

For your kind attention.

Special Majlis Adopts Transitional Chapter; Launches New Democratic Era for the Maldives

21 April 2008, Malé,: In a historic day for democracy, rule of law and human rights in the Maldives, the Special Majlis (constitutional assembly) yesterday adopted the Chapter of the draft new Constitution dealing with transitional arrangements and in-so-doing agreed on the creation of a range of independent oversight bodies and judicial institutions - a move that has major implications for the political and judicial landscape of the country.

The final Transitional Chapter clarifies that the first Presidential election under the new Constitution will take place before 10 October 2008 (exact date to be decided by the independent Interim Elections Commission). This will be the first multi-party Presidential election in the history of the Maldives. The first Parliamentary elections under the new Constitution must take place before 31 March 2009. Elections for all city, island and atoll councils shall be held before July 2009. The current President, Cabinet, Parliament and other persons elected or appointed under the existing Constitution will remain in place until their successors are elected or appointed under the new Constitution.

In order to guarantee that these vital first elections in a new democratic era for the Maldives are both free and fair and, importantly, are seen to be free and fair by all domestic and international stakeholders; the Transitional Chapter creates a range of independent bodies to operate during the transitional phase. It also stipulates timeframes to eventually establish permanent versions of these bodies under the new Constitution.

Crucially, an Interim Election Commission will be created within 30 days of introducing the new constitution; and, in order to ensure the body's independence and impartiality and to build confidence in the electoral process, its members will be proposed by all registered political parties and adopted by Parliament. An Interim Judicial Service Commission will also be created within 30 days of introducing the new constitution; while an Interim Supreme Court will be created within 45 days of introducing the new constitution.

Justices of the Interim Supreme Court will be proposed by the Interim Judicial Service Commission and adopted by Parliament. Members of the interim Supreme Court would appoint a Chief Justice for the interim period from among themselves. All other justices, judges, and magistrates will remain in Office for a period of two years from the date of the new constitution until they are approved according to the process envisaged under the new constitution.

Finally, the Transitional Chapter states that an Anti Corruption Commission shall be created within 60 days of the new constitution coming into being; while a Prosecutor General (in addition to the existing Attorney General post or director of public prosecutions), proper Judicial Service Commission, and proper Elections Commission must be created within 60 days from the first meeting of the newly elected parliament.

With the adoption of the Transitional Chapter, the Special Majlis will now turn its attention to completing the final Chapter on Legal Interpretation (of the new constitution). This is expected to be completed shortly. The completed draft Constitutional text will then be sent to the President of the Maldives for ratification.

ENDS

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