

# Transparency Review

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Transparency Maldives, national contact for Transparency International, is a non-partisan organization that promotes collaboration, awareness and undertakes other initiatives to improve governance and eliminate corruption from the daily lives of people. Transparency Maldives views corruption as a systemic issue and advocates for institutional changes that will punish and prevent corruption.

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# EXECUTIVE DIRECTOR'S NOTE

Welcome to the second edition of Transparency Review. Although it is encouraging to see many of the human rights and governance issues captured and circulated through this edition, it is not an encouraging time for Maldives.

Human rights violations seem to be rampantly unchecked and redress for those who have had their basic rights violated seem like a distant aspiration. Fundamental rights and freedoms that were seen as inherently enshrined in the Constitution continue to be curtailed. Freedom of media is doubtful while the right to freedom of peaceful protest is selectively provided for those whose ideals align with that of the government. Civic space continues to shrink and civil societies function through fear and intimidation. Gender equality and feminism remains contentious and an oft taboo topic of conversation whereas misogyny and sexism seems to have found a legitimate foothold in the social paradigm of the country.

The uncertain news about the sale of Faafu Atoll to a Saudi Prince dominated both the media and also the work of Transparency Maldives. Our campaign to demand transparency and inclusivity in any economic deals relating to the Atoll fortunately saw a gradual gathering of momentum. Uncertainty and secrecy continue to shroud the issue and despite government statements aimed at assuring the people of the efficacy of the deal, it remains hard to be convinced by inconsistent statements and the glaring amendment to the Constitution allowing the sale of land to foreign countries. In the face of such brazen acts that clearly undermine the principles of democracy, good governance and human rights, it becomes hard to be optimistic.

And yet we continue to hold onto a hope. A hope that the people will not remain apathetic to the situation. A hope that through consistent pressure and advocacy and outrage we, the civil society will be able to empower the people to make the right choices needed for change. A hope that through consistent pressure and strategic action we might be able to ward off prying eyes and

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wealthy pockets whose involvement only exacerbates the present status quo.

This digest is part of that action to allow for people to understand the human rights situation in the Maldives and provide them with the necessary information to make up their own minds. It is an attempt to combine human rights and governance stories and nuggets to capture an accurate picture of what is defining our human rights framework today. I would like to thank all the staff who have contributed to this issue and worked tirelessly to bring this to you. Enjoy our second edition of Transparency Review and continue to being hopeful.

**Mariyam Shiuna**  
Executive Director

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# “IT IS THE DUTY OF THE STATE TO FOLLOW THE PROVISIONS OF THIS CONSTITUTION, AND TO PROTECT AND PROMOTE THE RIGHTS AND FREEDOMS PROVIDED IN THIS CHAPTER.”

## *Article 18, Constitution of the Maldives 2008*



### **The New Constitution**

The 2008 Constitution of the Maldives, for the first time heralded the inclusion of democratic principles by including a separate chapter on the ‘fundamental rights and freedoms’ of the people.

The new Constitution was one of hope. It gave power back to the people. It set limitations on the State and prescribed the rights of the people as sacrosanct. It required a decentralized system of governance and allowed the formation of political parties. What was once seen as provisions that were offered because of the kindness of the State became inviolable rights that the State had a duty to protect. Where the generosity and kindness of the State was once seen as a blessing on the people, the same duties had become an

imperative responsibility of the State to fulfil. Arbitrary regulations were annulled. For the first time in its history, the Maldives was going to be ruled by the people, for the people.

Often when we quote the Articles in the Constitution we tend to focus more on the individual provisions that detail rights and freedoms. But given the context of the present Constitution and the events leading up to its formation, the bigger challenge to ensuring a society conducive to human rights is the enforceability and the response of the State to Article 18. The 2008 Constitution made it the onus of the State to respect, protect and fulfil their human rights obligations, a mandate that had previously been arbitrary. Article 18

**Article 18 clearly states the duties of the state to safeguard the fundamental rights enshrined in the Constitution.**

**However, since its enactment, we have witnessed an unwillingness and inability of the State to operate through Constitutional means.**

**It is even more unfortunate that those who voice out for democracy and human rights within the State not only fail to uphold the potency of the Constitution but are willing participants in its mistreatment and abuse.**

mandates the State to ensure the provision of the rights of the people as stipulated in the Constitution.

