

**REPORT OF THE SAARC OBSERVER GROUP (SOG)
ON THE GENERAL ELECTIONS FOR THE PEOPLE'S MAJLIS**

19 November 1999

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CHAPTER 1

INTRODUCTION

On the invitation of the Commissioner of Elections of the Republic of Maldives to observe the General Election to the People's Majlis which was scheduled to be held on Friday 19th November 1999, a group of persons from six SAARC countries arrived at Maldives on 16th and 17th of November 1999. The Observer Group was designated by the hosts as SAARC Observer Group (SOG).

The SOG consisted of one person from each of the SAARC countries - Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka. The names and other information about the persons are mentioned in Annexure I.

As for the 1994 Parliamentary Election and the 1998 Presidential Election the Observers were invited in their individual capacities and not as representatives of their Governments.

The Group unanimously elected H.E. Mr. Lyonpo Dawa Tsering, former Minister for Foreign Affairs, Bhutan as their Chairman.

CHAPTER 2

COMPOSITION AND TERMS OF REFERENCE OF SOG

The Terms of Reference of the Group were to observe all aspects of the organisation and conduct of elections, including the campaign and polling arrangements, casting of vote, the closure of voting, the counting of ballots and the declaration of results in order to ascertain whether the elections have been free and fair and in accordance with the relevant laws and regulations of Maldives.

The SOG was required to submit to the Commissioner of Elections a report, before its departure, on its observations on the elections, containing such conclusions and recommendations as it might wish to make.

CHAPTER 3

MEETING WITH THE COMMISSIONER OF ELECTIONS

The SOG held a meeting on 17th November 1999 with the Commissioner of Elections who extended a warm welcome to the members of the SAARC Observer Group and assured them to render all possible and necessary assistance and co-operation to them in the discharge of their mandate.

The Commissioner of Elections briefed the SOG on the various organizational, administrative and constitutional aspects of the election process.

He mentioned that the 1999 SOG was the third observer mission and the second mission to monitor parliamentary elections in Maldives. He added that the recommendations made by the earlier observer missions from SAARC countries have already been adopted and implemented.

According to the new Constitution, which came into force in January 1998, the number of seats in the People's Majlis has been expanded to 50 with the division of Ari Atoll into two constituencies. Previous practices of elections have been codified with some modifications under the election law passed last year.

The present Majlis consists of 50 members with two members being returned from each of the twenty Atolls and two from Malé, the Capital. The remaining eight are appointed by the President.

The People's Majlis has to be reconstituted every five years. The Maldivian Majlis is unicameral. Ministers can contest seats in the elections.

The Maldives has a Presidential system of Government. The Cabinet is not drawn from the Majlis. The President is elected in a national referendum based on a nomination by the Majlis. The nomination by the Majlis may be contested by any number of candidates. The Presidential term is five years and runs independently of the Majlis term.

All persons fulfilling the constitutional requirements can stand for elections. The eligibility requirements are stipulated in article 66 of the Constitution, which are:

- (i) the candidate is a Muslim;
- (ii) is a citizen of Maldives;
- (iii) has attained 25 years of age;
- (iv) is of sound mind;
- (v) is capable of reading and writing Arabic and Dhivehi script and numerals;

- (vi) has not, during the past five years been convicted of an offence for which a hadd is prescribed in Islam or of criminal breach of trust; and
- (vii) is not a citizen of a foreign country.

The number of candidates standing for elections this time is 127. All persons over the age of 21 are eligible to vote. The Elections Commissioner prepares an electoral register for each election. At the present time the total voting age population is 128,865 people.

All persons may vote in designated polling stations allocated according to geographical area. Residents from the atolls may vote in Male' as there are large concentrations of people from other atolls residing in Male'. There is no voting by proxy. Each voter may choose two candidates. The two candidates who secure the largest number of votes are declared elected.

Candidates standing for election may canvass for votes from their constituencies once the names of candidates for the elections have been published. Campaigning must cease the day before the polling day.

Counting of votes will commence as soon as polling stations close. All votes are counted in Male'. The counting and verification will be carried out by persons appointed by the Commissioner of Elections.

Elections in Malé are carried out directly under the supervision of the Commissioner of Elections, and in the Atolls by the Atoll and Island offices as directed by the Commissioner of Elections. All matters pertaining to elections will be reported directly to the Commissioner of Elections.

The Group found the briefing extremely useful and informative and thanked the Commissioner of Elections for inviting the Group to observe the holding of Parliamentary Elections. The Group expressed its concurrence with the proposed deployment of individual members to polling stations to be visited by them in their designated areas and Atolls.

