Government of Maldives

Stakeholder Note

13 April 2008

People's Special Majlis takes vital steps towards completing new Constitution

The People's Special Majlis (constitutional assembly) today moved a huge step closer towards completing the Maldives' new Constitution. In a key moment for the Reform Agenda, the Special Majlis voted for the current Constitution (1998) to be repealed upon enactment of the new Constitution. The provision was passed by an overwhelming majority of Members present at the morning session (68 out of 98 members voting in favour).

The vote brings to an end months of political haggling during which the Opposition claimed that since the New Constitution was amended version of the 1998 Constitution, the newly introduced two-term Presidential limit was applicable retroactively. This would have meant, in effect, that H.E. President Gayoom would be ineligible to stand in the Presidential elections planned under the new Constitution. On the other side, the DRP argued that the Constitution currently being finalized is a totally new Constitution and thus the two-term limit is applicable as from the date of adoption and not retroactively.

With today's vote, the Special Majlis has clearly shown that the Constitution is a new one, which replaces the 1998 text. The unequivocal and resounding message from today's vote is that Special Majlis supports the right of President Gayoom to stand in the elections expected to take place later this year.

In other important developments, the Special Majlis decided that within 30 days of the enactment of the new Constitution, an Interim Elections Commission consisting of five members would be set-up by the Parliament. Under this important confidence-building measure designed to guarantee a free and fair election, all registered political parties will have the opportunity to send nominations for the Commission. The Commission will be responsible for *all* elections-related matters during the interim period.

During today's morning session, the Special Majlis also decided on the establishment of an eight-member Judicial Services Commission for the interim period along with the establishment of an Anti Corruption Board within 60 days of the enactment of the new Constitution. A Supreme Court is also to be set up within 45 days of entry into force of the new Constitution. The new Constitution devotes a full Chapter to independent bodies, namely; Chapter 7 that seeks the establishment of the Human Rights Commission, Judicial Services Commission, Civil Service Commission, Anti-Corruption Board, Elections Commission, Auditor-General and

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Prosecutor-General's Office as constitutional bodies. Strengthening the framework of independent bodies is a cornerstone of the Government's ongoing Reform Agenda.

The afternoon session also saw some key developments in the run up to the finalization of the new Constitution. The Special Majlis decided that all posts and bodies stipulated in the draft Constitution, either to be appointed or elected, shall be instituted within two years of enactment of the new Constitution. The provision continues to stipulate that those currently functioning in the posts and bodies shall continue their service (within the 2 year period) until formal institution of new members to the bodies and posts.

Amongst other important developments, the Special Majlis also held that the current People's Majlis (Parliament) shall continue its term in office as the legislature of the Maldives until elections for the new People's Majlis take place under the new Constitution. Moreover, as part of consolidating local governance in the country, the Special Majlis determined that elections for the establishment of the Atoll, Island and City Councils would to take place before 1 July 2009.

Today's two sessions of the Majlis (its 266th sitting) saw a high turnout by the Special Majlis members with 98 members attending the morning session and 100 members at the afternoon session. The next session of Special Majlis is scheduled for the afternoon of 14 April 2008.

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