## Challenges

After the enactment of the 2008 Constitution that was followed by a democratically elected government, the country still operated in accordance with old laws and customs.

Rampant corruption, unwillingness of the judiciary to reform and adopt the values enshrined in the new Constitution, extreme media polarization, under-trained civil service, lack of a vibrant civil society, and the financial challenges of the 2008 global recession meant consolidation of democracy in the Maldives was far more challenging than envisaged before.

## Polarisation and Political Expediency

Since the inception of the 2008 Constitution, every government that has been in power claims to be protectors of the Constitution. But what does protecting the Constitution mean? The Constitution is a guiding document that exists to ensure a democratic governance system and an inherent respect for the rights of the people. It lays down the foundation for a check and balance system and the separation of powers. It insists on a governance system driven by the rule of law and a vibrant and powerful civil society that can grow and mature in a productive civic space.

However, the Constitution has often been overlooked and superseded by more politically beneficial and convenient policies that often do not subscribe to the spirit of the Constitution.

In 2010, during the race to meet the demands of the transitional phase, the appointment of the judiciary was hastened through political solutions disregarding Article 285 of the Constitution. Similarly, in 2011 the country saw tumultuous political occurrences that completely undermined the Constitutional role of the executive, judiciary and the legislature and allowed for a legal vacuum and a statutory deadlock that still lingers today.

The first democratically elected government was removed from power on 7 February 2012 under questionable circumstances of transfer of power.

## Dangerous Precedents

The Presidential Elections of 2013 demonstrated the inherent dangers of compromising and disregarding the Constitutional provisions of an independent judiciary. The election was annulled, delayed multiple times and heavily influenced by the Supreme Court of the Maldives and security services.

The Government that has been formed since 2013 flagrantly abuses its absolute majority in Parliament to systematically strip and encroach upon Constitutional rights, through amendments in legislature and by enacting laws to restrict fundamental freedoms.

**The State is mandated by the Constitution to uphold its provisions, not to tweak and alter these provisions as specific governments and politicians see fit.**

Freedom of expression, right to peaceful assembly and media freedom has been curtained through amendments to respective laws.

The decentralization process and the local governance system has been crippled through various amendments to the Decentralization Act. It has reversed the decentralised system of governance stipulated in the 2008 Constitution.

The age of Presidency and Vice Presidency was changed to cater for the political needs of the time, depriving people beyond that age group, their Constitutionally guaranteed right to compete for public positions.

These changes contradict the very spirit of the Constitution and set a dangerous precedent of changing the Constitution and laws to facilitate authoritarianism.

### **Rise Against All Odds**

Article 18 clearly states the duties of the state to safeguard the fundamental rights enshrined in the Constitution.

However, since its enactment, we have witnessed an unwillingness and inability of the State to operate through Constitutional means.

In a bid to make governance more pliable and easier to handle, the governments have made sure that the palpability of the Constitution is slightly skewed. This then allows for the State to feel good that they did not obfuscate the Constitutional provisions, but simply tweaked the Constitution itself. If this is how Article 18 is interpreted, then the Constitution is simply a book that is used to justify the very acts it aims to stop.

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The new Constitution was one of hope. It gave power back to the people. What was once seen as provisions that were offered because of the kindness of the State became inviolable rights that the State had a duty to protect. Where the generosity and kindness of the State was once seen as a blessing on the people, the same duties had become an imperative responsibility of the State to fulfil. For the first time in its history, the Maldives was going to be ruled by the people, for the people.



# ASSET DECLARATIONS: WHY IT DOES NOT WORK IN THE MALDIVES

## PART I



An ever-growing number of countries throughout the world have been adopting laws that require public officials to declare their income, assets, liabilities and financial interests. The principal goal of an asset declaration system is to combat corruption – in particular, illicit enrichment – and promote transparency and accountability of the government system. In a growing number of cases, information published in asset declarations has led to the exposure of substantial unjust enrichment. There is now an increasing trend towards requiring financial disclosure by government officials, including publication of asset declarations, in order to combat corruption, foster public confidence in government and encourage foreign investment.

