

Transcript

Hello, my name is Renata Tardioli, and I am an Italian legal and election expert working with the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) Office of Democratic Institution and Human Rights, based in Warsaw. Since 1992, I have participated in over 50 election missions worldwide.

I am going to present an overview of the presidential elections in the Maldives in 2008. At the beginning of 2008, I was sent by the European Union to the Maldives to work as a legal advisor to the Maldivian authorities in the upcoming presidential elections. I provided legal and technical assistance to the Election Commission and the Ministry of Legal Reform. The existing office of the Election Commission, was, in fact, soon to become an independent body, according to the newly enacted Constitution ratified in August 2008, after 4 years of debate in Parliament.

The new constitution established that the first multicandidate presidential elections were to be held before the end of 2008 the expiring of the presidential terms on 11th of November 2008.

The Maldives is quite unique in terms of geography. It is a string of some 1,200 pearls, out of which only 187 are inhabited by some 300,000 people. Only 160 are Resorts Islands, only used for tourism. More than 90% of the territory is covered by the sea, rendering movement among the islands quite challenging. The sea is seen as an obstacle, more than an asset in the Maldives.

President, Maldivian President Maumoon Abdul Gayoom had been in power since 1978, serving 6 consecutive terms. His last re-election took place in 2003. It was in reality a plebiscite, with one candidate and a yes or no option only. He was the longest-serving head of government in Asia, having been president for 30 years. He also survived coup d'etat attempts, respectively, in 1980 and 1988.

Under his regime, the country experienced substantial economic growth over 25 years. Literacy rate reached above 95%. Tourism was developed substantially by granting concessions to international companies to build luxury resorts in the different atolls of the country.

During Gayoom regime, patronage relationship and family ties and network constituted a prominent feature, and the president largely availed himself with them. He had occupied key positions with family members and relatives, or simply with supporters of his regime, by creating a system.

The movement of the Democratic Party, so-called MDP, was the first political party to be established in 2003, after the introduction of the multi-party system, and acted as opposition to the Maldivian People Party, so-called DRP, of President Gayoom, with the charismatic leader and fierce activist Mohamed Nashid, called Anni.

The new constitution of 2008 provided for the limit of two terms for the president. However, after much debate, it was interpreted as not being retroactive, and therefore not applicable to President Gayoom, who had already served six consecutive terms prior to the new constitution.

When I arrived in the country as a legal and election expert in January 2008, the election administration consisted simply of the Office of the Election Commissioner, a Minister of State, reporting directly to the president. It was a permanent body appointed by the president for a limited time, composed of a Secretariat of 39 staff members. Therefore, the impartiality of this office was questionable. Out of these 39 staff, only 15 were women, sitting in lower positions, with only one female serving as Director General.

The new constitution provided for the establishment of an independent election commission composed by five commissioners appointed, respectively, by the main parties.

The new Election Commission, the EC, was sworn in only on the 4th of September 2008, only 34 days before the presidential election. Their task was therefore quite daunting, and alongside my task to assist them in undertaking these elections.

My work with the Commission proved to be quite challenging. As it can be imagined, the Maldivian government was not accustomed to having foreigners. It was the first time that they had technical assistance from a non-Maldivian person, and being predominantly, actually, 100% a Muslim country, being a woman was not necessarily an advantage. The job also required a high degree of personal and professional autonomy, as there was no European Union office to back me up in the country, but the EU delegation was located in the neighboring Sri Lanka in Colombo, the capital.

After the initial period of a sort of peaceful resistance from my Maldivian colleagues, again, that was derived from not being exposed to such foreign support, an extraordinary relationship based on trust and mutual effective cooperation began. Together, we organized all the steps of the presidential election that resulted in ending a regime that had lasted since 1978. After the new constitution came into force, all related election laws had to be drafted. Together with the Ministry of Legal Reform, I worked on drafting the presidential and parliamentary laws and the law establishing the new Independent election commission and its duties and responsibility.

We then proceeded to draft the related procedures and codes of conduct. All of this required lengthy meetings with political parties and stakeholders and countless drafts to be reviewed, which were sent back and forth from the different stakeholders. Obviously, it was a participatory process, what we put into being. Most drafts were done in the local language of Dhivehi, which is the official language, and then translated into English with the risk of misrepresentation of the actual content.