CHAPTER 4

REPORT OF THE OBSERVER GROUP

Observations

The members of the Group visited a large number of polling stations in Malé, and in the Atolls (Annexure 1) and witnessed the conduct of polls in these areas. Much as they would have wished to cover all the areas of polling, the limited time available, the distance and other physical factors prevented them from doing so. Nonetheless the Group has been able to prepare its report based on its members observations made on their visits to the polling stations.

The Observers were glad to note that most of the recommendations made by the Observer Groups in 1994 as well as in 1998 had been accepted and implemented thereby making the election process more transparent, simple and efficient. For instance, the polling stations were well-sited in locations convenient to the public and located in premises such as schools and community halls not directly linked with the administration in these areas. Voting booths were suitably arranged and demarcated for orderly voting.

The ballot paper was made more secure by printing it on security paper and counterfoils retained. Instead of having to write the names of the two candidates, the task of voters was made easier by requiring them only to “tick

mark” the names of two candidates from among the names printed on the ballot paper.

Other improvements included increasing the security deposit by the candidates to MRf. 2,000. The Supervising Officers displayed the open ballot boxes to the voters at the opening of the poll and then locked them to be opened again by the appropriate key kept at the counting centre.

What impressed the Observers most was the peaceful and orderly nature of the polling in which a very high proportion of voters, both male and female, participated. No incidents of violence or rowdyism were observed by the Group during the polling.

The Observers unanimously agreed that the process of election to the People’s Majlis as well as the conduct of the poll has been free and fair in accordance with the relevant laws and regulations of the Republic of Maldives.

The polls commenced on time and the prescribed procedures were fully observed at the commencement, during and at the close of the poll.

The Observers specially noted that the secrecy of the ballot was fully observed. The voters were free to cast their vote without fear or favour. The Observers

did not note any external factor that could have prevented the voters in voting for the candidates of their choice.

The Observers would like to commend the Commissioner of Elections for the meticulous care with which arrangements were made for the poll. Detailed instructions had been given to the staff participating in the various stages of the poll. In some cases, the Observers noted that some of the election staff had performed similar duties in the 1994 and 1998 elections and had gained useful experience.

The Observers wish to place on record their appreciation to the Commissioner of Elections for the excellent arrangements made for the Group to observe the polling. The arrangements made for their travel to the Atoll headquarters and to the islands in which the polling stations were located were exemplary. They were able to observe whatever aspects of the election process they wished and visit whatever locations they desired. All government officials, whom the Observers met, like Atoll and island chiefs, the liaison officers, protocol and secretarial staff extended their ready co-operation and assistance so that they were able to accomplish their tasks effectively.

They expressed their grateful thanks to the Commissioner of Elections for the hospitality so generously extended to them.

Above all, they wish to place on record their thanks to the people of the Maldives for the friendly and warm manner in which they welcomed them to their beautiful country. They take this opportunity to wish them well in the laudable task of consolidating democracy in the Maldives.

Recommendations

- 1) The slow pace of the polling process in several polling stations in Malé and in some islands caused long delays in completing the poll within the stipulated time. In quite a number of cases the polling process went much beyond the closing time into the late hours of the night. In a few cases some voters were reported to have left the polling stations without voting because of the delay. The SAARC Observer Group (SOG) recommends that the causes of slow pace deserve to be examined by the Commissioner of Elections.

- 2) The Group observed that the polling stations where polling could not be completed within the stipulated time were invariably those with a large number of voters. It is recommended that a realistic assessment be made of the maximum number of voters which can be physically processed in the time provided for the polling. If the number of registered voters exceeds

this number, the Commissioner of Elections may consider the desirability of establishing an additional polling station for that area.

- 3) The present process of identifying the voters' name on the voters list could be made more expeditious by making the voters list public well in advance of the election day.
- 4) While written instructions are sent to election personnel in all polling stations, it was observed that in some cases the election staff was not quite clear about some of the instructions. The Commissioner of Elections may consider holding short training sessions for the staff for better comprehension of the instructions.
- 5) The SAARC Observer Group noted that the interruption of the polling process from 11:00 a.m. to 2:00 p.m. is unavoidable when the polling is held on a Friday. The Commissioner of Elections may like to consider the feasibility of holding the poll on a day other than Friday.
- 6) The Group appreciated the thoroughness and the transparent manner in which the counting process was carried out. They would, however, like to recommend that the Commissioner of Elections may examine ways and means of further streamlining and expediting the counting process so that the results can be declared as early as possible.