The Maldivian Constitution requires the President, Cabinet Ministers, Parliament Members, and Judges to submit their financial and business interests. However, while these constitutional provisions are intended to promote transparency and integrity of public officials, this intention does not translate into reduced corruption due to various systemic deficits.

For one thing, there is no punitive measure legally prescribed to those who violate these provisions. This

lack of accountability keeps public officials above the law and encourages a culture of impunity to thrive unchecked. While some public officials – according to information obtained through unofficial channels – submit the documents regularly, others do not submit at all, thus rendering the system ineffective.

For an asset declaration regime to be effective, a monitoring and evaluation agency is required to collect and verify information, investigate, prosecute and sanction those who fail to comply. In some countries, such information are either published or accessible to the public, which allows the public, civil society and media

**The 2013 Global Corruption Barometer survey shows that 86 percent of respondents perceive the Parliament as the most corrupt institution in the Maldives.**

to hold leaders to account.

Currently in the Maldives there is no way for the general public to even ascertain whether or not public officials have complied with the asset declaration provisions in the Constitution. None of the State agencies – namely the Auditor General's Office, the Secretariat of the Parliament and the Judicial Services Commission – to which public officials have to submit statements of financial and business interests, assets and liabilities have published a list of public officials who have submitted such statements. The Auditor General's Office and the Secretariat of the Parliament have, in fact, rejected Right to Information requests from the general public asking for a list of public officials who have submitted asset declaration statements since 2009.

Various members of the Maldivian Parliament are often accused in the public sphere of being involved in corrupt practices such as vote buying during campaigns leading up to elections. The past few years have also seen a high number of incidences of parliamentary floor crossing as well as parliamentarians living beyond their means. The public perception that corruption is high in the Parliament are also reflected in various surveys undertaken by Transparency Maldives.

The 2013 Global Corruption Barometer survey shows that 86 percent of respondents perceive the Parliament as the most corrupt institution in the Maldives. The survey also reports that 97 percent of respondents believe corruption is a problem in the public sector. Similarly, the Maldives Democracy Surveys undertaken in 2013 and 2015 find the Parliament as the institution that holds the least public confidence. Therefore, the refusal of Parliament Secretariat to even publicise the list of parliamentarians who have submitted asset declaration statements would further lead to a decrease in public trust in the Parliament and its members.

With the social media campaign #haamakurey, Transparency Maldives has publicly called on parliamentarians to proactively disclose their asset declaration statements to the public. However, only a handful of parliamentarians have publicly disclosed their statements to date.

The main objective of the constitutional clauses that require the declaration of assets of public officials is to enhance transparency and integrity of the officials, and to restore the trust of citizens in state institutions. An effective asset declaration regime requires public officials to regularly submit their asset declarations, and for relevant State institutions to verify the declarations.

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Currently there is no indication as to whether any of this is being carried out in the Maldives.

Until public officials are made to regularly submit their asset declarations and such declarations are verified independently, the spirit of the constitutional clauses on asset declaration cannot be said to have been achieved in any manner, and the current asset declaration regime cannot be used as an effective anti-corruption tool.

# THE DEATH PENALTY: IS IT REALLY WORTH IT?



The Maldives has recently suspended a long-term moratorium on the death penalty. It is not my intention to recount the prelude to this shift in policy – that has been done elsewhere and extensively – but to reflect on the wisdom of this shift. It is important that there is a calm and reasoned discussion about a topic that elicits such strong passions. If our rhetoric is designed not to persuade but rather to morally indict our opponents then our national conversations descend into self-righteous polemic at the expense of reasoned debate.

As a point of departure, I will state that I differ from many of my friends whose objection to the death penalty is unequivocal and absolute regardless of deed or circumstance. Whilst I believe that the overarching purpose and most effective use of a justice system is rehabilitation, I also believe that certain actions designed to deprive others of life and dignity – murder and rape foremost – are fundamentally distinct from other kinds of crimes. They cross a proverbial line. Once crossed there is no potential to resume the role of a normal citizen welcome to participate in society. No penance can or should remove the stigma of being a ‘murderer’ or a ‘rapist’.

