1997 came into force on 1st January 1998, the law implementing the freedom of association came into force in 2003. This is law number 1/2003 (Associations Act).

3. Law number 1/2003 (Associations Act)
The Associations Act is the implementing law for the freedom of association granted in the Constitution of Maldives. Law number 26/82 (Law to Register Associations, Clubs, Parties and Other Associations) was in force before the ratification of the Associations Act. The Law to Register Associations, Clubs, Parties and Other Associations consisted of one sheet of paper. It read that Clubs, Parties or similar associations must be formed and run with the permission of the government of the Maldives. The law did not specify any more into the matter.

The law number 1/2003 (Associations Act) is the implementation law for the freedom of association stipulated in the 1997 Constitution of Maldives. The law reflects the constitutional philosophy of 1997. That is to implement fundamental rights in a specific manner. However a new Constitution was ratified in 2008 while the Associations Act was still in force.

The philosophy behind the Constitution of 2008 was to provide for fundamental rights in the widest terms possible. Since the Associations Act came into force 5 years before the 2008 Constitution, it fails to provide fundamental rights in the broad spirit of the 2008 Constitution.
3.1 Function of the Registrar of Associations
It is notable that the Registrar of Associations has the absolute discretion to register or refuse to register an association. The law does not specify an appeal process for cases of refusal, and there is no process of holding the Registrar accountable for their actions.

3.2 Lack of categorisation of associations
The present design of the Associations Act does not allow room for the formation of umbrella organisations such as federations of associations. Furthermore, there is no space in this Act for restructuring of associations based on their scope of work due to the uniformed statutory requirements over all associations.

4. Proposed amendments to the Associations Act
It is important to note that since the Associations Act was ratified prior to the ratification of the Constitution of 2008, it does not reflect the standards set by the Constitution. The right to form associations being a fundamental right, a law designed for the enjoyment of this right must empower this right. It should also provide a solution for the issues faced in the present law.

4.1 Registration of Associations
The new law on associations must specify those types of associations that require registration and those that do not. It must address limitations on the kinds of activities that an unregistered association can carry out, and the circumstances under which registration of an association is mandatory. The law must introduce privileges under mandatory registration, and state such an association as a legal entity with the authority to sue and be sued in their name.

4.2 The functions of founders and convenience of operations
The new law must specify the functions of the members and founding members of an association. It must also state the independence of the Executive Committee in deciding the administration of an association except for primary principles required on the Articles of Association.

4.3 Seeking financial assistance for the association and financial reporting
The law must open space for associations to seek financial assistance in order to carry out activities of the association.

As such, the opinion is that the responsibility on reporting to state institutions must be strengthened for financial assistance received from foreign organisations and governments, while at the same time the requirement for prior permits in seeking foreign financial assistance must be revoked. In addition to this, the law must introduce limited liability associations among those registered. The level of liability of a limited liability association may be determined based on the activities carried out by an association and the amounts spent. Furthermore, the law must state any intentional act of bankrupting an association as an offense.

4.4 Tax exemptions
As associations under this law are non-profit organisations working for public welfare, tax exemptions / refunds must be provided for the activities carried out by these organisations. In addition to this, this law can introduce a mechanism where businesses which provide financial or other types of assistance to non-profit organisations can enjoy benefits in their tax payments.

5. Conclusion
The Constitution of the Maldives provides the right for every person to form associations. The present law for the implementation of this Constitutional right does not have the capacity to reflect the spirit of the Constitution or meet with the responsibilities enshrined in the international treaty obligations that the Maldives is party to. It is imperative that amendments be brought the law immediately.

A strong civil society is vital for the optimal functioning of a democracy. A collective effort within the members of the civil society is required to increase social protections, hold state institutions accountable and improve public confidence in those institutions and increase tolerance among the communities. It is essential that an enabling and encouraging environment be available for like-minded persons to form and operate efficient associations.

The role of civil society need to be strengthened within the functions of the state in order to reach this optimal society. It is critical that people be encouraged to form and run associations. This can only be achieved through the enactment of a solid law.