Signatures:

Mr. Mohammed Mohsin
(Bangladesh)

Lyonpo Dawa Tsering
(Bhutan)

Mr. Kuldip Sahdev
(India)

Mr. Yadab Kant Silwal
(Nepal)

Mr. Niaz A. Naik
(Pakistan)

Dr. John Gooneratne
(Sri Lanka)

Annexure I

Composition of the SAARC Observer Group

BANGLADESH

MR. MOHAMMED MOHSIN

- First Secretary, Government of Bangladesh (1988 – 1989),
- Asst. Secretary General, Org. of Islamic Conference – OIC (1989 – 1997),
- Ambassador to the UAE and Bahrain (1978 – 1981), Saudi Arabia and Jordan, Yemen, Oman, Somalia, Niger and Permanent Representative to the OIC in Jeddah (1981 – 1985),
- Ambassador to Benelux Countries and the European Economic Community (1985 – 1988),
- Member, Group of Eminent Persons (GEP), set up by the SAARC Heads of State and Government at the Ninth Summit held in Malé (1997).

BHUTAN

LYONPO DAWA TSERING

- Minister of Foreign Affairs (1970 – 1998),
- Minister for Development (1969 – 1972),
- Secretary General, Development Wing (1965 – 1969),
- Cabinet Secretary (1974 – 1998)

INDIA

MR. KULDIP SAHDEV

Born on December 10, 1938, Mr. Sahdev was educated at Modern School and St. Stephens College, the premier educational institutions of the Indian Capital. In 1963, he joined the Indian Foreign Service. After serving in Cairo, Washington, Tehran and Dhaka in various positions, he served as the India's Ambassador in Vietnam, Italy and Japan. Ambassador Sahdev has had close links with Maldives since February 1986, when he visited Malé as a member of Prime Minister Rajiv Gandhi's delegation.

NEPAL

MR. YADAB KANT SILWAL

- Secretary General of SAARC (1994 – 1995),
- Foreign Secretary of Nepal (1992 – 1993),
- Royal Nepalese Ambassador to Russia (1991 – 1992).

PAKISTAN

MR. NIAZ A. NAIK

- Foreign Secretary (1982 – 1986),
- Ambassador and Permanent Representative to the European Office of UNO; Geneva (1974 – 1978),
- Ambassador and Permanent Representative to the UNO; New York (1978 – 1982),
- Ambassador to France and Ireland (1986 – 1988)
- High Commissioner to India (1988 – 1990)

SRI LANKA

DR. JOHN GOONERATNE

- Sri Lanka Foreign Service (Retired). (1961 – 1993),
- Served in Washington DC, UN Mission to New York, Myanmar, Cairo. Sri Lanka Ambassador to Iraq (1989 – 1992), with account accreditation to Jordan and Turkey,
- Associate Director, Regional Centre for Strategic Studies, Colombo (1993 – 1999).

Annexure II

Terms of Reference

The SAARC Observer Group (SOG) shall observe all aspects of the organisation and conduct of the General Election for the People's Majlis including the campaign and polling arrangements, the casting of vote, the closure of voting, the counting of ballots and the declaration of results in order to ascertain whether the elections have been free and fair and in accordance with the relevant laws and regulations of Maldives. Before its departure, the SOG shall submit to the Commissioner of Elections a report on the election, containing such conclusions and recommendations as it might wish to take.

Annexure III

Allocation of polling stations to be visited by the SAARC Observer Group

OBSERVERS	LIAISON OFFICERS	DESTINATION
H.E. Dr. John Gooneratne	Mr. Hussain Jaleel	Thaa Atoll
		- Veymandoo - Guraidhoo
H.E. Mr. Niaz A. Naik	Mr. Mohamed Inaz	Haa Alif Atoll
		- Dhidhdhoo
H.E. Mr. Y.K. Silwal	Ms. Aishath Ali	Laamu Atoll
		- Gan - Fonadhoo
H.E. Mr. Kuldip Sahdev	Mr. Ahmed Hafiz	Malé Atoll Sites
		- Guraidhoo - Maafushi - Gulhi
H.E. Mr. Lyonpo Dawa Tsering	Mr. Ahmed Sareer	Malé Sites
H.E. Mr. Mohammed Mohsin	Mr. Mohamed Hunaif	Seenu Atoll
		- Hithadhoo - Maradhoo - Maradhoo Feydhoo - Feydhoo - Hulhudhoo - Meedhoo

Annexure IV

Law on Parliamentary Elections