Nor do I believe that the state sentencing someone to death - after impartial due process and adjudication - in response to a particularly heinous crime is itself indulging the moral equivalent to the premeditated murder of an innocent. In the complete moral abstract, I believe that the state can be justified in demanding the forfeiture of life of certain individuals who have committed actions beyond the pale.

However, moral abstractions are just that; abstractions. Fallible human beings populate the real world. These same human beings, made up of flesh, blood, ulterior motives, and a propensity to err regulate justice systems, even those conferred by divine providence. This is why not even the most comprehensively designed and well-functioning justice system can ever fully guard against wrongful convictions. This simple observation, though not novel, is powerful enough by itself to establish that the death penalty cannot be appropriate to implement in practice anywhere.

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Consider that in the United States alone since 1973, 144 people on death row have been exonerated; current estimates indicate that 4% of individuals who are currently on death row are innocent. Lapses in judgment, false-evidence, class discrepancies in access to effective legal recourse – and just plain bad luck – contribute to the fact that of every 100 people executed at least four will be put to death for crimes they did not commit.

Is the Maldivian legal system immune to such lapses? No. Consider that our current legal architecture still has several gaping holes, not least of which is the lack of a proper evidence bill giving clear guidelines on what would constitute admissible evidence in court. Consider further that the Maldivian Parliament did not pass legislation clearly delineating standard proper criminal procedure until 2016 (procedure was at the full discretion of individual judges up until that time) and that we did not have a functioning penal code until 2014. By any yardstick our judiciary is not a mature institution.

Giving credence to such a view is that several prominent trials that have taken place in this country have been marred by allegations questioning the impartiality and competence of those tasked with prosecution and adjudication. Colonel Nazim's trial for treason springs to mind – which ended with a verdict of guilt on the bizarre reasoning that he failed to prove his own innocence, an instance of the state completely reversing conventional legal wisdom regarding the burden of proof.

Note that although Nazim was sentenced to 11 years in prison, treason carries a maximum penalty of death in the Maldives. In the absence of full confidence of

the political impartiality of the Judiciary, implementing the death penalty here can easily be a path to sanitized political assassinations. Anyone who thinks that this is hyperbole is welcome to peruse historical and contemporary examples: consider the fates of Turkey's Adnan Menderes or Egypt's Mohamed Morsi.

Furthermore, there are several issues with current trials that have ended with explicit orders to execute the death penalty. Hussain Humam, was underage when he carried out the murder he is accused of committing. Furthermore the state has neglected to indulge testimony and evidence indicating that Humam suffers from mental health issues. Any proper justice system must take into account mitigating circumstances prior to judgment; surely youth and mental health issues (and certainly a combination thereof) should constitute such.

I understand that, at the visceral level, society feels the need to express its anger in response to an individual committing actions that are particularly egregious, but policy should be advocated from the vantage point of detached analysis of pros and cons, not on the heels of the latest outrage. In our zeal to see justice done we must not dispense with contemplating facts and nuance because citizenship entails being a responsible member of a political community, not an enraged, sanctimonious mob.

In contemplating the facts it becomes evident that the death penalty is simply not worth it – regardless of whether or not one favors it in theory. Especially when there is a perfectly serviceable alternative that can function in its place. Life sentences are very serious punishments possessing the virtues of a deterrent value (to the extent that a deterrent value is actually effective) and the ability to neutralize individuals who have established themselves as a danger to others. They also have the crucial benefit of that they can be overturned in the daylight of new evidence. This is a crucial metric that the death penalty, by definition, fails to meet. Putting innocent life on the line to punish the taking of innocent life defeats the purpose of the motive in total. Ending the moratorium on the death penalty is foolish and dangerous.