The 8th October 2008 presidential elections proved to be very challenging for the newly established election commission, which again came into being only 34 days before the elections. Immediately, with the opening of the 396 polling stations in the country, it was clear

that the accuracy of voter registry, which we had worked on a lot, but we were aware of its inaccuracy constituted a serious problem and the Commission faced the difficult decision on whether to continue the exercise or to cancel it.

During the long election night, the EC, in my presence, gathered all the candidates in person, or their representative to hear their views. Only one candidate was favorable to cancelling the process, whereas all the others strongly opposed the idea, as it would have created unrest in the country. Other issues related to faulty ink to mark voters' fingers, and to the unequal distribution of number of voters in different polling stations, which resulted in long queues after the normal opening hours, especially in the islands surrounding the capital of Malé. Logistics was also quite cumbersome. There were no electoral structures at the local level, and as mentioned, 90% of the Maldivian is constituted by sea, with only two airports in the country, in addition to the airport of the capital of Malé, all the material delivery had to be done by privately organized boats, as virtually there was no public transportation in the country. The EC proved to be quite skilled in organizing such a complex exercise.

When it comes to the holiday resorts, as we have seen, there were 160 of them, internationally managed, they could choose to have a polling station in their premises, or they could transport their Maldivian staff to the neighboring islands for polling.

Regarding the daunting problem with voter registration, as mentioned before, the EC announced early in the afternoon that people with an ID card and those in possession with a voter registration slip could still be included in the voter list on Election Day, and then, therefore, allowed to vote. Although this could have been a dangerous measure, it opened the possibility of double voting, it provided the opportunity of rectifying some deficiencies of the voter list.

Moreover, the EC committed in public to verify and expose the number of double voters and prosecute the possible offense. In reality, due to the cumbersome preparation for the second round, and the fact that the voting procedure did not require voters to sign or append a fingerprint, neither the verification nor the prosecution was effectively implemented, and only four cases were ascertained where a person possibly voted more than once.

No one of the six running candidates secured the required 50% plus one to be elected in the first round. Therefore, a second round was held on 28 December 2008 between incumbent President Gayoom, the long-serving president mentioned above, and the MDP candidate and activist, Mohamed Nasheed.

The second round was affected by fewer regularities of the voter registry, but still many issues were reported, and the EC was again ready to react and open an information point for people to locate the polling station where they had been registered, and then, therefore, then be processed accordingly.

This activity of processing sort of misplaced voters was completed late during the evening, and required some polling stations to be kept open for additional time in order to complete the polling and for it to be as inclusive as possible.

There was also a problem of shortage of ink in the first round, and this was solved by reprocurring it from India at the last moment, and additional watermarks and other security features were added in the new ballot papers from a company in Singapore. This activity also required a lot of action from my side to liaise with different companies.

Some polling procedures in the second round were also changed, including the introduction of a queue controller to check the details of citizens waiting in line against the voter list. Voting booths were also modified in order to enable a larger view of the voters during the polling, in order to prevent the so-called carousel voting. An additional five polling stations were finally added to those available in the first round, reaching the total of 341.

As for the outcome of the second round, Mohamed Nasheed, so-called Anni of MDP, secured 54 plus .21% against 45.70% of the former president, Gayoom. Therefore, Mohamed Nasheed, the leader of the battle against the authoritarian regime, became president of Maldives during a moving ceremony in Malé during the night after the announcement of the results.

Various international organizations observed this presidential election, but only the Commonwealth and the diplomatic community based in neighboring Sri Lanka fielded a fully-fledged observation mission. The EU and the UN only sent a two-member assessment team.

Local organizations, such as Transparency Maldives and local NGOs linked to Transparency International, deployed approximately 100 local observers countrywide.

Although marred by voter registrants and other irregularities, as mentioned above, the elections were generally declared legitimate and transparent.

After the end of the autocracy and the change of government by the majority party, the dynamics within the election commission consequently changed. Although formally independent, the commission was composed of members appointed by the major political parties, as mentioned above, and I, who had worked side by side with the old regime, while always remaining independent and impartial, risked of no longer finding a place in the new political reality. Instead, at the moment of the historic change of government, my presence was also requested for the second parliamentary elections.

Therefore, after a short break, I returned to the Maldives for a new challenge and assisted the EC in the upcoming parliamentary elections in 2009.

To witness such an historical change of power in the Maldives was not only personally and professionally rewarding, but also significant with regard to the impact of technical assistance at

an international level, which must be based on technical clinical competencies, obviously, but also, and perhaps most importantly, on trust and effective teamwork and cooperation.

Thank you very much for your attention.