



Commonwealth Observer Group

Maldives Presidential Election

8 October 2008

INTERIM STATEMENT

by

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Chair of the Commonwealth Observer Group

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The 8 October Presidential Election was the country's first ever multi-party elections. As such, it represents an important element in the country's on-going democratisation and reform process. A Commonwealth Observer Group constituted by Commonwealth Secretary-General, Mr Kamallesh Sharma, observed the first round of the election at the invitation of the Minister of Foreign Affairs of Maldives.

As no candidate secured a majority of valid votes cast in the first round of the election, a second round will be held in accordance with Article 111 of the Constitution of the Republic of Maldives. As the electoral process still continues, this Interim Statement outlines a series of preliminary findings assessing the conduct of the election thus far. The conduct of the second round is of paramount importance and final conclusions can only be reached once the entire process is completed.

The Group found that many aspects of the election have been reasonably credible, largely due to a high level of inclusiveness, transparency, participation and the competitive nature of the poll. The Group was pleased to note that many recommendations made by Commonwealth and other Observer missions for previous elections, and the referendum, had been implemented, and that this contributed to a general improvement in the electoral process. The Group also found,

however, that problems emanating from the compressed timelines and voter registration process did compromise some aspects of the election.

Article 301 of the Constitution stipulates that the election be held before 10 October. This was just two months after the ratification of the Constitution, just over one month after the formation of the Election Commission and some three weeks after the passing of the Presidential Election Act. The time remaining before the October deadline therefore necessitated a drastically compressed timeframe for the election. Whilst election-related legislation does provide the basic conditions for democratic elections, the requirement to meet unrealistic deadlines took precedence over good electoral practice.

The Election Commission struggled valiantly and impartially to meet this challenge. However, the overall quality of the process was affected, with particular consequences for the preparation of accurate voter list, a lack of formal campaign time and a rushed period for training and preparation of election and complaints officials, and voter education.

The shortened timeframe had a particularly negative impact on the voter list. Many outstanding problems were unable to be fully addressed in such a short period, and a satisfactory verification process for voters was not possible.

For the voter list, some persons transferring their registration did not appear on the list, others appeared more than once, some persons were indicated as having transferred despite not applying for it, and others claimed to have been on the earlier posted version of the list but missing from the final one. Others claimed that the new requirement to register was not fully understood by people and thus some missed the opportunity to apply for a transfer altogether. There were also problems with the quality of the original database, the provision of ID cards to all those persons requiring one, and in the failure to return ID cards in time for those in the process of renewing it.

Our Observers reported that there were problems in most areas in this regard, though the overall number of persons affected remained a minority. However, the principle is vital and the issue sensitive. Observers reported that in some instances it did cause tension within and immediately outside the polling station, and anxiety for individual voters concerned.

On the day of the election the Election Commission became aware of numerous problems with the voter list as it received complaints in Male' and from around the country. In response, on the afternoon of the election it issued an instruction for an ad hoc procedure, whereby persons in possession of an ID card but not on the list and persons mistakenly identified as having transferred, should be allowed to vote. Such persons were added to a supplementary list for later verification. This decision was a pragmatic one and did help diffuse tension and uncertainty. Whilst it is not recommended to change the rules of an election on the actual day, it is clear the Election Commission felt compelled to act.

It is important that a verification of the number of persons voting courtesy of this ad hoc procedure is undertaken, to check whether the number is reasonable and reflects the expected

shortfall in registration, and also that shortcomings in the list and with ID cards are now resolved.

Despite being the country's first multi-party election, it was inclusive and competitive, as all major political forces fielded a candidate, alongside one Independent. Whilst the playing field may not have been entirely level, with new political formations clearly lacking time to establish a national organisation and profile, parties were closely involved in the process. They participated and co-operated well in various electoral bodies such as the Atoll Co-ordinating Committees. This involvement of parties helped to increase confidence and transparency in the process, which is vital.

At just nine days, the formal election campaign was very short and wholly inadequate for such a major electoral event. Having said this, the Group is aware that some candidates and parties were active well before the formal campaign commenced.

A number of serious campaign incidents were reported to us. However, overall the campaign passed off without major incident and the basic freedoms of association, movement, assembly and expression were largely enjoyed.

On election day, Observers reported that the main problem was the issue of voter registration, which somewhat tarnished public confidence in the organisation of the poll. In administering the voting, polling officials worked diligently, though their capacity could have been further enhanced if they had received more extensive training. Voters were extremely patient, with many waiting in long queues for hours.

The secrecy of the vote was largely provided for, though some teams observed that elderly women voters were seen being helped in a manner which compromised the secrecy of their vote. The Group was concerned that the indelible ink was removable. This needs to be rectified for the second round. Observers noted that Candidate agents were in all places visited, which is important for the transparency and accountability of the process, though it appears that not all parties availed themselves of this opportunity.

Observers reported that in the polling stations in which they were present, votes were counted properly and were well scrutinised by party agents.

Indeed there was a high degree of transparency in the process, by virtue of the provision for observers and candidate agents to be present at polling stations and the counting, announcement and posting of results at the polling stations and the subsequent publication of the polling station results by the Election Commission. These innovations had been recommended by previous Commonwealth Observer teams, and were a positive feature of the process. Furthermore, the announcement of the results at the national level was extremely transparent, with the Election Commission providing regular updates as results were processed.

The complaints and appeals process lacked coherence and did not seem to reflect electoral timelines. Crucially, on the day of the election the complaints system could not meet the demands placed upon it, contributing to the confusion and tension over voter registration. Voters

felt their grievances were not being addressed and confidence in this aspect of the system ebbed away.

The National Election Complaints Bureau reported after the poll that most filed complaints related to the voter list. While some of these complaints were resolved, many remained outstanding. Many voters felt frustrated with or unaware of the process. The compacted timeframe meant decisions were not always taken in a timely manner. As such, the system did not adequately provide for an effective administrative or legal remedy.

As the country prepares for the second round we urge all parties to continue their positive and peaceful engagement in the process. A level playing field should be provided for the competing candidates, with no improper use of state resources or undue influence of state and local officials. We take note of the Election Commission's intention to address shortcomings in the voter registration and hope this issue and problems with ID cards can be rectified for the next round. Improvements in the relevant systems and processes should be made in preparation for the forthcoming parliamentary and Atoll authority elections.

The Commonwealth Observer Group will continue to follow the on-going process. We will issue a Final Report of detailed findings and conclusions within two weeks of the end of our duties. This will be distributed to the Government of Maldives, political parties and candidates in the election, the Election Commission, civil society groups and media. It will also be posted on the website of the Commonwealth Secretariat (www.thecommonwealth.org).

- The Commonwealth Observer Group comprises 8 persons, with a support staff of five from the Commonwealth Secretariat. The team is led by the Rt. Hon. Owen Arthur, former Prime Minister of Barbados.
- Commonwealth Observers have been present in the country since 1 October 2008. They have met with the Election Commission and electoral authorities at Atoll and island levels, the National Complaints Office, relevant government figures, political parties and candidates, the Human Rights Commission, national observer groups, civil society, media and representatives of the international community. On the day of the election they covered 11 Atolls, observing on some 60 islands.

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