# THE GIRL WHO WANTED TO BE A BOY



Let me tell you about a girl. A girl I met and talked to while she was preparing a complex artwork for an exhibition about democracy. A girl who was silently pouring her heart out into a sort of surreal diorama that spoke more than she had ever done in her life. A girl who was unsure if she should even express herself so openly in a country that was not ready to hear what she had to say. A girl, whose ambitions and aspirations hinged so stringently on her gender, that she vehemently wished she was a boy.

Let me take this moment to tell you her story as she told me.

'I was born into a family that desperately wanted a boy. They wanted someone who would be able to work and support the family. Especially my father. He wanted a boy and kept on trying only to be disappointed by more girls. He believed that a girl cannot be the head of the household and that there needed to be a boy to lead. To show the way. And the more girls he had, he desperately needed a boy to make sure the girls were being looked after and that they did not stray. But as luck would have it he had to make do with the daughters his (mis)fortune had bestowed upon him. Do you know how hard it is to live up to the expectations of a man who saw his daughters to be half as good to a son?

It was a different matter that my father did not see him as needing to take any blame for the 'series of unfortunate' births. He had tried but my mother had failed him every time. So he left. Left his litter of useless girls who could never become what a son would have been for him. Who could never fill the dark, empty void that called out for a male child to fill it with light. He left us, hoping that the five mistakes my mother had made would be a thing of the past that would not haunt him now that he wasn't part of the family any more.

Do you know the amount of pressure we had to endure in order to be...us? We were constantly reminded how inadequate we were. We were constantly within earshot of conversations that took place between my mom and dad about the misfortune of not having a son. We were constantly reliving a life that had somehow miscast us as characters we were just unable to perform.

I remember how desperately I would try to help out with my father, hoping I could compensate for being a girl. I would try to do odd jobs at home, paint, repair stuff and do everything my dad wanted help with, but somehow no matter how hard I tried, my being a girl was never overlooked. Somehow school was the only place that I could be content and satisfied to be a girl. I didn't have to pretend and didn't have to want to be anything other than who I was. I saw how the other girls were happy and I joined in that happiness to realize that being a girl wasn't really a bad thing. I would laugh and play with them and didn't feel I was lacking anything. I talked and conversed with them and in that moment I didn't have to try and mimic a boy and try to hoarsen my voice hoping to emerge as less of a girl. These were happy and jovial and yet they were girls. For the first time I realized that it wasn't necessary to be a boy to laugh, play, make friends and be happy. But every evening when it was time to go home, reality slapped me hard across my face as I saw my friends go home with their fathers. Not that I didn't welcome my mom but to see girls being so lovingly received by their fathers was an irony that made my feet to be firmly grounded in the reality of my life.

The same went for my sisters. Even my uncles and aunts and the entire extended family saw our family as plain unlucky. But I suppose the one person who had it worst was my mother. A woman whose sole purpose had been to facilitate a male child for my father. A woman whose consistent efforts had yielded nothing but us. It was a different matter that my father did not see him as needing to take any blame for the 'series of unfortunate' births. He had tried but my mother had failed him every time. So he left. Left his litter of useless girls who could never become what a son would have been for him. Who could never fill the dark, empty void that called out for a male child to fill it with light. He left us, hoping that the five mistakes my mother had made would be a thing of the past that would not haunt him now that he wasn't part of the family any more.

After we realized that it was just us against the world, it ironically gave us more room to be ourselves. We no longer had to pretend to be strong, but we became stronger because we needed to fend for ourselves. And so I decided I would prove to my father that an all girl team, we couldn't be put down so easily. I had

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always wanted to be an artist. Even when I was in school, Art was the only subject that I truly let myself go. Expressing myself through art was not just fun and liberating, it was also therapeutic. But I knew that I couldn't properly support my family through my art and I needed to prove myself to everyone around me. Art was just not going to cut it. I got myself a job at a resort (I guess to a certain extent I wanted an unconventional job that girls weren't typically inclined to do). At first I felt on top of the world. I felt like, for the first time in my life, I had control of my life. I was the breadwinner and I was doing what any boy my father could have got would have done as well. All my life I hated being a girl and now I felt like it didn't matter. I was a girl but I was doing what people usually thought only boys could do. But that realization was short lived as the men who worked as my subordinates started to question my authority because I was a woman. They felt threatened and often frustrated that they had to follow my lead. It was worse when it came to expatriates. I was a double whammy on their egos. They clearly didn't want to work under a woman, but a Muslim woman at that? Now that was cruel. I had to constantly keep proving myself and although it kept me stronger, it also tired me out. I was tired of having to constantly work a level up to prove I was just as good as a man. I was tired of the insistent prejudice towards my sex and the systemic groundwork that allowed for them to be reinforced over and over again.

I quit my job and worked with my sisters at other administrative jobs just to pay the



rent and fend for ourselves. I think right now, this very moment I am fed up. This isn't a story with a definitive happy ending because I don't think as a girl we can ever have a truly happy ending in this country. But I feel more important now. I feel more confident than a half-baked expectation to be a boy. I am married now and my husband inspires me. He encourages me to work and find my voice and although I am still scarred by who I was and sometimes who I am, I think I am more than just the shadow of a boy now. I guess that's why things have come full circle and I am back to doing what truly liberates me. Do have a look at what I am creating. It's a woman. A woman who with many legs protruding out of her. A woman whose legs, depict her role as a mother, sister, wife, daughter in law and

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everything else expected of the society and that which erases her identity as a woman. I am making a diorama of my mother and me and my sisters and all those women and girls who are forced to be ashamed of being just a woman. It is for all those girls who were forced unceremoniously into wishing they were boys. '

I finished noting her story down and by the end she had a smile on her face. I had one question though.

'Wouldn't this depiction upset your family? Your father?'

'I don't really care. I have been careful and considerate long enough. I think its time to do something for me and for my sisters. It is time that I tell our stories in the only voice I know. Art. ' She said and continued to shape her artwork into a depiction of her life.

# DELIBERATIVE DEMOCRACY



According to Samuel Huntington the current wave of democratisation began precisely on April 25, 1974 at 12:25am in Portugal, when a Lisbon radio station played the song "Grândola, Vila Morena". The song was a signal to the Portuguese military to commence a coup which drove Portugal's dictator Marcello Caetano into exile. At that time the number of democracies throughout the world was forty-one. By 1991, after the fall of Soviet Union, the number of democracies increased to seventy-six.

Within this wave of democratisation, Maldives had its first 'democratic' elections in 2008 ousting former president Maumoon Abdul Gayyoom who was in power for 30 years. Despite the change of government, and establishment of democratic institutions and structures, the first democratically elected leader, Mohamed Nasheed, was forced to resign following what many argue to be a coup lead by loyalists of the former dictatorship.

**"You can get rid of a dictator, but you can't get rid of a dictatorship. You can get rid of a person very easily, but the networks, the intricacies, the establishments – you have to flush them. And to do that is not an easy thing." – Mohamed Nasheed**

In the aftermath of this controversial power change, Maldives is currently experiencing a global phenomenon – the upsurge of authoritarian governments which some suggest to be reversal of the democratic wave that began in 1974. Today's authoritarian regimes are smart. They do not opt the brutal forms of intimidation, but instead they utilise and manipulate democratic avenues including legislations which are broadly written and used to target dissenting voices. Authoritarian regimes, as can be seen in the Maldivian context, use democratic language combined with nationalistic narratives to consolidate power and control dissenting voices.

For instance, on 23rd August 2016, the Freedom of Peaceful Assembly Act was amended making prior permission from Maldives Police Services necessary for assembly in Malé in areas otherwise pre-defined by the Ministry of Home Affairs. Such practices can fall into a thin definition of democracy – a governance system in which key decision makers are elected through free, fair, competitive and inclusive elections.



Despite the fact that authoritarian regimes utilise democratic avenues to limit free, fair and competitive elections, they also gain their legitimacy through false veneers of thin democratic narratives.

In such circumstances, it is quite common that democracy movements problematize authoritarian regimes and external factors that lead to the surge of authoritarian regimes. However, the failure of the democracy movement to self-critique results in the erasure of how they might have in fact contributed to reversal of democracy, or what they would have done differently to ensure sustainable democracy. As such, it is important that democratic movements reconstruct the democratic language to ensure inclusivity and plurality.

One such way is to demand for deliberative democracy which is often dissed by authoritarian regimes. Deliberative democracy encourages justification of decisions made by constituencies and their representatives. Therefore, it encourages communication and discussion. This is furthered by the moral basis for deliberative democracy which is understanding constituents as autonomous people taking part in the governance of their societies. Deliberative democracy, therefore, addresses a gap in thin notions of democracy by securing the voices of otherwise oppressed, unheard and excluded constituencies through reasoned public deliberation.

<http://world.time.com/2012/04/03/mohamed-nasheed-time-meets-the-ousted-president-of-the-maldives/>

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# POPULATION CONSOLIDATION AND HUMAN RIGHTS



Climate change and its impact is not a new topic in the Maldives. Maldives has been a vocal advocate in creating global awareness on the impact of climate change on low-lying island nations. But interestingly there are some aspects of this that are rarely talked about in the Maldivian society. Hence this particular article will focus on the oft misleadingly used pretext of climate change by politicians to further the discourse about population consolidation and relocation of island communities. The focus will also be on how this mutes conversations about the real impact of climate change and how it violates human rights of people.

Maldives has had a long history of population consolidation and relocation. In 1912 inhabitants of Gan Island in Addu Atoll were relocated elsewhere when the island was designated as an Air Force Base by the British. In 1968, the people of Giraavaru were forced to move to Hulhule. Since 1980, population consolidation through relocation has been proposed as an official government policy based primarily on the economies of scale and the difficulty in providing basic services in islands with small populations. In 1998, the then Minister of Planning and National Development highlighted the challenges faced by the government as a result of the population dispersion into small and far off islands. He mentioned how simple it would be to

provide the basic services if entire population was consolidated into a concentrated area. According to him one single health centre and a few educational institutions would suffice then.

Under the new government policy prior to 2008, two specific areas of Maldives were developed to create population centers with 85 islands assigned to provide full fledged services to the people. Throughout history, the discourse about population consolidation was always linked to financial and economic challenges faced as a result of population dispersion. But interestingly, as the conversation about climate change and its impact heated up on the global stage, the local dialogue about population consolidation also saw a paradigm shift. The IPCC Report highlights Maldives as one of the most climate vulnerable countries in the world and while the highest elevation in the Maldives is a mere 1.8 meters, the report predicted that by the year 2100, the sea level would have risen to about 25-58 centimeters. With this shift in conversation the "Safe Houses" constructed by the government in 2007 was rationalized as

It is important to understand the hidden agendas that benefit specific individuals as a result of population consolidation. Rich businessmen in the country have already proposed to develop tourist resorts in the islands that will be depopulated. It is therefore evident that resort owners and rich businessmen do consider their interests as being paramount over national development.

a proactive attempt at mitigating the impact of global climate change. After the change of government in 2008, "Resilient Islands" replaced "Safe Houses" and population consolidation continued under the guise of climate change.

The danger of imposing population consolidation onto the climate change discourse is that it inadvertently facilitates to conceal the hidden political agendas inherent in such policies. The impact of land reclamation and the development of artificial islands to create population centers on the environment and the livelihood of the people is a valid cause for great concern. The juxtaposition of these two concepts also creates a vacuum that obscures the real effects of climate change and the subsequent impact on the human rights of the people. For example, it is important to understand the hidden agendas that benefit specific individuals as a result of population consolidation. Rich businessmen in the country have already proposed to develop tourist resorts in the islands that will be depopulated. It is therefore evident that resort owners and rich businessmen do consider their interests as being paramount over national development. In addition the fact that those with lesser means will benefit less from such policies is an indicator of how equality and non-discrimination are not considered in their formulation.

It is also quite evident that when people and communities are relocated, there is very little consideration offered to their inherent human rights. For example when the people of HDH. Naavaidhoo, HDH. Kumburudhoo and HDH. Faridhoo were relocated to HDH. Nolvharanfaru in 2011, it abruptly spiked the population of Nolvharanfaru from, approximately

500 to 2000. However the basic services including shops, clean drinking water were not proportionately developed in tandem to the increase in the number of people. And the fact that some of the houses constructed for the new inhabitants started to deteriorate within a year proves that the quality of construction was not consistent. Even now, 6 years later, problems seem to plague the inhabitants of Nolvharanfaru. In 2014 and 2016, the sewerage system of the island faced several problems as a result of excessive usage.

During his address at the inauguration of the second phase of the Hulhumale' Reclamation Project, President Abdullah Yaameen made some interesting revelations. He requested the youth of Faafu Atoll and Lhaviyani Atoll to relocate to Hulhumale'. He cited the fact that these atolls had very small islands and therefore created some unique challenges to provide the necessary services to the people living there. And he also said that though these islands were serene and beautiful, there was nothing the government can do for islands with small populations. And in light of the above statement isn't it obvious that we are seeing situations where people are removed from beautiful natural environments into congested, concrete jungles? Isn't it time that we finally question the hidden agendas underlying the policies of population consolidation?

The danger of imposing population consolidation onto the climate change discourse is that it inadvertently facilitates to conceal the hidden political agendas inherent in such policies. The juxtaposition of these two concepts also creates a vacuum that obscures the real effects of climate change and the subsequent impact on the human rights of the people.

# RIGHT TO INFORMATION



Right to information (RTI) is a right enshrined by article 29 of the Maldivian Constitution. This is an inalienable human right and it does not discriminate between a citizen and non-citizen in acquiring information.

The RTI Act ratified in 2014 in the Maldives, is rated as the 13th best amongst 111 countries that has passed RTI Acts, by the Centre for Law and Democracy and the Access Info Europe. There are many factors that contribute to this high ranking of the Act. The two main factors are:

- Article 4 of the RTI Act states that the right to information is available to every person. This means that the right is not limited to citizens of the country but extends to all non-citizens in the country as well. Furthermore, the definition of every person includes private entities and civil society organizations.
- The Act specifically states that a person does not require or need a reason to request and to access information.

Article 6 of the Act stipulates five prerequisites to request for information. A request for information from a state-office must be made to the Information Officer of that office in writing and must:

1. state that the request for information is made under the RTI Act.
2. provide details concerning the request of information as reasonably necessary to identify the request.
3. specify an address where documents or the information must be sent to.
4. enclose the fee payable if any, with the request for information.
5. specify the name, address and phone number of the person submitting the request.

Article 6(e) specifically states that no person requesting for information should be compelled to submit or provide any information other than those specified above. This again makes it clear that reason for requesting for information is not required under this Act, nor is it a requirement to submit a person's national identity card number or the copy of it.

While the Act is a highly rated anti-corruption tool and remains as one of the best pieces of legislation enacted in the country, the implementation and enforcement of the legislation is far from satisfactory. This can be evident from the fact that it is overwhelmingly difficult to obtain information through RTI requests.; there have been various incidents where the RTI application form has been rejected due to lack of identity card number or a copy of it and there has been a multitude of incidents where state-offices have insisted on stating the reason for requesting information on the application forms. It is not wrong to say that these practices stem from the inclusion of such provisions in the RTI application form prepared and uploaded on the website of the Information Commissioner's Office (ICOM); the independent institution entrusted with enabling and protecting this right of the people. State-offices often have their own application forms specific to that office and this is the case with most state-offices when it

comes to the RTI application form as well. While many offices follow the example set by the ICOM, the Anti-Corruption Commission (ACC) has its own exemplary RTI application form. The ACC RTI application form has omitted the requirements of providing a reason for requesting information and does not mandate to provide neither an identity card number nor a copy of it. It is of utmost importance to change and rectify all RTI application forms, of state offices especially by the ICOM, to reflect the spirit of the RTI Act immediately. People have the right to access information of the state within the scope of the Act. It creates transparency and builds public confidence in their government. Proactive disclosure of information to the public by the state and easy access to information builds public trust in a democracy.

## **5 Pre-requisites to request for information**

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## "Right to vote"



We do not have to give reasons to exercise our human rights.

The right to information is a human right  
and we do not need to provide a reason to exercise it.



